

PLACER COUNTY

MOU for Dual Jurisdiction

Introduction

This protocol is entered into between the Placer County Placer County Children Systems of Care, CSOC and the Placer County Probation Department. The overall goal is to ensure appropriate local coordination, in a courteous and professional manner, in the assessment of those minors who fall under the provisions of W & I Section 241.1 / Assembly Bill 129 which was passed in November of 2004.

“If a determination as to which code section (300 or 602) cannot be readily identified, Welfare and Institutions (W & I) Code Section 241.1 requires that whenever a minor appears to come within the description of both W & I Sections 300 and Section 601 or 602, the county probation department and the county child protective services department shall, pursuant to a jointly developed written protocol, initially determine which status will best serve the interests of both the minor, family, and the protection of society. The recommendation will be made jointly in one report to the juvenile court with the petition that is filed on behalf of the minor, and the Court shall determine which status is appropriate for the minor.

Assembly Bill 120 / Section 241.1(e) Welfare and Institutions Code, authorizes “the probation department and the child welfare services department in any county to create a protocol which would permit a minor who meets specific criteria to be designated as both a dependent child and a ward of the juvenile court, as specified. A minor who is designated as both a dependent child and a ward of the juvenile court would be known as a “dual status child”. (AB129, Cohn)

For the purposes of this document, “juvenile court” includes both Dependency and Delinquency Court. The following Memorandum of Understanding will serve as a guide to assist in a coordinated approach to services and handling of both dependants and wards of the court. It cannot be emphasized enough the value to the individual youth, their family, and the community that a coordinated services approach under 241.1 will bring.

Screening and Assessment

Definition: Initial screening and assessment will begin with the intake to ensure that Juveniles and their families with involvement in the Dual Systems of Child Welfare and Probation are identified and their needs, risks, and safety issues are properly assessed.

Policy:

- Agencies must still seek the least restrictive level of care to meet the needs of the youth, family, and community safety.
- 241.1 Protocol will continue to be the process of identification for Dual Jurisdiction.
- The agency representatives will work to ensure the SMART Vision, Mission Principles, and Values will be used to guide the Dual Jurisdiction process.
- Careful assessment of the family constellation will be conducted to ensure that the intervention does not fall solely on the “problem child”.
- Workers will use a model of Structured Decision Making and Risk Assessment to help determine the level of intervention and family services.
- Agency staff will work together to address the youth and family needs in a comprehensive, holistic, and **collaborative** fashion.
- Agency workers shall continue to maintain the integrity of the case status while the 241.1 is being processed through the Court.

Procedure:

- Identification or initiation may come from the court or the agency manager. (Probation or Child Welfare)
- Any 241.1 Assessment will consider the following points:
 - a) Nature of the referral
 - b) Age of the Minor
 - c) History of physical, psychological, and sexual abuse (Child Welfare History)
 - d) Prior Criminal or Child Welfare Record of the minor’s parents
 - e) Minor’s prior delinquent record and out of control behaviors
 - f) Parental cooperation with school
 - g) Minor’s functioning at school
 - h) Nature of Minor’s home environment
 - i) Family / Minor history of involvement with service agency / professional community services
 - j) Any services available in the community
 - k) Any collateral feedback regarding the minor and parents. i.e. Court Appointed Special Advocate. Attorney, other relatives....
- Workers will use either the Children Research Center (CRC) Model of Structured Decision Making (SDM) and/or the Placer County Probation Risk Assessment. and follow the recommendations for delivery of service and intervention.

- Whenever a youth enters either system the Child Welfare or Probation Intake worker will contact the alternate agency worker to determine if the minor has a history with the Child Welfare or Delinquent System.
 - a. The Child Welfare or Probation System workers will contact the alternate agency court unit supervisor or senior to determine alternate agency involvement.
 - b. A comprehensive assessment of a child and family's needs, risks and strengths combined with a careful safety assessment of the child, family, and community will be conducted.
 - c. In the case where there is a citation or criminal charge the agency worker will investigate whether there are issues or have been issues for involvement in either the Child Welfare System or Delinquency System.
 - d. When the youth or family is involved with another agency, the worker will investigate the details of that involvement and seek supervision approval to initiate the 241.1 / Dual Jurisdiction Process if appropriate.
 - e. Supervisors will confer with CSOC and / or Probation Manager and obtain approval of the joint recommendation that is brought to the detention hearing.
 - f. Should the case warrant, the Child Welfare Investigation staff would contact their supervisor to make a referral to Placer County ACCESS.
- In the detention report the agency worker will make a recommendation to the court as to the length, level, and extent of the Delinquent or Child Welfare involvement and the need for possible 241.1 W&I handling.
- At this time the Court will order the parties to proceed with the Dual Jurisdiction Procedures for a recommendation on final disposition of the matter.

Case Assignment

Definition: Is the system by which the Court, based upon agency recommendations, determines the Jurisdiction, level, and type of agency involvement.

Policy:

- Before disposition, a recommendation will be made to the Court as to the level and type of agency involvement.

The options may include, but are not limited to:

- 1) On-Hold Model with subcomponents of:
 - a) Lead Agency Approach
 - 2) Concurrent Service and Case Plan Model
- In the event of a co-occurring jurisdiction, the case will be assigned to one judge with every effort to consolidate court dates.
 - A block of court time will be set aside to allow the Jurist to become familiar with the dual jurisdiction family.
 - As a guiding philosophy, selection of attorney will strive for a single attorney model.

Procedure:

- A joint in-person conference shall occur among child welfare and probation staff assigned to the case and their supervisor. This conference will evaluate the needs of the family, the safety of the community, and determine the appropriate jurisdiction.
- The parties shall make joint report to the managers, in writing, the nature of their recommendation and the process they used to develop the most appropriate case plan.
- Based on the recommendation of the joint team the dual jurisdiction managers will make a written recommendation for the appropriate dual jurisdiction model. The recommendation will include the appropriate model of jurisdiction: Determination of the Lead Agency with On-Hold, or Concurrent Model.
- If the managers do not agree, the managers will refer the case to SMT for a formal 241.1 SMT review.
- Due to the complexity of individual cases, the managers may refer the case to SMT for a 241.1 Formal SMT review.

Dependency / Delinquency Assignment

Definition: Appropriate case flow management practices may promote substantive and timely proceedings in dual jurisdiction matters and help to avoid delays that may prevent timely intervention. How the court assigns a dual jurisdiction case (to judges, probation officers, attorneys, or others in the court process) represents a critical step in avoiding haphazard case assignment.

Policy:

- Effort will be made to consolidate both dependency and delinquency cases to dedicated blocks of time and a single Jurist. One Jurist will ensure a complete understanding of the family history, knowledge of previous standing orders, and the ability for the bench to deliver a consistent message to families. This will allow the Jurist to avoid issuing conflicting orders.
- Dedicated dockets ensure sufficient time is allocated to meet the needs of the youth, family, and community safety. This schedule will allow for sufficient time and prior preparation for case planning, pre-trial discussion, and resolution.

Procedure:

- Dependency lead agency cases will be calendared in the Dependency Court with the 602 matters being handled by the presiding dependency Jurist. (This procedure will be reviewed upon the termination of the current Conflict Attorneys Contract and assignments in the South Placer Court)
- Delinquency lead agency cases will be calendared in the Delinquency Court with the 300 matter being handled by the presiding Delinquency Jurist.
- Concurrent Jurisdiction cases will be calendared in the Dependency Court with the presiding Jurist of the Dependency Court as the lead.

Case Planning and Supervision

Definition: Innovative, family centered and collaborative case planning will produce positive results to decrease risk of delinquency and dependency involvement.

Policy:

- Every effort will be made to unify the Case Plan from County Probation and the Unified Service Plan from Children System of Care.
- The dual jurisdiction responsibility for individual case workers should include:
 - a) Medical Care
 - b) Mental Health Services
 - c) Dental Care
 - d) Visitation between the child and family
 - e) Educational Services
 - f) Emancipation Planning
 - g) ILP Planning
 - h) Community services
 - i) Substance abuse counseling and treatment
 - j) Collection of restitution
 - k) Conditions of Probation and Dependency Orders
- Individual and Team responsibility for the above will vary and be determined by the needs of the child, family, case plan, community safety, and positive outcomes.
- Collaboration, communication, and interaction between workers are necessary for ongoing assessment of case needs and service delivery.
- Every effort should be made to keep this process family-centered and strength-based.

Procedure:

- A joint meeting of Probation and Child Welfare will be held to determine who will be the lead case worker, how placement visits will occur, when regular joint family case planning will occur, and which type / level of family-centered intervention will occur.
- If disagreements and or differences arise regarding services and case planning the case will be reviewed with CSOC and Probation Supervisor through a Team Conference. Should the supervisors not be able to negotiate an outcome the case will be referred to CSOC SMT for review.
- Workers will meet in person on a monthly basis to determine the ongoing case needs and facilitate reunification when appropriate.

- A quarterly update will be submitted to the 241.1 management team by each supervisor who has 241.1 cases assigned to their team. This report will include:
 - a) Documentation of collaboration / communication.
 - b) Any updates to unified case plan
 - c) Update on placement and progress toward goals

Statistical Reporting:

Definition:

Data collection and reporting is a critical element of the County Dual Jurisdiction agreement.

Policy:

- Pursuant to AOC requirements data will be collected and maintained by Administrative Support staff at Children's System of Care.

Procedure:

- Initial Entry Individual Case Form and Key will be made available to Intake workers at screening and assessment stage. (Questions 2, 6, 7, 8, 9, and 10 or 11)
- Completed Form will be forwarded to CSOC Administrative Support Staff along with a filed copy of the 241.1 W&I report.
- Upon disposition or change in status the CSOC and Probation Court Liaison will forward a copy of the Court Orders to the designated CSOC Administrative Support representative.
- Court orders will be forwarded within 2 working days of the Court Date.
- Administrative Support staff will enter the individual case information into the Dual Jurisdiction Database as required.
- One week prior to the Quarterly Summary reporting date, administrative support staff will correlate data for cases in that quarter only, and forward the Initial Entry Summary Form to the Probation Supervisor, who will submit the form by e-mail or fax as directed by AOC.

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