

Assembly Bill 129 Protocols

Agency Model

BUTTE

On-hold model

COLUSA

Lead agency model

CONTRA COSTA

Lead court/lead agency model; either Children Family Services or Probation will be the lead agency. Lead court/lead agency shall be responsible for case management, conducting statutorily mandated court hearings, and submitting court reports.

DEL NORTE

Lead agency model

GLENN

Single status model

INYO

Lead agency model

MARIN

Single agency, dual-involvement, or dual jurisdiction may be recommended. Lead agency/lead court model if dual jurisdiction is recommended and court agrees.

ORANGE

Lead agency mode

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PLACER

Either (1) On-hold model with subcomponents of lead agency OR (2) concurrent service and case plan model

RIVERSIDE

Lead court/lead agency model

SAN BERNARDINO

Single status jurisdiction.

SAN DIEGO

Lead court/lead agency model with inclusion of the Crossover Youth Practice Model into Dual Jurisdiction/Dual Status Protocol.

SAN FRANCISCO

Single status jurisdiction. The Committee for Assessment & Status Evaluation (CASE) prepares a joint assessment report recommending to the juvenile court whether dependency or delinquency jurisdiction will best serve the minor.

SANTA BARBARA

Single court jurisdiction; "On Hold" Model

SANTA CLARA

Both lead agency/lead court and on-hold are available options under the protocol.

SANTA CRUZ

Lead placing agency/lead court model

SISKIYOU

Both on-hold and lead agency models are options. The court will make final determination regarding model to use and determine which department's case shall be placed on hold or which department will be named lead agency; court will also state its reasons on the record or in a written order.

SONOMA

Lead court/lead agency

STANISLAUS

Both on-hold and lead agency are possibilities; Staff from both agencies examine the WIC, §241.1 joint assessment information and determine which model to use.

TUOLUMNE

Lead court/lead agency

TULARE

Unified court/lead agency model

Emphasis Placed on Collaborative Efforts Between Probation and Child Protective Services (CPS)

BUTTE

Requires probation and child welfare to work jointly to provide services, with lead agency assuming primary case management responsibility / Court must receive a jointly prepared status update on dual status youth at least every six-months regarding the need to continue dual status / Primary jurisdiction not dismissed until a jointly developed transition plan is presented to the court.

COLUSA

Joint recommendation for dual status must lay out specific goals for services and which court/ agency should be lead / Lead agency takes charge of the case but is directed to communicate with non-lead agency concerning family's needs.

CONTRA COSTA

Upon order of court or agency agreement for a 241.1 Hearing, Departments shall convene Joint Assessment meeting and submit report(s) of assessment and recommendations to Court and parties within 10 court days. When Delinquency Court orders Joint Assessment, Probation completes Report and likewise for Dependency Court. Report contains joint recommendation of both Departments and forwarded to Dual Jurisdiction Committee which includes supervisors/and or managers of respective departments, social workers (or supervisor), and Deputy Probation Officer (or supervisor) with notifications to Intensive Care Coordination team (ICC), mental health liaison, CASA, CSEC case specialist and foster youth education liaison or other educational partner as appropriate. If the agencies do not concur, each is required to submit separate reports.

DEL NORTE

Requires an initial joint meeting of the two agencies to determine who is the lead, how case planning will occur, and which family centered interventions will be provided / Requires both agencies to meet in person routinely to determine ongoing case needs and facilitate reunification when appropriate / Joint hearings are held, and a social worker and a probation officer must attend dispositional hearings.

GLENN

After the filing of a petition, representatives from the Child Welfare Services department, probation department, county counsel, and the district attorney's office must meet to determine whether a new petition should be filed to change the child's status. If the group cannot reach a consensus, each department will submit a recommendation to the court that already has jurisdiction.

INYO

Lead agency takes charge of the case, but both agencies are required to work together to create an appropriate case plan for the minor.

MARIN

Structured Decision Making and Risk Assessment model used to determine level of intervention and family services. Agencies must seek least restrictive level of care to meet needs of youth, family, and community safety in comprehensive, holistic, and collaborative fashion.

ORANGE

The agency filing the new petition will submit the joint assessment report after conferring with the other agency and the dual handling team / The dual handling team, which is made up of probation officers and social workers, work as a collaborative unit advising colleagues and helping with reports and recommendations.

PLACER

Strong emphasis on collaboration / Requires joint reports and joint in-person conferences.

RIVERSIDE

The lead agency must conduct a joint assessment and work with staff from both CPS and probation to determine which is most appropriate to provide services to the child at that time.

SAN BERNARDINO

Requires agency workers to meet in person at least once a month to discuss case / Requires at least quarterly joint visits with the minor and family / Lead agency prepares reports, but non-lead agency must provide information on any service it is overseeing to the other worker to be incorporated into court report.

SAN DIEGO

Implemented the Crossover Youth Practice Model (CYPM) that provides a mechanism for agencies to strengthen cross-system collaboration and implement or improve practices that directly affect the outcomes for crossover youth, their families, and communities.

SAN FRANCISCO

The Juvenile Court Committee for Assessment & Status Evaluation (CASE), comprised of members from the Human Services Agency and Juvenile Probation Department, assesses the minor's familial, educational, medical, and history of delinquency as well as abuse and neglect. The committee meets weekly, and the minor's assigned probation officer or social worker presents relevant information to the standing members including recommendations about which system will best serve him or her. Minor's dependency and/or delinquency attorney along with any CASAs are given the opportunity to submit a statement which is taken into consideration and attached the joint assessment report. Each committee co-chair makes a recommendation after taking into consideration the respective recommendations and statements which is submitted to the court in a joint assessment report.

SANTA BARBARA

Probation and Social Services coordinate intake and assessment of children who, after investigation by either agency, appear to come within provisions of Section 300 and Sections 601 or 602 (WIC). If a petition is filed by either agency in Juvenile Court, Deputy Probation Officer (DPO) and Child Welfare Social Worker (CWSW) shall conduct Joint Assessment and include recommendation of both departments regarding which status is most appropriate. CWSW and DPO are expected to make a joint visit with child/family during evaluation process.

SANTA CLARA

The dually involved youth unit, staffed by both Department of Family and Children Services and Juvenile Probation Department workers, uses a coordinated, holistic approach to jointly assess needs and provide appropriate services / The unit develops case plans and provides coordinated supervision / No services may be duplicated, but joint visits are allowed.

SANTA CRUZ

Requires agencies to work together to develop a joint recommendation and case plan/ Both agencies are required to attend Child Family Teaming meetings and collaborate on service requirements.

SISKIYOU

The probation and child welfare departments work together to determine the appropriate status for the child / If the departments agree that dual status is appropriate, a joint assessment report (JAR) is prepared for both the dependency and delinquency cases.

SONOMA

The agency that has primary responsibility for writing the report (as delineated in the protocol), with the secondary agency. Both agencies will work together to share information and work cooperatively to prepare the assessment.

STANISLAUS

Each department must provide training to the other in regard to the agreement and its data system.

TUOLUMNE

Each agency determines whether youth may fall under dual status. Agencies shall follow protocol for filing petition. Probation and CWS agree on lead agency. Lead agency will prepare joint assessment report. Court shall determine appropriate status, including dual status for minor.

TULARE

"Staffings" (Probation/Child Welfare Services team meetings) address needs of youth and parents, what services are currently being provided and what services are needed including which agency will best serve youth and parents/caregivers' needs.

How Hearings for Dual-status Youth are Calendared

BUTTE

Court with primary jurisdiction hears case.

COLUSA

Lead agency responsible for submitting court reports and attending court hearings.

CONTRA COSTA

When youth is detained, the hearing on Joint Assessment Report must occur as soon as possible after or concurrent with detention hearing, but no later than 15 court days and before jurisdictional hearing. If youth isn't detained, hearing on Joint Assessment must occur before Jurisdictional Hearing and within 30 days of petition. Juvenile court to conduct hearing and determine jurisdiction.

DEL NORTE

Joint hearings are to be calendared, preferably in one department / Hearings scheduled in advance are heard on Friday afternoons, detention and jurisdictional hearings calendared as needed.

GLENN

Single status jurisdiction.

INYO

Joint dependency/wardship hearings are conducted for dual-status minors / The lead agency is responsible for preparing a single report for the hearing, but both agencies must attend the hearing.

MARIN

Lead agency will determine lead case worker and will maintain primary responsibility for case planning, placement visits, court hearings, court reports. When a youth is in custody the joint assessment hearing will be set out 1- day; the court may determine that the joint assessment hearing may need to be set out for a full 15 court days in more complex cases. If a youth is not detained, then the joint assessment will be set be within 30 days.

ORANGE

Joint dependency and wardship hearings are conducted for dual status minors when there are no legal or factual issues.

PLACER

Dependency lead cases are calendared in the dependency court while delinquency lead cases are calendared in the delinquency court / Concurrent jurisdiction cases are calendared in the dependency court.

RIVERSIDE

If probation is determined to be the lead agency, then delinquency court will be the lead court / If child welfare is determined to be the lead agency, then dependency court will be the lead court.

SAN BERNARDINO

Lead agency is responsible for court reports and court hearings.

SAN DIEGO

At the dual calendar hearing (241.1), the judge will make an order for dependency, delinquency, informal delinquency, or dual status. If a youth is designated dual status, the lead court/lead agency should be ordered. A progress review will occur 30 days prior to the youth court review hearing.

SAN FRANCISCO

Single status jurisdiction.

SANTA BARBARA

Status of child is reviewed periodically as determined by Court, but not less frequently than once every six (6) months at Status Review Hearings. While preparing review report, active agency providing service will check with “on hold” agency for any new information that may have obtained since last assessment.

SANTA CLARA

Lead agency prepares all court reports and assumes primary management over case. Each juvenile court retains legal authority to make any and all reasonable orders for care, supervision, custody, conduct, maintenance, and support of minor. Lead court responsible for placement, parental custody, special immigration juvenile status, AB 12 Extended Foster Care Services, supplemental petitions (§§ 778 or 387), Independent Living (Skill) Program, travel authorization, consent to treatment for minor.

SANTA CRUZ

Lead agency is responsible for court reports and court hearings.

SISKIYOU

If the lead agency model is employed, the lead agency will be responsible for preparing court reports and attending court; if the on-hold model is used, the department whose case is not on hold will be responsible for preparing reports and attending court.

SONOMA

Lead court will conduct hearings in its court / Lead agency will be responsible for placement, case management and coordination of service delivery with non-lead agency, coordination of child and family team meetings, attending Court hearings (or by agency represented staff), writing and submitting Court reports, complying with mandates of WIC 300 and WIC 602 hearings, Division 31 and Title IV-E regulations, completing monthly face-to-face contacts with minor and family and maintaining monthly (at minimum) contact with non-lead agency worker to confer/collaborate on progress of case, assessments and recommendations.

STANISLAUS

Lead agency prepares all court reports and updates.

TUOLUMNE

Lead agency prepares single court report for joint hearing. Lead agency shall coordinate with assisting agency regarding findings or studies unique to assisting agency and ensure they are presented to Court. Both agencies shall attend joint hearings. Court shall conduct joint dependency/wardship Six-Month Review Hearings following dual status determination.

TULARE

Court Officer (Probation) – Notifies Probation liaison of the ordered Unified Court 241.1 W&I staffing including youth’s name, DOB, court date and court in which hearing will be conducted.

Requirements for Dual-status Eligibility

BUTTE

No requirements in addition to general eligibility for both jurisdictions are specified.

COLUSA

No requirements in addition to general eligibility for both jurisdictions are specified.

CONTRA COSTA

No requirements in addition to general eligibility for both jurisdictions are specified.

DEL NORTE

A child may be deemed dual status at any given time / Dual status declaration only made pursuant to a joint recommendation / Reasons for dual status include: (1) no parent or guardian to take custody of child; (2) parent or guardian unable to provide adequate care or supervision such that dependency may be required after wardship dismissed; (3) specific circumstances occur for a ward which require 300 status to protect the child; (4) dependent child needs containment or control for effective substance abuse, sex offender, or other treatment; (5) child cannot be safely housed in foster care because a danger to self or others; (6) child not safe due to history of running away.

GLENN

Single status jurisdiction

INYO

Minor must not have been removed from the home.

MARIN

Protocol outlines seven options for determining status including a distinction between "Dually Involved" and "Dual Status" youth. Otherwise, no additional requirements to general eligibility for both jurisdictions.

ORANGE

No requirements in addition to general eligibility for both jurisdictions are specified.

PLACER

No requirements in addition to general eligibility for both jurisdictions are specified.

RIVERSIDE

Youth who are placed in Riverside County by other outside county agencies are NOT eligible.

SAN BERNARDINO

Youth with a pending competency determination in delinquency court will not be considered for dual status until the competency proceedings have concluded / Delinquency cases in which termination of delinquency jurisdiction is approaching but the youth cannot safely return home (e.g. prior dependent) are not eligible for 241.1 but should be referred to a child welfare Emergency Response worker at least 30 days before youth is to be released.

SAN DIEGO

No requirements in addition to general eligibility for both jurisdictions are specified.

SAN FRANCISCO

Single status jurisdiction

SANTA BARBARA

A Joint Assessment report is not needed if a Juvenile Court petition is not filed.

SANTA CLARA

Protocol specifically states that it is not intended to increase the number of dependents who are adjudged delinquents, but only to hold dependent youth accountable for their conduct, prevent future criminal behavior, and protect the community while still meeting the needs of these abused or neglected youth.

SANTA CRUZ

No requirements in addition to general eligibility for both jurisdictions are specified.

SISKIYOU

Dual-status is appropriate in the following cases: (1) A minor detained by law enforcement also has an abusive or neglectful home life (2) A minor detained by child welfare has simultaneously committed a crime (3) A dependent minor has committed an act that could bring him/her into the delinquency system (4) A minor who is a ward of the court is being considered for termination of wardship and also has a neglectful home situation (5) A minor who is adjudicated a dependent or ward in Siskiyou is alleged to come under the dependency or delinquency law in another county

SONOMA

No requirements in addition to general eligibility for both jurisdictions are specified.

STANISLAUS

Determination of status is based upon the intervention and placement options that exist within both agencies that can best serve the safety and service needs of the child and family.

TUOLUMNE

No requirements in addition to general eligibility for both jurisdictions are specified.

TULARE

No requirements in addition to general eligibility for both jurisdictions are specified.

Process Involved in Declaring Dual Status OR Switching Lead Agency

BUTTE

Requires probation and child welfare to jointly determine which petition is in the child's best interest / When court already has jurisdiction and a new petition for a different jurisdiction is filed, a 241.1 assessment shall be filed with the new petition, and the court handling the new petition shall determine the appropriate status, with notice to the court that already acquired jurisdiction.

COLUSA

In making a recommendation for dual status, the agencies must address the specific goals for services and which court/agency should be lead.

CONTRA COSTA

Dual Jurisdiction Committee will conduct a joint assessment meeting and prepare and submit Joint Assessment Report. Report must include joint recommendations of Probation and Child and Family Services, if they agree upon status to serve best interests of child and protection of society, or separate recommendations of each department if they do not agree. Abide by the decision of the Dual Jurisdiction Committee, unless modified by the Juvenile Court.

DEL NORTE

Dual status declared via 241.1 hearing, requires joint recommendation to be filed with the court / Lead agencies can be changed by mutual agreement, if mutual agreement cannot be reached then addressed by Multi-Disciplinary Team (MDT), and if MDT cannot decide then presiding judge of the juvenile court will decide.

GLENN

Single status jurisdiction

INYO

Agencies must agree that dual status is appropriate for the court to order dual status / Only children who have not been removed are eligible for dual status / Court may determine that a change in lead agency is appropriate if both agencies consult and present this to the juvenile court / If one agency determines that the youth should be removed from their home, then they must file a petition with the court and the court will then terminate the jurisdiction of the non-filing agency.

MARIN

If originating court (Delinquency or Dependency), upon receipt of joint assessment for dual status youth, decides that the youth should only be on the opposite status (e.g., delinquency court determines minor should be served through dependency system), originating Court will dismiss their case and send a copy of that minute order to the alternate Court. If the result of the 241.1 Hearing is that dual status pursuant to WIC § 300/602 is appropriate, Court will order which agency should be "lead agency" and document in minute order. On case-by-case basis, lead Court shall determine whether to suspend proceedings and vacate any future Court appearances in non-lead Court, or whether hearings in nonlead Court will continue concurrently with lead Court hearings. A copy of the minute order will be sent by the lead Court clerk to the non-lead Court clerk.

ORANGE

The court orders an assessment report / The assigned probation officer and social worker collaborate to prepare the assessment. The dual handling team reviews the assessment and makes a recommendation / The court conducts a hearing and determines the appropriate status.

PLACER

When a child enters either system, the caseworker must contact the alternate agency and determine if the minor has had a history with the alternate agency / The Children's Research Center Model of Structured Decision Making or the Placer County Probation Risk Assessment is used in order to make decisions about the delivery of service and intervention / The detention report should include a recommendation to the court as to the length, level, and extent of the delinquent or child welfare involvement and the need for dual status / The court will make the final determination of whether dual jurisdiction should be granted

RIVERSIDE

The lead court will have the final say on the determination or modification of dual status / Statements of

the DA, defense counsel, social worker, county counsel, and probation officer will all be submitted to the lead court to assist in this determination.

SAN BERNARDINO

All dual status (and other 241.1) recommendations are made by the 241.1 Committee / Committee is made up of 8 voting members – 4 from child welfare and 4 from probation, and can include representatives of many other agencies who can discuss the recommendation / Cases are referred to the 241.1 committee which meets weekly / They make a recommendation, or if agreement cannot be reached, both agencies present to the court who determines status

SAN DIEGO

Two reports to be submitted (one from HHSA/CWS and one from Probation). Each to contain joint recommendation of Probation and HHSA/CWS if they agree on the status as well as a designated lead agency. At dual calendar hearing (241.1), judge will make an order for dependency, delinquency, informal delinquency, or dual status. If a youth is designated dual status, lead court/lead agency should be ordered at the earliest opportunity in the proceedings but no later than disposition, in consideration of the youth's best interests and public safety (See WIC § 241.1, CRC 5.512).

SAN FRANCISCO

Single status jurisdiction.

SANTA BARBARA

Upon evaluating 241.1 Joint Assessment, Juvenile Court will make a finding regarding which Juvenile Court venue is in the best interest of the child and community. Deputy Probation Officer (DPO) and Child Welfare Social Worker (CWSW) will make immediate arrangements for placement. Agency retaining case shall notify other agency of Juvenile Court status and shall coordinate services that may be provided informally by agency not having jurisdiction. Juvenile Court may order child's 602 WIC status terminated and 300 WIC proceedings initiated, or vice versa. Assigned DPO and the CWSW shall make arrangements regarding legal status and child's case plan. DPO and CWSW shall coordinate placement and service changes.

SANTA CLARA

Section 241.1 referrals reviewed by Department of Family and Children Services and Juvenile Probation Department Supervisors of DIY Unit. DIY Unit conducts joint assessment which includes convening Child and Family Team Meeting. JPD and DFCS develop joint agency recommendation and submit them to court. Dual status youth can have a court case open in both systems simultaneously; or have dependency case placed "on hold" while juvenile justice functions as the Lead. Lead Agency and Lead Court maintain placing authority over the youth. On-hold dual status must be agreed to by both agencies.

SANTA CRUZ

When a child enters either system, the caseworker must contact the alternate agency and determine if the minor has had a history with the alternate agency and then may request the court to order a 241.1 / The court may order a 241.1 on its own or a party to the case may request a 241.1 assessment/ The agencies submit a joint report and recommendation to the court for a determination/ If the agencies agree that a change in lead agency is needed, they must request a new 241.1 hearing

SISKIYOU

When a minor may qualify for dual status, child welfare and probation shall schedule a meeting as soon as possible to make an initial determination as to the appropriateness of the minor's status / Ideally, the meeting should occur prior to the filing of the petition / The court will make a final determination about the appropriateness of dual status at the JAR hearing / At each review hearing, the status of the minor shall be reconsidered and the departments shall consult regarding whether any change in status is appropriate

SONOMA

Court decides if child will be dual status.

STANISLAUS

After the court orders a 241.1 assessment, a joint assessment process begins and staff from both agencies consult to develop a recommendation / If dual status is recommended, then a recommendation is included as to on-hold or lead agency.

TUOLUMNE

Lead agency responsible for case management, visiting minor monthly, scheduling Court hearings, preparing Court reports and providing services to minor/family in concert with assisting agency. Most restrictive requirements of dependency or delinquency systems shall apply to the management of the case. Lead and assisting agencies will cooperate and agree on appropriate case plan. At no time shall services be duplicated. To change lead agency, CWS and Probation shall consult regarding necessary changes to the case plan and will present their recommendation to the Juvenile Court.

TULARE

Probation/Child Welfare Services will complete team staffing meetings and submit to Court recommendation(s) of services and programs because of staffing. Objective of conducting team staffing meetings is to address needs of both youth and parents, including what services are currently being provided, what services are needed, and which agency would best serve youth and parents/caregivers' needs. Focus will be on a strength-based agenda.

Interagency Conflict Resolution Process

BUTTE

When line workers cannot agree then agency liaisons will seek to resolve and may refer to the SB 933 Interagency Placement Committee for recommendations / After consulting with their supervisors, line workers may consult with and involve a representative of the district attorney's office, county counsel, and the minor's attorney / If those procedures fail and the child has been detained by either agency, that agency may file a petition and request the juvenile court to determine the appropriate status.

COLUSA

N/A

CONTRA COSTA

If disagreement between Probation Department and CFS concerning most appropriate recommendation regarding status, each department shall prepare Report for consideration by Juvenile Court Judge. Court maintains the final authority on all jurisdictional matters affecting the youth.

DEL NORTE

If agencies cannot agree on status for a 241.1, case is referred to the Multi-Disciplinary Team (MDT) / If an agreement is not reached by MDT, juvenile court determines status.

GLENN

If departments cannot reach agreement concerning child's status, each department will write recommendation to submit to Juvenile Court. Initial department with custody, submits their recommendation at first detention hearing. Court shall determine which status is appropriate for child. In post-petition circumstances where group cannot reach agreement concerning child's status and whether to file a new petition, each department will write a recommendation which considers factors set forth in this protocol and submits it to Judge of division of Juvenile Court which already has jurisdiction.

INYO

If the heads of CPS and probation are unable to agree, then the dispute will be elevated to the Multi-Agency Policy Committee.

MARIN

Social Worker and Probation Officer will alert their supervisors regarding differing recommendations. Together, supervisors will attempt to resolve approaches. If unable, separate recommendations are included in joint recommendation section of report. Court will make final determination. Both Social Worker and Deputy Probation Officer will attend hearing to discuss.

ORANGE

Interagency conflict should be resolved by moving up the chain of command in both agencies / Emphasis is placed on solving issues at lowest staffing level possible / If agreement cannot be reached at the highest level, the court will decide.

PLACER

If conflict arises as to which agency should be the lead and the managers cannot reach a resolution, the case will be referred to the System Management Advocacy Resource Team (SMART) for a WIC, § 241.1 formal SMART Management Team (SMT) review / If conflict arises as to the services to be provided, the case should first be reviewed in a team conference with Children's System of Care (CSOC) and the probation supervisor; If the supervisors cannot agree, the case should be referred to CSOC SMT for review.

RIVERSIDE

Interagency conflict should be resolved by moving up the chain of command / court will resolve conflicts on designation of lead agency when this approach fails.

SAN BERNARDINO

Conflicts regarding initial determination about the appropriateness of dual status, and any related matters after dual status has been approved will be handled through conferring between levels of increasing responsibility in the two agencies until the issues are resolved.

SAN DIEGO

Disagreements between HHSA/CWS and Probation will be handled at lowest level possible moving from Probation Officer and HHSA/CWS Social Worker, to Probation Supervisor and CWS Supervisor, to Probation Division Chief and HHSA/CWS Program Manager, to Assistant Deputy Chief Probation Officer and HHSA/CWS Deputy Director, to Chief Probation Officer and HHSA/CWS Director. The report submitted to court should include a statement of issues, positions taken by departments, and what steps were taken to resolve issues. Court report will indicate if the recommendation was made jointly by HHSA/CWS and Probation or solely by HHSA/CWS or Probation.

SAN FRANCISCO

Should the CASE co-chairs disagree on which status to recommend, each agency shall prepare a separate status recommendation and supporting statement to be included within the Joint Assessment Report.

SANTA BARBARA

Disagreements between DPO and CWSW on appropriate Juvenile Court venue are referred to respective Supervisors. If still unresolved, issue is referred to Probation Manager and DSS Division Chief. If still unresolved, separate recommendations are submitted to Juvenile Court in one unified report explaining that the matter was taken up the chain of command without resolution. Juvenile Court is the final arbitrator.

SANTA CLARA

If disagreement on joint recommendation remains after consultation with DIY Unit Supervisors, then respective managers from JPD and DFCS and the DIY Liaison will meet. If no resolution, then case will be elevated to Assistant Director of DFCS and Deputy Chief Probation Officer, and if necessary, to Chief Probation Officer and Director of DFCS.

SANTA CRUZ

Interagency conflict should be solved by moving up chain of command.

SISKIYOU

Conflicts regarding initial determination about the appropriateness of dual status, and any related matters after dual status has been approved will be handled through conferring between levels of increasing responsibility in the two agencies until the issues are resolved.

SONOMA

When there is disagreement between Probation and FYC on the recommendation to the Court regarding the appropriate legal status for the subject youth even after a review at the PARC meeting, the Social Worker and the Probation Officer will refer the matter to the Mid-Level Committee. Should there continue to be disagreement, the decision will be handed off to the respective directors to resolve the conflict.

STANISLAUS

Interagency conflict should be resolved by moving up the chain of command in both agencies / Emphasis is placed on solving issues at lowest staffing level possible.

TUOLUMNE

Both agencies commit to resolving any issues at lowest staffing level possible.

TULARE

N/A

Confidentiality Issues Around Information Sharing Between Agencies

BUTTE

Not mentioned.

COLUSA

Not mentioned.

CONTRA COSTA

CFS and Probation to share relevant information in their respective records and files on child/youth and family. Information will also be shared with Dual Jurisdiction Committee and participants in Joint Assessment meeting. All parties must safeguard records received from other departments.

DEL NORTE

Provides that per WIC § 827, both agencies can access each other's files for the purpose of determining the appropriate status of the child.

GLENN

Not mentioned.

INYO

Not mentioned.

MARIN

Non-lead agency to share all necessary information and documentation including, but not limited to birth certificate, immunization records, social security card, etc. to aid in out-of-home placement (This information shall be provided within three (3) working days after dual status is designated by the Court if available) Online data entry and file system available.

ORANGE

Files are to be exchanged / Each agency is to maintain confidentiality of all records / Information obtained as part of the exchange is only to be used in performance of the protocol.

PLACER

Not mentioned.

RIVERSIDE

In accordance with WIC § 827 the court authorizes release of information between Deputy Program Social Services and Probation.

SAN BERNARDINO

All discussions within 241.1 Committee meetings are confidential / Committee is deemed an MDT and therefore allowed to share information to make treatment and supervision decisions / Probation and child welfare are authorized to share information per WIC § 827 and a standing order of the court.

SAN DIEGO

Access to Confidential Information (Rule 6.6.4) governs disclosure of information between parties. HHS/CWS and Probation may exchange information and documents in all dual status cases. However, this information does remain confidential. At each meeting held regarding youth who are or may become dual status, any documents, notes, or records provided or shared during the meeting will be returned to the original custodian or destroyed at conclusion of meeting. Copies of above will not be retained in any diversion or probation file.

SAN FRANCISCO

Not mentioned.

SANTA BARBARA

Agencies exchange information regarding child's history of abuse/neglect and history of delinquency and out-of-control behavior, both verbally and/or through photocopies of each other's case files. Due to possibility of records being sealed by Juvenile Court, each agency tracks release of information/materials contained in their respective case files.

SANTA CLARA

In addition to information sharing authority provided by section 827 and Santa Clara County Local Rule 3, county and court's expectation is that ongoing communication between juvenile justice and child welfare systems occur during the entirety of dual involvement.

SANTA CRUZ

Not mentioned.

SISKIYOU

Not mentioned.

SONOMA

Not mentioned.

STANISLAUS

Under WIC § 241.1 the court, community service agency, and probation shall exchange information about a child's history of abuse and neglect as well as the child's history of delinquency and out-of-control behavior, both orally and by providing photocopies of each other's case file.

TUOLUMNE

Not mentioned.

TULARE

Not mentioned.

One Judge/One Attorney – Required?

BUTTE

Not specified.

COLUSA

Not specified.

CONTRA COSTA

Not specified.

DEL NORTE

Provides that one judge with experience in both types shall preferentially handle dual status cases.

GLENN

Aims to have one judge handle case.

INYO

Aims to have one judge handle case.

MARIN

On a case-by-case basis, lead Court shall determine whether to suspend proceedings and vacate any future Court appearances in the non-lead Court, or whether hearings in nonlead Court will continue concurrently with lead Court hearings.

ORANGE

Single judge determination is made on a case-by-case basis / strives for single-attorney model.

PLACER

Mandates one judge for each case / Strives for single-attorney model.

RIVERSIDE

Not specified but details the legal responsibilities of attorneys representing dual-status youth.

SAN BERNARDINO

Not specified.

SAN DIEGO

Per Crossover Youth Practice Model (CYPM), one judge per youth/family to hear both dependency and delinquency matters. Both dependency and defense attorneys will be involved at all stages of a dual status case.

SAN FRANCISCO

One court.

SANTA BARBARA

One court is designated otherwise not specified.

SANTA CLARA

Lead Court and non-Lead court model: Courts hear proceedings as identified in the protocol. Lead Agency and Lead Court maintain placing authority over the youth.

SANTA CRUZ

Not specified.

SISKIYOU

Not specified.

SONOMA

Not specified.

STANISLAUS

Strives for single- attorney model.

TUOLUMNE

Whenever possible, one Judge shall hear all W&I Code 300 and 602 cases. If more than one judicial officer becomes involved in dual status case, judicial officers shall communicate between themselves as to minor's status and shall make sure that each other has access to all relevant court files and reports. Office of the County Counsel shall solely represent Department of Social Services on issues specifically related to juvenile dependency matters and cases dealing with dual status youth, and that a Deputy County Counsel shall meet and confer with Probation Department, Department of Social Services, and any appointed counsel in dual status cases, as required.

TULARE

Unified court. Attorneys not specified.

Lead Agency/Case-worker Responsibilities

BUTTE

Agency with primary jurisdiction (that which is not “on-hold”) has primary case management responsibility.

COLUSA

Lead agency is responsible for case management, attending court hearings, continuing contact with the child and parents, and submission of court reports / Lead agency has primary Title IV-E funding rights and responsibilities / Lead agency reimburses non-lead agency for any services it provides, upon receipt of accounting of time and services provided.

CONTRA COSTA

Lead agency shall be responsible for case management, conducting statutorily mandated court hearings, and submitting court reports.

DEL NORTE

Lead agency responsible for case management, review hearing requirements, and Title IV-E and Division 31 requirements, as well as providing services to the family in concert with the secondary agency.

GLENN

Once child's status is determined, department under which the child is placed shall be responsible for the care and custody.

INYO

The lead agency is responsible for case management, visiting the minor monthly, scheduling court hearings, preparing court reports, and providing services to the minor and the minor’s family.

MARIN

Lead agency responsibilities include: placement, case management and coordination of service delivery with the non-lead agency, attending court hearing, writing and submitting Court reports, complying with the mandates of WIC 300 and WIC 602 hearings, Division 31 and Title IV- regulations, completing monthly face-to-face contacts with the minor and family, maintaining monthly (at minimum) contact with the non-lead agency worker to confer/collaborate on progress of case, and assessments and recommendations. Lead agency will determine lead case worker. Workers from each agency will coordinate to ensure that placement visits are done jointly when possible.

ORANGE

Lead agency is responsible for contacting the family and/or minor and coordinating visits, as well as preparing the report and documenting the recommendations and assessments of the dual handling team.

PLACER

Monthly in-person meetings are required of caseworkers / Clear outline of responsibilities for individual caseworkers with dual-jurisdiction youth.

RIVERSIDE

Lead agency is responsible for case management, all statutory, Title IV-E and Division 31 requirements, and provide services in concert with the other agency / Assisting agency must assign a caseworker and assist in case plan and services.

SAN BERNARDINO

Lead agency is responsible for placement, case management, and coordinating with non-lead agency, court hearings, compliance with statutory, Division 31 and Title IV-E requirements, monthly visits with minor and family, as well as monthly meetings with the non-lead agency worker to coordinate and collaborate on the case / Non-lead agency works with lead agency, meets with minor and family monthly, and participates in joint visits with the minor and family at least quarterly.

SAN DIEGO

Dual status youth are to be supervised by a SW and PO at the same time with a lead agency identified. There will be a Dual Status MDT held following adjudication hearing and before disposition hearing. Lead agency is responsible for: placement (Probation and HHSA/CWS will work together in an effort to locate an appropriate placement while being careful not to duplicate efforts.); case management in coordination with non-lead agency; scheduling court hearings; submitting court reports in coordination with non-lead agency; providing services to youth and family in coordination with nonlead agency; overseeing youth's medical, mental health and dental needs; communicating with all parties in both delinquency and dependency cases if youth is AWOL; coordinating progress review meetings 30 days prior to each court hearing, or sooner if circumstances warrant; visiting the youth monthly in coordination with non-lead agency so as to enhance coordinated services with youth and caregiver; having at least monthly communication about status of case with non-lead agency's worker, with communication to take place more frequently as case circumstances necessitate.

SAN FRANCISCO

Single status jurisdiction.

SANTA BARBARA

On hold county. Lead agency is responsible for pre-placement preventative services and development of written assessment and case plan. Case plan is developed jointly by CWSW/DPO, child, and child's parents in which CWSW/DPO ensures identified needs of child and family are addressed and provided access to services.

SANTA CLARA

If lead agency model is used, lead agency takes primary management over case file, court hearings, and court reports / Both agencies may provide services if they are not duplicative / Title 31 visit requirements may be jointly met provided there is no duplication, or each agency can conduct its own visit provided that they serve different purposes / When findings or recommendations to the court from the assisting agency the lead agency must coordinate and present them to the court / If on-hold is status, probation performs all case management, and must work with child welfare via a TDM to address return to dependency status when completion of probation requirements is approaching to accomplish the least disruption of services and placement.

SANTA CRUZ

Lead agency is responsible for developing a unified case plan, coordinating on-going services, coordinating the development of subsequent court reports and memos, and ensuring communication and collaboration between partners.

SISKIYOU

The lead agency takes primary responsibility for the case, as does the agency whose case is not on hold / The primary agency in either model is responsible for housing the minor, complying with Title IV-E and Division 31 regulations, attending court hearings and preparing reports / If the non-lead agency provides any non-duplicated services to the child, the lead agency will reimburse the non-lead agency for the cost of such services.

SONOMA

Lead agency is responsible for case management, reports for mandated hearings, placement, monthly face-to-face meetings, maintaining monthly contact with non-lead agency.

STANISLAUS

Lead agency prepares all reports, case plans, time studies, and visits, but must include the other agency's input / If on-hold model is used probation has all case management responsibility until completion of probation supervision at which time the case is referred for a joint assessment to determine if involvement of dependency court should be reactivated.

TUOLUMNE

Lead agency shall be responsible for case management, visiting minor monthly, scheduling Court hearings, preparing Court reports and providing services to minor and minor's family in concert with assistance of assisting agency.

TULARE

Agency that is designated as "lead" agency in case will be responsible for including information in their follow up reports as to progress and or involvement in services provided by additional agencies.

Provisions for Reassessing the Protocol

BUTTE

Meet and confer required after six months of implementation to discuss and modify as necessary after the initial trial period.

COLUSA

Protocol may be terminated by court or either agency upon 30 days' written notice of termination.

CONTRA COSTA

Protocol can only be modified by agreement of all parties; specifics are not provided.

DEL NORTE

Agreement terminates annually unless extended by all parties for an additional year to encourage annual evaluation of effectiveness of the protocol.

GLENN

Single status jurisdiction.

INYO

Not specified.

MARIN

The Memorandum of Understanding (MOU) and Protocol may be amended only by written agreement of its signers or their successors.

ORANGE

Modifications to the protocol are made in writing with the mutual consent of the parties.

PLACER

Not specified.

RIVERSIDE

Not specified.

SAN BERNARDINO

241.1 Committee must convene an annual meeting to revisit protocol scheduled for November unless the committee chair determines a meeting is required earlier.

SAN DIEGO

Parties may terminate agreement for prospective cases by providing thirty days written notice to each of the signatories.

SAN FRANCISCO

Not specified

SANTA BARBARA

Not specified

SANTA CLARA

Provisions for revisiting the protocol are not specified, but there are separate Agency Procedures developed to implement the protocol that may be reviewed by the agencies and the Dual Status Committee as needed for revision / Substantive revisions should be accomplished via consensus within the Committee.

SANTA CRUZ

Not specified.

SISKIYOU

Not specified.

SONOMA

Not specified.

STANISLAUS

The parties shall conduct a joint evaluation of the protocol once every two years from the effective date of September 1, 2005.

TUOLUMNE

Parties shall conduct joint evaluation of Agreement every two years or sooner if requested in writing by any signatory. Signatories may terminate Agreement for prospective cases by providing thirty-day written notice.

TULARE

Not specified

Other Specifications

BUTTE

Provides that when a dependent child is subject to a 602 petition in another county the child welfare agency shall not make a recommendation regarding the new petition in the other county without first consulting its own probation department.

COLUSA

All documents concerning the minor are to be filed in both case files so that when one case is dismissed (if appropriate) there will be a seamless transition between courts.

CONTRA COSTA

When a ward or a dependent youth of another county comes under 241.1 protocol within that county and their case is subsequently transferred to Contra Costa County Juvenile Court, a new 241.1 Joint Assessment between CFS and Contra Costa County Probation will be ordered, and disposition hearing should be calendared.

DEL NORTE

All documents concerning child are to be filed in both case files to allow for a seamless transition when one case is dismissed.

GLENN

The length of available confinement time under child's delinquency status is not a determinative factor in deciding whether child should be treated as a dependent child or a delinquent minor.

INYO

Distinguishes between (1) dual-status minors, (2) potential dual-status minors, (3) special-status minors.

MARIN

Distinguishes between: (A) Dual Status Youth-Youth simultaneously adjudicated in both child welfare and juvenile justice systems, meaning youth is declared a dependent and a ward of juvenile court. Lead agency is determined. (B) Dually-Involved Youth- Concurrent involvement (diversionary, formal, or a combination of the two) with both child welfare and juvenile justice systems.

ORANGE

Emphasis on collaboration to deliver the most appropriate services.

PLACER

Emphasis on keeping dual-jurisdiction case planning family-centered.

RIVERSIDE

Very comprehensive protocol / Specifies housing of dual-status youth shall be in compliance with WIC, § 16514(b) and §16514(c) (Emergency Shelter Statutes) / Provides County liaisons for counties in Southern California.

SAN BERNARDINO

Probation department maintains a 241.1 database with all prior referrals and recommendations to be included in reports on re-referrals.

SAN DIEGO

When a petition alleging jurisdiction is filed in one county and youth is already a dependent or ward in another county, a joint assessment must be conducted by responsible agencies of each county (WIC § 241.1, CRC 5.512(c)). County with most recently filed petition shall determine whether to proceed on petition or to handle matter informally through diversion or dismissal of petition. In San Diego County hearing takes place on dual calendar. Court will transfer matter to youth's county of residence if 241.1 decision is to proceed with taking jurisdiction on most recent petition.

SAN FRANCISCO

Co-Chair from the agency responsible for preparation of the assessment report shall sign the assessment report.

SANTA BARBARA

Emphasis on youth and family focused intensive case management services.

SANTA CLARA

Emphasis on youth and family focused intensive case management services. The Department of Family and Children's Services (DFCS) along with joint system and court partners, will work together to jointly train staff in each agency's practices, policies, and procedures so there is a mutual understanding of both the juvenile justice and child welfare systems.

SANTA CRUZ

Emphasis on youth and family focused intensive case management services.

SISKIYOU

In the event that another county is involved, for example when a minor is a dependent or ward of Siskiyou County and may also be a ward or dependent of another county, or vice versa, the Siskiyou County department involved shall attempt to conduct a joint assessment with the other county to determine whether dual status is appropriate.

SONOMA

Emphasis on collaboration to deliver the most appropriate services. Also includes guidelines for data collection (e.g., how many 241.1 reports are filed, orders resulting in dual status, changing lead agency, etc.).

STANISLAUS

Emphasis placed on respecting the confidentiality of those receiving child welfare services / Specifies how to address transitional jurisdiction per Welfare and Institutions Code section 450 and provides that dual status youth are not eligible for transition jurisdiction.

TUOLUMNE

Court shall conduct joint dependency/wardship Six Month Review Hearings for dual status minors.

TULARE

Unified Court 241.1 W&I Staffing shall be collaborative process. Resulting report recommendations shall be reviewed and modified, if necessary, by one representative of mental health provider, parent, legal guardian, conservator, school representative, court appointed social worker, probation officer and minor.