MARIN COUNTY

Memorandum of Understanding and Protocol for Dually-Involved Youth

I. Introduction

This Memorandum of Understanding and Protocol is entered into between Marin County Children and Family Services and the Marin County Juvenile Probation Department to establish a collaborative process between the two agencies that complies with Welfare and Institutions Code Section 241.1 and California Rule of Court 5.512. In implementing this protocol, the agencies seek to ensure that youth and families are treated in a manner that is fair, strength-based, and supportive, without compromising youth safety and well-being or public safety.

Welfare and Institutions Code (WIC) Section 241.1 requires that whenever a minor appears to come within the description of both WIC 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 (2004), Cohn].

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

Marin County Children and Family Services and the Juvenile Division of the Probation Department both work to strengthen youth and families so that they can be healthy and safe in their community. There are families that have found themselves involved with issues that may touch both the child welfare and juvenile justice systems. When this occurs, Children and Family Services and Juvenile Probation are committed to communicating and coordinating with each other to determine which system, or whether a coordinated Dually-Involved or Dual Jurisdiction approach, will best serve the needs of the youth and family, and which combination of services will help achieve health and safety for all involved.

II. Applicability and Amendment

The provisions of this MOU and Protocol are applicable whenever a Social Worker or a Deputy Probation Officer becomes aware that a youth may come within the provisions of both Welfare and Institutions Code 300 and 602.

This MOU and Protocol may be amended only by written agreement of its signers or their successors.

III. Screening and Assessment

Definitions:

Initial screening and assessment will begin with 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.

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

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 and assessment for Dual Jurisdiction.
- 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.
- The originating agency shall continue to provide case management of the case status while the 241.1 legal determination is being processed through the Court.

Procedure:

- 1. When youth is working with probation and abuse/neglect is suspected
 - a. **Existing law/rule:** Per Rule of Court 5.512, when a child is detained, the Court may schedule a 241.1 assessment hearing as far out as 15 court days, to occur before the Jurisdictional hearing. Additionally, notice of the hearing and copies of the assessment report must be provided to parties 5 days before the hearing.
 - b. Local procedure: In order to facilitate a more expeditious determination of which jurisdiction can best meet the child's unique needs, Marin County agrees in most circumstances to adopt to following local procedure:

- i. Youth in custody: When a youth is in custody, and a 241.1 assessment is ordered, the joint assessment hearing date will be set out 10 Court days. Notice of the hearing will be given to all parties at least five days before the hearing date. Copies of the joint assessment report will be provided to parties at least two days before the actual hearing. In certain circumstances, the Court may determine that the joint assessment hearing may need to be set out the full 15 Court days in order to facilitate the completion of a more complex assessment. In this case, the report will be filed with the court five days before the hearing. In the event time is waived, the Probation Department will ask the Court for the maximum time possible to complete the report.
- ii. Youth not in custody: If a youth is not detained, the 241.1 joint assessment hearing date will be set before jurisdiction and within 30 days of the petition. A copy of the report and notice of the hearing will be given to all parties at least 5 calendar days before the hearing.

2. When youth is working with CFS and comes to the attention of probation

a. The Child Welfare Social Worker can request a 241.1 assessment in Court, but must have communicated with Probation Supervisor (473-***) to find out whether the youth has been detained or has an active citation or an open referral that may be cause for probation involvement. The Social Worker, with support of their supervisor, will use Probation to help determine if the legal considerations exist for possible Probation involvement.

3. Completing the 241.1 Report: Procedure

- a. When a 241.1 assessment is requested in court, the Deputy Probation Officer assigned to the case will notify the CFS intake email list (HHSCFS-Hotline@marincounty.org) as soon as possible during the next business day. The Court will forward a copy of the court minute order to both probation and CFS. The following information is required to be sent regarding the youth, parents, siblings and caregivers (if any):
 - Names
 - Dates of birth
 - Phone numbers
 - Addresses
 - Name of school
 - b. The email will also include the youth's history with the Probation Department and the assigned Deputy Probation Officer's name and phone number. This email should convey the facts regarding what the worry or concern is that makes the Deputy Probation Officer or Public Defender believe that the child may fall under WIC 300. This information is crucial for CFS to be able to identify an allegation

- of abuse/neglect. If a detention report is available, this will also be emailed to the CFS Social Worker. Using information in email, CFS Intake staff will create a referral and forward to Emergency Response Supervisor for assignment.
- c. Emergency Response Supervisor (or other supervisor as necessary) will assign 241.1 to an ER worker for completion. If the case is currently assigned to a staff person, ER worker will consult with manager about whether this person should be assigned to conduct the 241.1 assessment. ER supervisor will contact the Deputy Probation Officer as soon as possible on the next business day after receipt of 241.1 request and provide them with the contact information of the assigned Social Worker and their supervisor.
- d. The Deputy Probation Officer will email the assigned CFS Social Worker and the CFS supervisor the portions of the 241.1 report they completed as soon as possible but no later than 5pm at on the second business day after the Court ordered the 241.1 assessment (see sample court report for who is responsible for which sections). If this timeframe is not possible due to extenuating circumstances, the Probation Officer will contact the Social Worker and inform them as soon as possible. (See Dependency/Delinquency Options below for types of recommendations possible).
- e. The Social Worker will contact the Deputy Probation Officer once they are assigned the 241.1 and the Social worker and Deputy Probation Officer will collaborate by phone, and in person if possible. Best practice would be to coordinate a joint home visit, or other in-person meeting with the family.
- f. Any 241.1 Assessment will consider the following points:
 - i. Nature of the referral
 - ii. Age of the Minor
 - iii. History of physical, psychological, and sexual abuse (Child Welfare History)
 - iv. Prior Criminal or Child Welfare Record of the minor's parents
 - v. Minor's prior delinquent record and out of control behaviors
 - vi. Parental cooperation with school
 - vii. Minor's functioning at school
 - viii. Nature of Minor's home environment
 - ix. Family / Minor history of involvement with service agency / professional community services
 - x. Any services available in the community
 - xi. Any collateral feedback regarding the minor and parents. i.e. Court Appointed Special Advocate. Attorney, other relatives.
- g. Workers will use either Structured Decision Making (SDM) and/or the

- Probation Risk Assessment. and follow the recommendations for delivery of service and intervention.
- h. Workers will identify whether a single agency, dual-involvement, or Dual Jurisdiction recommendation is appropriate. If a Dual Jurisdiction recommendation is appropriate, a Lead Agency will be identified (see Dependency/Delinquency Options below).
- i. The Court, based upon agency recommendations, shall determine the Jurisdiction, level, and type of agency involvement.
- j. If CFS and Probation are unable to reach an agreement on the 241.1 recommendation, the Social Worker and Probation Officer will alert their supervisors about the possibility of a need for separate recommendations as soon as they are known. Supervisors will contact each other to discuss the different recommendations and determine if there is a possibility of resolving any disagreements. If no resolution can be reached, then each will state their separate recommendations in the joint recommendation section and the court will make the final determination.
- k. The CFS Social Worker shall notify the Deputy Probation Officer of their recommendation as soon as it is known. The Social Worker will complete the remaining sections of the report, print it out and obtain required signatures. CFS staff will make arrangements to deliver an original copy of the report to Juvenile Services Center at 4 Jeannette Prandi Way. The Probation Department staff will file the report with the court at least two business days before the court hearing when possible.
- 1. The Deputy Probation Officer and Probation Supervisor will be responsible for notifying the CFS email (HHSCFS-Hotline@marincounty.org) if a Court hearing is moved ensuring everyone is updated regarding actual hearing dates.
- m. The Judicial Officer overseeing the case will request the social worker to attend the 241.1 hearing when necessary. However, if the Probation Department and CFS have not agreed on a recommendation, both the Social Worker and the Deputy Probation Officer will attend the hearing to discuss the matter.

IV. Dependency / Delinquency Options and Court Communication

Definition:

Options for type of dual agency and/or dual court involvement. Instructions for case communication based on originating court (Delinquency or Dependency).

Procedure:

Either WIC § 300 OR § 602 status can be recommended under four circumstances:

- (1) When a WIC § 300 dependent youth is charged in Delinquency Court;
- (2) When a WIC § 602 youth has a petition filed in Dependency Court;
- (3) When a youth is charged in Delinquency Court and child abuse is suspected;
- (4) When termination of WIC § 602 status is sought because the youth has completed their probation and rehabilitation programs, but their family home is unsafe or non-existent.

Options for-Dually Involved/Dual Status Recommendation

There are seven possible recommendations:

- (1) WIC § 300 dependent status only;
- (2) WIC § 602 matter (in 654, 654.2, 725(a), or 790 DEJ status) + WIC § 301 voluntary family preservation services
- (3) WIC § 602 matter (in 654, 654.2, 725(a), or 790 DEJ status) + WIC § 300 dependency
- (4) WIC § 300/602 dual jurisdiction status (with one agency being deemed the lead agency)
- (5) WIC § 602 ward status + WIC § 301 voluntary family preservation services
- (6) WIC § 602 ward status + § 300 dependency in post-permanency status "on hold" until completion of § 602 matter;
- (7) WIC § 602 wardship only

WIC $\S 300 + \S 654/725/790$ (forms of formal child welfare involvement but informal probation involvement) status can be recommended when a WIC $\S 300$ dependent youth is charged in Delinquency Court but it is felt his/her $\S 602$ matter can be handled under one of the provisions that provides for probation supervision without adjudication of wardship.

Voluntary Family Preservation Services from Child Welfare can be combined with any of the above probation options.

Probation status terms

WIC 654 Contract:

An alternative to formal court involvement—no petition filed. This is a six-month contract between the Probation Department and a youth whom Probation believes would come within the Court's jurisdiction if a petition were filed. Conditions should include referrals to local agencies for treatment/counseling interventions and supportive services. Conditions may also include: drug testing, community service hours, reflective essay, and/or any other conditions the DPO deems appropriate. If after 60 days, the youth is non-compliant with the contract, the Probation Officer may refer to the DA for filing of a petition in Court.

WIC 654.2 Court Informal:

602 petition is filed, but the hearing on the petition is continued to determine whether the matter can be resolved through a program of supervision as described in Section 654 (above) but with Court oversight. The delinquency matter is suspended during this period without the youth admitting to the petition. The youth is to complete the terms ordered by the Court, if they do not, then the case must return to Court with the possibility of further entering the criminal justice system.

WIC 725: Non-Wardship Probation (six-month term):

The greatest difference between this and 654.2 status is that there is an admission/true finding of the petition for non-wardship probation under § 725(a). Aside from this, the conditions of Non-Wardship Probation and informal probation can be the same. A DPO cannot book a youth in Juvenile Hall for violating the terms of his/her Non-Wardship probation, but the Court can order the minor into custody (wardship) for failure to abide by the terms of his/her probation. However, the process for making the youth a 602 ward is easier in that there is an admission/finding of the petition. Therefore, if the youth does not do well on Non-Wardship probation, it is likely the Court will place them on 602 wardship probation. Note that Non-Wardship probation terms are not available for certain types of serious offenses.

WIC 790 (DEJ):

Deferred Entry of Judgment is a type of juvenile probation where a minor admits committing a felony offense. Judgment is deferred, or "not entered." The minor is then placed on probation for one to three years and ordered to perform certain terms and conditions (Felony Diversion). DEJ is not available unless statutory criteria are met.

WIC 602 Wardship (at least one year term):

Wardship probation has two categories: custody retained (child still resides with parent, but court can detain youth and place in juvenile hall at any time) and custody removed from the parents.

Custody Retained: Most of the wards in juvenile probation fall into the first category since DPOs do not ask that custody be removed unless the DPO is recommending out-of-home care. Wardship allows DPOs to file a petition with the court asking the youth to be detained in Juvenile Hall for non-compliance. This occurs either by booking the youth, using the VOP scale, and then preparing a Violation of Probation petition under 777(a)(2). The petition is completed as soon as the youth is booked along with a Short Detention Form. A 777(a)(2) petition can also be filed with the court while the minor is still out of custody; the DPO recommends to the court how they would like the petition handled.

Custody Removed: When physical custody is removed from parents and youth is ordered placed out of the home, the youth generally is placed in a Short-Term Residential Treatment Program (STRTP) or a Resource Family home. A youth can complete a STRTP in as little as six months and must demonstrate they have made substantial progress toward rehabilitation and are able to either return home, step down in the continuum of care, or transition into Non-Minor Dependent status.

Inter-Court Communication

If the originating court (Delinquency or Dependency), upon receipt of a 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), the 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, the Court will order which agency should be "lead agency" and document that finding in the minute order. On a case-by-case basis, the lead Court shall determine whether to suspend proceedings and vacate any future Court appearances in the non-lead Court, or whether hearings in the non-lead 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.

Court Findings and Orders

See Attachment A:

If Dependency is lead court, the probation officer will have the necessary probation JV forms forwarded to the CFS social worker before the court report must be filed.

If Delinquency is the originating court, the CFS Social Worker will send the necessary Dependency JV forms to the Probation officer before the court report must be filed.

V. 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 Plans from Probation and CFS. 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.

Lead agency responsibilities:

- Placement
- Case management and coordination of service delivery with the non-lead agency
- Attend Court hearings (or by agency represented staff)
- Writing and submitting Court reports
- Complying with the mandates of WIC 300 and WIC 602 hearings, Division 31 and Title IV-E 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, assessments and recommendations

Non-lead agency responsibilities:

- Assigning secondary worker/officer to the case
- Coordinating service delivery with lead agency worker/officer
- Be available to attend Court hearings if requested

- Writing and submitting assessment for Court report to the primary worker/officer no later than 5 days before the report must be filed.
- Complying with the mandates of WIC 300 and WIC 602 hearings, Division 31 and Title IV-E regulations, including writing reports as required for any concurrent non-lead court hearings
- Maintaining monthly (at minimum) contact with the lead agency worker to confer/collaborate on progress of case, assessments and recommendations
- Sharing 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) workings days after dual status is designated by the Court if available)

Procedure and Documentation:

- Lead agency will determine lead case worker and will maintain primary responsibility for case planning, placement visits, court hearings, court reports.
- Workers from each agency will coordinate to ensure that placement visits are done jointly when a possible.
- Supervision as to conditions of Probation will be responsibility of assigned DPO.
- If disagreements and or differences arise regarding services and case planning, the case will be reviewed with CFS supervisor and Probation Supervisor through a Team Conference. Should the supervisors not be able to negotiate an outcome, the case will be referred to the respective CFS and Probation Department Directors.
- Workers will meet on a monthly basis to determine the ongoing case needs and facilitate reunification when appropriate.

Client contacts and services shall be provided and documented by both agencies in adherence to their Department's policy regarding face-to-face contacts. All contacts made by the lead and non-lead agency shall be documented in their respective databases. Probation Officers are required to enter data into Odyssey CMS and to enter placement contact and service notes into Child Welfare Services/Case Management System (*CWS/CMS*). The Child Welfare Social Worker will enter their contact notes into CWS/CMS

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

Non-Minor Dependents: Case planning and Supervision

For dual status youth, pursuant to the existing MOU, the lead agency will maintain responsibility for placement and supervision of the NMD under EFC unless another arrangement is determined by mutual agreement of CFS and Probation to be in the best interest of the child.

When a dual-juris youth is about to qualify for services under AB12, the two agencies will reassess whether the youth would continue to benefit from Dual Status. If the youth would be better served by a single agency, this recommendation will be made with preference for the agency that originated the case to retain it.

If the dual status youth has not met his/her rehabilitative goals by his/her 18th birthday, the probation department may keep the youth under 602 Status and not transition him to NMD status if this will best meet the youth's needs.

If the Social Worker and Probation Officer do not agree on a recommendation to the Court about AB 12 Status and which agency should continue services, their supervisors will meet and try to resolve to a joint recommendation, and if this is unsuccessful it will be resolved at the Division Director level.

Case Management when NMD becomes subject to Adult Probation:

When a Non-Minor Dependent becomes subject to adult probation supervision, it does not change the non-minor's ability to participate in EFC and it does not change the agency responsible for the case management services of the Non-Minor Dependent.

Re-Entry:

If the NMD exits (opts out) EFC and then decides to re-enter (opts in) EFC, a previously dual-jurisdiction non-minor dependent can state their preference as to which agency will supervise them, with the ultimate decision lying with the court.

VI. Data Collection and 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 CFS and Juvenile Probation.

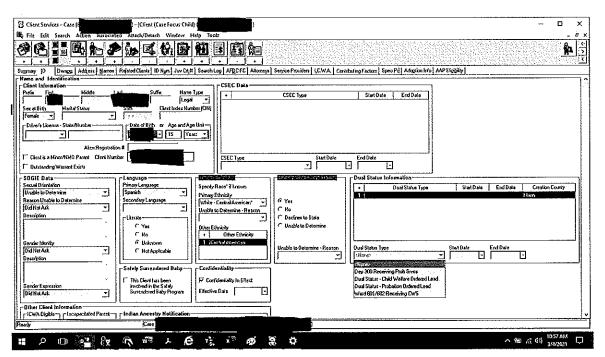
Procedure:

For CFS Lead or Probation youth in placement, follow these instructions on CWS CMS Data Entry.

Click on the Client Notebook, ID tab, the worker will enter one of the following options:

- -Dep 300 recv Prob Svcs
- -Dual Status Chl Welf Lead
- -Dual Status Prob Lead
- -Ward 601/602 Rcv CWS

The first option, Dep 300 Recv Prob Svcs, would be indicated if a dependent is receiving informal probation services. The final option, Ward 601/602 Recv CWS should be selected if a Ward is receiving Voluntary Family Maintenance Services. Start and end dates should be entered, with no overlapping dates.



Attachment A

Supplemental Order for Dual Jurisdiction Youth

PETITIONER OR ATTORNEY DEPARTMENT OF HEALTH AND HUMAN SERVICES DIVISION OF CHILDREN AND FAMILY SERVICES 3250 KERNER BLVD. SAN RAFAEL, CA 94901 SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN	PHONE: 473-2200 DCFS#: WKR#:		
3501 CIVIC CENTER DRIVE, SUITE 113 SAN RAFAEL, CA 94903		[Court use]	
Child's Name: Click or tap here to enter text.			
SUPPLEMENTAL ORDER FOR YOUTH UNDER DUAL JURISDICTION Welf. & Inst. Code § 241.1		Case Number: Click or tap here to enter text.	
On Click or tap to enter a date. this matter came is court dependency court. The Court finds and orders: The above-named youth was made a dual-jurisdict This Court is lead court non-lead court male conduct, maintenance, and support of the minor Pursuant to Marin County protocol for dual-jurist (leave blank if not applicable): 1. This Court has made orders regarding the little IVe findings for the minor made on: Click or tap to enter a date. more restrictive placement of 2. This Court has made any necessary orders 3. more restrictive placement of 2. This Court has made all necessary orders 4. If the youth is a non-minor, this Court has minor's AB12/Extended Foster Care Status. 5. This Court has reviewed and approved the plan. 6. This Court has made all necessary orders treatment. 7. This Court has made any necessary orders treatment.	ction youth on: Clicking orders for the solution youth, if the placement of the ris out-of home plated or are now made y petitions filed under the minor. The segarding parent regarding Special I is made all necessare minor's Independent for the minor's me	k or tap to enter a date. care, supervision, custody, nis Court is the lead court minor. cement, if necessary, were on the record. der Welf. & Inst. Code Section al custody as to the minor. mmigration Juvenile Status y orders related to the non- lent Living Program and case dical, dental, and psychological	
Other findings and orders as follows:			
8. If the delinquency court/Probation Depart wardship terminates prior to the next dependence		- ·	

§ 366.21, § 366.22, § 366.25, § 366.3 or Selection and Implementation Hearing under § 366.26, the Department of Children and Family Services shall become the lead agency. Care and custody of the minor is vested with the Department of Children and Family Services for placement in: □ Approved home of a relative or NREFM; □ Resource family home; □ Transitional housing program;
☐ Short-Term Residential Treatment Program; ☐ Other placement order
9. If the miner is in sustedy, parent/quardian visitation shall ensur in accordance with facility mules
9. If the minor is in custody, parent/guardian visitation shall occur in accordance with facility rules and regulations and under the direction of Juvenile Probation.
☐ Visitation with would be detrimental to the minor based
on facts stated on the record.
☐ Other visitation or contact orders as follows:
10. The minor is the subject of a sustained Welf. & Inst. Code Section 300 petition and is a dependent of the Court in Post-Permanency Status. The next Post-Permanency Review hearing under § 366.3 is calendared on: Click or tap to enter a date. The minor was adjudicated a Welf. & Inst. Code Section 602 ward of the juvenile court on Click or tap to enter a date. Pursuant to Marin County protocol for dual-jurisdiction youth, the dependency matter is suspended until earlier of the time the minor's wardship is completed or the Court otherwise determines the dependency matter shall resume. This matter is set for further hearing on
Date:

HON. JUDGE OF THE SUPERIOR COURT

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Marin County Memorandum of Understanding and Protocol for Dually-Involved Youth

Signature Page

Director of Probation Services	
Marin County Probation Department	
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Marin County Department of Children and Family

Presiding Judge of the Marin County Juvenile Court

Honorable Beverly K. Wood

Marin County Superior Court

Chief Probation Officer

Eric Olson

Services

Marin County Probation Department

Social Services Division Director