

MONO COUNTY DUAL STATUS MINOR PROTOCOL  
WELFARE AND INSTITUTIONS CODE SECTION 241.1

I. BACKGROUND

Welfare and Institutions Code (WIC) § 241.1 requires that when a minor appears to come within the description of both section 300 and sections 601 or 602, the County Probation Department and the County Child Welfare Department (hereinafter, either department may be referred to as an "agency") shall jointly determine which status will serve the best interest of the minor and the protection of society. California Rules of Court, Rule 5.512 specifies many of the procedures and guidelines to be used to arrive at a joint recommendation as to the child's status.

Given the relatively low volume of juveniles that potentially fall within both section 300 and sections 601 and 602, and the importance of the 241.1 protocol to such youth, the relevant Mono County Departments (i.e. Social Services ("CWS"), Probation, and the District Attorney ("DA") (collectively referred to as "Mono County Departments")) desire to create an interim dual-status protocol. The intent of this interim dual-status protocol is to utilize existing juveniles cases subject to actual or potential WIC §§ 300, 601 and/or 602 jurisdiction as test-cases for the protocol. After gaining experience through these test cases, the Mono County Departments intend to revisit this protocol to include any needed additions, modifications, and/or deletions to the protocol.

II. 241.1 PROTOCOL

A. Whenever CWS determines that a minor may fall within the description of WIC § 300, and Probation and the DA also determine the minor may fall within the description of WIC § 601 and/or 602, (i.e. the minor is a "Potential Dual-Status Minor") the Mono County Departments shall recommend to the Court that said minor be simultaneously both a dependent child and a ward of the Court pursuant to WIC § 241.1(e).

B. DECISION CRITERIA

In determining whether to file a petition for a Potential Dual-Status Minor, each department shall give consideration to the following, which will be included in a joint assessment report (discussed further below):

1. The nature of the referral.
2. The age of the minor.
3. The history of any physical, sexual, or emotional abuse of the child.
4. The prior record of the child's parents for abuse of this or any other child.
5. The prior record of the child for out-of-control or delinquent behavior.
6. The parents' cooperation with the child's school.
7. The child's functioning at school.
8. The nature of the child's home environment.

9. The history of involvement of any agencies or professionals with the child and his or her family.
10. Any services or community agencies available to assist the child and his or her family.
11. A statement by any counsel currently representing the child
12. A statement by any Court Appointed Special Advocate currently appointed for the child.
13. The advantages of having both dependency and delinquency services available for the minor and the minor's family.
14. Whether CWS or Probation should be the lead agency if both recommend dual status for the minor.

### III. PROTOCOL SITUATIONS

A. In all situations in which a Mono County Department intends to file a petition, said Department shall confer with the other Mono County Departments to determine if the minor is currently under the supervision of the other Department.

1. Minor not currently under supervision. If the minor is not currently under the supervision of any Mono County Department, then the respective Departments should proceed as they otherwise would pursuant to law.

2. Minor currently under supervision. If the minor is currently under the supervision of a Mono County Department, then the social worker, probation officer, and district attorney assigned to the case shall meet to determine if the minor is a Potential Dual-Status Minor. If so, the social worker and probation officer assigned to the case shall prepare a Joint Assessment Report to the Court and all of the relevant petitions shall be filed concurrently therewith.

B. Assuming sufficient grounds for jurisdiction exist for both dependency and wardship, the Court, in all cases, shall determine the appropriate status for the minor, including dual status where Probation and CWS so recommend.

### IV. TIMELINESS OF JOINT ASSESSMENT REPORT AND HEARING

If the minor is detained, the joint assessment report will be prepared by the agency detaining the minor and contributed to by the other relevant agency(s), and a hearing held on the report as soon as possible after or concurrent with the detention hearing but no later than fifteen court days after the order of detention and before the jurisdictional hearing. If the minor is not detained, the hearing on the joint assessment report must occur before the jurisdictional hearing and within 30 days of the date of filing the petition. Joint assessment reports will discuss, but need not be limited to, the factors set forth in Section II.B above.

In all cases, notice of the hearing and the joint assessment report will be provided to the parties five calendar days prior to the joint assessment hearing. Both Probation and CWS shall sign all joint assessment reports. The hearing on the joint assessment report will be held prior to the jurisdictional hearing, unless the Court directs otherwise. The Court in its discretion may delay

hearing on the joint assessment report and ruling thereon, until findings have been made at the jurisdictional hearing or hearings.

#### V. CASE MANAGEMENT FOR DUAL STATUS MINORS

For minors that the Court designated as dual status child, the parties hereby adopt a lead court/lead agency system as defined in WIC § 241.1(e)(5)(B). For those minors that the Court determines dual-status is appropriate, the Court shall determine which agency will be the lead agency to manage the minor's case. The lead agency shall be 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. The most restrictive requirements of the dependency or delinquency systems shall apply to the management of the case. The agencies shall cooperate and make every attempt to agree on an appropriate case plan for the minor and the family.

Should it appear appropriate for the assisting agency to assume the lead agency role, CWS and Probation shall consult regarding the appropriateness of changing the lead agency and regarding any necessary changes to the case plan and will present their recommendation to the Juvenile Court. If the Juvenile Court determines that a change of lead agency is in the best interest of the minor, the Court will assign that agency as the lead agency. The new lead agency will perform all duties of the lead agency as described above. Lead and assisting agency jurisdiction may change as the Juvenile Court deems while the case is pending.

The Court shall conduct joint dependency/wardship hearings for dual status minors. The lead agency shall be responsible for preparing a single court report for the joint hearing. Where there are findings or studies unique to the assisting agency, the lead agency shall coordinate with the assisting agency and ensure that those findings or other matters are presented to the Court. The assisting agency may prepare supplemental reports for the hearings. The Court shall ensure that findings and orders required for both ward and dependent minors are made at the joint hearing. Both agencies shall attend joint hearings for dual status minors.

[INTENTIONALLY BLANK]

VI. AGREEMENT

The Mono County Department of Social Services, the Mono County Probation Department, the Mono County District Attorney's Office, and the Superior Court (Juvenile Court) of the State of California, County of Mono, do hereby adopt the aforesaid jointly developed protocol to allow the Mono County Probation Department and Mono County Child Welfare Services to jointly assess and produce a recommendation that a child be designated as a dual status child, and allowing for the child to be simultaneously a dependent child and a delinquent ward of the court. Said court and agencies do hereby elect to adopt and implement the provisions of AB129. All sections of this document are integral to the whole, and if any section is found to be invalid by a court of competent jurisdiction, the entire agreement is invalid. The undersigned may terminate this agreement for prospective cases by providing thirty-day written notice to each of the undersigned.

Executed this 31<sup>st</sup> day of July, 2013, at Mammoth Lakes, Mono County.

\_\_\_\_\_  
Kathy Peterson, Director  
Mono County Department of Social Services

\_\_\_\_\_  
Karin Humiston, Chief Probation Officer  
Mono County Probation Department

\_\_\_\_\_  
Stan Eller, Presiding Judge  
Superior Court of California, County of Mono

\_\_\_\_\_  
Tim Kendall  
Mono County District Attorney

APPROVED AS TO FORM:

\_\_\_\_\_  
John-Carl Vallejo  
Mono County Deputy County Counsel

**VI. AGREEMENT**

The Mono County Department of Social Services, the Mono County Probation Department, the Mono County District Attorney's Office, and the Superior Court (Juvenile Court) of the State of California, County of Mono, do hereby adopt the aforesaid jointly developed protocol to allow the Mono County Probation Department and Mono County Child Welfare Services to jointly assess and produce a recommendation that a child be designated as a dual status child, and allowing for the child to be simultaneously a dependent child and a delinquent ward of the court. Said court and agencies do hereby elect to adopt and implement the provisions of AB129. All sections of this document are integral to the whole, and if any section is found to be invalid by a court of competent jurisdiction, the entire agreement is invalid. The undersigned may terminate this agreement for prospective cases by providing thirty-day written notice to each of the undersigned.

Executed this 31<sup>st</sup> day of July, 2013, at Mammoth Lakes, Mono County.

\_\_\_\_\_  
Kathy Peterson, Director  
Mono County Department of Social Services

\_\_\_\_\_  
Karin Humiston, Chief Probation Officer  
Mono County Probation Department

\_\_\_\_\_  
Stan Eller, Presiding Judge  
Superior Court of California, County of Mono

\_\_\_\_\_  
Tim Kendall  
Mono County District Attorney

**APPROVED AS TO FORM:**

\_\_\_\_\_  
John-Carl Vallejo  
Mono County Deputy County Counsel

**VI. AGREEMENT**

The Mono County Department of Social Services, the Mono County Probation Department, the Mono County District Attorney's Office, and the Superior Court (Juvenile Court) of the State of California, County of Mono, do hereby adopt the aforesaid jointly developed protocol to allow the Mono County Probation Department and Mono County Child Welfare Services to jointly assess and produce a recommendation that a child be designated as a dual status child, and allowing for the child to be simultaneously a dependent child and a delinquent ward of the court. Said court and agencies do hereby elect to adopt and implement the provisions of AB129. All sections of this document are integral to the whole, and if any section is found to be invalid by a court of competent jurisdiction, the entire agreement is invalid. The undersigned may terminate this agreement for prospective cases by providing thirty-day written notice to each of the undersigned.

Executed this 31<sup>st</sup> day of July, 2013, at Mammoth Lakes, Mono County.

\_\_\_\_\_  
Kathy Peterson, Director  
Mono County Department of Social Services

\_\_\_\_\_  
Karin Humiston, Chief Probation Officer  
Mono County Probation Department

\_\_\_\_\_  
Stan Eller, Presiding Judge  
Superior Court of California, County of Mono

\_\_\_\_\_  
Tim Kendall  
Mono County District Attorney

APPROVED AS TO FORM:

\_\_\_\_\_  
John-Carl Vallejo  
Mono County Deputy County Counsel

**VI. AGREEMENT**

The Mono County Department of Social Services, the Mono County Probation Department, the Mono County District Attorney's Office, and the Superior Court (Juvenile Court) of the State of California, County of Mono, do hereby adopt the aforesaid jointly developed protocol to allow the Mono County Probation Department and Mono County Child Welfare Services to jointly assess and produce a recommendation that a child be designated as a dual status child, and allowing for the child to be simultaneously a dependent child and a delinquent ward of the court. Said court and agencies do hereby elect to adopt and implement the provisions of AB129. All sections of this document are integral to the whole, and if any section is found to be invalid by a court of competent jurisdiction, the entire agreement is invalid. The undersigned may terminate this agreement for prospective cases by providing thirty-day written notice to each of the undersigned.

Executed this 31<sup>st</sup> day of July, 2013, at Mammoth Lakes, Mono County.

\_\_\_\_\_  
Kathy Peterson, Director  
Mono County Department of Social Services

\_\_\_\_\_  
Karin Humiston, Chief Probation Officer  
Mono County Probation Department

\_\_\_\_\_  
Stan Eller, Presiding Judge  
Superior Court of California, County of Mono

\_\_\_\_\_  
Tim Kendall  
Mono County District Attorney

APPROVED AS TO FORM:

\_\_\_\_\_  
John-Carl Vallejo  
Mono County Deputy County Counsel