

300/600 Joint Protocol and Dual Jurisdiction Policy and Procedure (AB129/WIC 241.1)

Overview

The Welfare and Institutions Code ("WIC") Section 241.1 requires that the county Probation Department and Family and Children's Services develop a written protocol to ensure appropriate local coordination in the assessment of a youth to determine jurisdictional status under WIC 300 and/or WIC 602. Family and Children's Services (FCS) and the Probation Department shall cooperatively assess and produce a written joint recommendation regarding whether Wardship, Dependency, and/or Dual Status will serve in the best interest of the child and the safety of the community.

FCS and Probation have developed a joint protocol process that includes coordination of services while maintaining the values and philosophy of each agency. The joint protocol process will benefit the youth, their family and the community, while enhancing communication between the two systems. FCS and Probation will consider the least restrictive environment that is family centered and strength-based.

Identifying Dual System Involvement

- A. By an agency: Family and Children's Services and Probation will contact the other agency to determine a youth's level of involvement within the dependency and delinquency systems in the following situations:
 - The FCS social worker will contact the probation officer of the day (x3800) when a child welfare case is being opened on a youth 12 years and older.
 - The Probation Department will, as part of the intake (in and out of custody) or upon completing an intake assessment or disposition report, contact FCS screening unit (x2273) and review CWS/CMS for information regarding current or prior FCS involvement, referral history and/or dependency status.
- B. By the Court: Upon recognizing or with knowledge of a youth's possible dual system involvement, the court by its own motion may order the agencies to investigate and/or initiate a 241.1 assessment and report.
- C. By a Party: At the request of a child, parent, guardian, or counsel, the court may also order the agencies to investigate and/or initiate a 241.1 assessment and report. (*CRC Rule 5.512(a)(4)*).

Initiating WIC 241.1 Report Jurisdiction Process

When the youth or family is involved with the other agency, the social worker or probation officer will consult with their supervisor and then notify a manager for appropriateness and approval to pursue the WIC 241.1 process for coordination of services, change of jurisdiction, or dual jurisdiction. Circumstances affecting the decision include:

- Age of the youth
- Is the youth currently a WIC 300 dependent and what is the status of the family? For example, are the parents receiving family maintenance or family reunification services, or is the child in a post-permanent plan?

- How long has the youth been removed from their parent/guardian's home?
- Is the youth currently placed with a relative or in foster care? If so, how long has the youth been placed there?
- Would return to the parent be contrary to welfare of the youth per FCS?
- Does the youth have current or prior involvement within the juvenile justice system?
- What is the nature and seriousness of the current allegation(s)? Probation shall provide FCS with information regarding this consideration.
- Is parent(s)/guardian(s) refusing to take the youth into their home and all attempts to engage the family, including attempts to locate relatives, have been exhausted?
- Is parent(s)/guardian(s) able and willing to exercise appropriate maintenance and control to prevent the youth from further criminal activity or behaviors that put the youth at risk?
- Is parent(s)/guardian(s) abusing substances that is impacting their ability to safely parent?
- Do parent(s)/guardian(s) have diagnosed mental health issues that is impacting their ability to safely parent?
- What services would be the most effective for the family? And for the youth?
- What services have been tried for the family? And for the youth?
- Does the youth have mental health or substance abuse issues that impact their ability to follow through with services?

The social worker or probation officer must take their request to their respective Court for an official WIC 241.1 Report court order. If the request originates in delinquency court, the WIC 241.1 Report request will be made as early in the process as possible, and will be determined by the court after the resolution of the WIC 602 petition but prior to disposition. However, if the District Attorney initiates Transfer proceedings to adult court, then a youth's dependency case will be placed "on-hold" pending the resolution of the WIC 602 petition.

Once the joint assessment and report are ordered by the Court, receipt of report and determination of jurisdiction will be heard in accordance to the timelines below, in accordance with Cal. Rule of Court 5.512(e)-(f):

- If the youth is detained/ in-custody, the 241.1 hearing must be calendared as soon as possible after detention but no later than 15 court days;
- If the youth is not detained/out-of-custody, the 241.1 hearing must occur within 30 court days;
- At least 5 calendar days before the hearing, notice of the hearing and the copies of the 241.1 Report must be E-filed and/or provided to the child, child's parent or guardian, all attorneys of record, any CASA volunteer, and both juvenile courts;
- No later than 48 hours before the scheduled court hearing date and time, the WIC 241.1 Report shall be filed with the Juvenile Court Clerk's Office.

Notification

By the end of the next business day from when the Court initiates the WIC 241.1 Report process, the respective agency shall contact FCS Screeners (x2273) or Investigations Probation Supervisor (X3800) to make a referral for a 241.1 Joint Protocol Report. The information needed for the referral must include the following:

FCS to Probation
 Youth Name, DOB
 Parent/Guardian Name
 Current contact information
 Next Court date

Probation to FCS
 Youth Name, DOB
 Parent/Guardian Name
 Current contact information
 Next Court date

Social worker contact information
Child abuse and neglect history

Youth's custody status/whereabouts
Reason for arrest/referral
Previous arrests and adjudications
Current child abuse or neglect concerns
Probation contact information

The department that makes the WIC 241.1 Report request will notify the youth, their parents/guardian and each department will notify their respective attorneys by phone or e-mail by the end of the next business day.

FCS to Notify

County Counsel Office
Youth's WIC 300 attorney, if appointed
Probation Officer/File
CASA volunteer, if applicable
Parent(s)/Guardian(s)
Parent(s)/Guardian(s) counsel

Probation to Notify

District Attorney's Office
Youth's WIC 602 attorney
FCS Social Worker
Parent(s)/Guardian(s)

Completion of WIC 241.1 Report by FCS

The FCS social worker will prepare the WIC 241.1 Report and shall be present in the respective Court that ordered the report under the following circumstances:

- the youth is currently a WIC 300 dependent, or
- the youth has been a dependent within the last six months, or
- FCS has an open investigation (excluding current referral)

The FCS social worker and the probation officer shall coordinate in developing a WIC 241.1 Report and a joint recommendation regarding jurisdiction for submission to the Court, including a plan for on-going coordinated services to both the youth and the family. Services shall not be duplicated. Supervisor and manager approval is required for all recommendations. If the managers do not agree, the managers will consult with the Juvenile Probation Director and FCS Division Director for a final determination.

Completion of WIC 241.1 Report by Probation

The probation officer will prepare the WIC 241.1 Report and shall be present in the respective Court that ordered the report under the following circumstances:

- the youth is a 602 ward; or
- the youth is a non-ward on active probation status (i.e. WIC 654.2 informal, WIC 725(a) "6 months without wardship", WIC 790 "DEJ"); or
- the youth has not previously been a 300 dependent within the last 6 months or FCS does not have an open investigation.

The FCS social worker and the probation officer shall coordinate in developing a WIC 241.1 Report and a joint recommendation regarding jurisdiction to the Court, including a plan for on-going coordinated services to both the youth and the family. Services shall not be duplicated. Supervisor and manager approval is required for all recommendations. If the managers do not agree, the managers will consult with the Juvenile Probation Director and FCS Division Director for a final determination.

Coordination for Completion of WIC 241.1 Report

The FCS social worker or probation officer shall provide each other with a statement regarding corresponding agency involvement and completion of the appropriate section(s) for inclusion in the WIC 241.1 Report in the form of an e-mail or memo. The e-mail or memo shall contain the following information:

FCS to Probation

- Statement of the current child abuse or neglect allegation(s);
- Brief explanation of prior child welfare history and referrals, if needed;
- Recommendation regarding the filing of WIC 300 petition;
- Assessment of youth and family;
- The disposition of the allegation(s) in juvenile court, or if pending, likely outcome;
- Rationale for recommendation.

Probation to FCS

- Summary of Present Difficulty / Offense(s);
- Juvenile Record Information;
- Performance / History on Probation;
- Probation recommended terms / conditions;
- Juvenile Assessment (JAIS) presenting risk and needs and level of supervision (moderate or high risk youth only);
- Rationale for recommendation.

WIC 241.1 Report Template

The same WIC 241.1 Report template should be used by FCS and Probation to provide consistency. For FCS staff, the template is available in the Word Templates and must be copied and pasted into CMS. Consult your supervisor for assistance on how to do this. For Probation staff, this template is available in the shared drive, juvenile word templates folder and in caseload explorer. Consult with your supervisor for further assistance if needed.

Circumstances when a different format may be used:

There may be circumstances when a report other than the WIC 241.1 Report template may be submitted with a Dual Status recommendation. For example, if the case is in the Dependency Investigations Unit, it may be more appropriate to submit the 300 Jurisdictional/Dispositional (J/D) Report. Or, in the event that the youth is pending criminal charges for which an escalation to wardship is being recommended, an original 602 disposition report may be the appropriate template. If a different template is used, "241.1 Report" must be added to the title of the report.

In any case, social workers or probation officers must consult with their supervisor and manager to determine if it is appropriate to submit a report utilizing a different template. If so, the following sections from the WIC 241.1 Report template must be included:

- Prior record of delinquent behavior
- Statement by any counsel representing the youth
- Statement by court appointed special advocate (CASA)
- Jurisdiction recommendation
- Coordination of future services
- Summary of Services (by Probation / FCS)

Assessment Report Requirements

The WIC 241.1 Report must contain a FCS and probation jurisdictional recommendation as to which court, or both courts, is most appropriate to hear this case. The best interest of the youth and family, the least restrictive environment, and the protection of the community shall be taken into consideration. The report shall be strength-based and will include specific information indicating how recommended services will benefit the youth and family. The Assessment section should include a detailed rationale that supports the recommendation. The WIC 241.1 Report must also include:

- Age of the youth
- ICWA applicability and status
- Any medical needs of the youth, including physical and mental health
- Description /summary nature of the referral
- History of any physical, sexual, or emotional abuse of the youth
- Prior record of the youth's parents for abuse of this or any other youth
- Prior record of the youth for out-of-control or delinquent behavior
 - Summary of probation services provided and/or available
- Parent's cooperation with the youth's school, confirmation of educational rights holder(s)
- Youth's functioning at school
- Statement from school personnel
- Nature of the youth's home environment
 - Any relevant cultural and language needs
 - TILP attachment, if applicable
- If the youth is in out of home placement, include statement of the youth's caregiver
- History of involvement of any agencies or professionals with the youth and his/her family
- Any services or community agencies that are available to assist the youth and his/her family
- Youth and family's ability to benefit from rehabilitative services taking into account the youth's: current risk and needs; stage of adolescent development; and social, emotional, and cognitive functioning
- Availability of adequate resources within and outside of County
- Statement by any counsel currently representing the youth
- Statement by any CASA currently appointed for the youth

The report must be filed with the Court clerk's office no later than 48 hours of the scheduled court date.

Distribution of WIC 241.1 Report

The WIC 241.1 Report shall be distributed to the following parties and individuals at least 5 calendar days before the hearing and filed with the Juvenile Clerk's office no later than 48 hours before the hearing. For all cases, the Requesting Court shall receive the original report from the department responsible for writing the report and a copy provided to the non-requesting Court. Distribution of the report shall be completed by each agency as follows:

FCS to E-file and Distribute to:

County Counsel Office
Parent(s)/Guardian(s) – *via paper copy*
Parent(s)/Guardian(s) counsel, if appointed
Youth's WIC 300 attorney, if appointed
Probation Officer/File
CASA volunteer, if applicable

Probation to Distribute to:

Assistant District Attorney
Youth's Defense attorney
FCS Social Worker

Any confidential documents (psychological evaluation, medical privacy issues) must be provided to the requesting court and identified as confidential when e-filed. Lead agency shall indicate to the non-requesting court the existence of such confidential reports.

On-Going Coordination

Collaboration, communication and interaction between partners are necessary for the on-going assessment of needs and service delivery to youth and their families. It will be the standard that FCS and Probation will coordinate as much as possible, including the development of case plans. Other coordinated efforts are outlined below.

Pick-up Warrants

Agencies should notify each other, and both Courts, when a youth absconds and returns to placement.

Lead Agency Determination

When WIC 300 Dependents have non-wardship involvement with Probation, FCS will be the Lead Agency. When Dual Status is the preferred jurisdiction, a recommendation of Lead Court and Lead Agency will be made in the WIC 241.1 Report.

The Social Worker and Probation Officer, in consultation with their supervisors and managers, will use the WIC 241.1 Report as their guide in determining the Lead Agency. If a determination cannot be made, the case will be staffed at the Probation Department's Placement Screening Committee meeting. The social worker, probation officer and their respective supervisors and managers are required to attend this meeting. Supervisor and manager approval is required for all recommendations. If the managers do not agree, the managers will consult with the Chief Probation Officer and FCS Division Director for a final determination.

The Lead Agency Worker is responsible for:

- Developing a unified case plan:
 - Identify which services from FCS or Probation will best meet the needs of youth and family, taking into consideration the JAIS Assessment presenting needs and strengths for moderate or high risk youth;
 - If FCS is lead, a case plan will be developed in CWS/CMS with input from Probation regarding activities for the youth;
 - If Probation is lead, a Juvenile Assessment Intervention System (JAIS) Case Plan will be developed with the youth/parent and input from FCS regarding activities for parents. Please refer to the JAIS Manual for further details regarding case plan development.
 - Case plans will be updated a minimum of every 6 months.
- Coordinating on-going services:
 - FCS and Probation should routinely measure and evaluate a youth's and family's progress with their respective case plans and consider any emerging needs;
 - Organize and Facilitate Monthly Joint Team Meetings to include social worker, probation officer, parents, youth, caregiver, Children's Mental Health, family's natural supports and any additional service providers.

- This meeting can be considered the Child Family Teaming (CFT) meeting as long as CFT issues are addressed.
- The meetings must be scheduled at times and locations convenient for family member participation. Meetings should be conducted in a way that establishes a safe environment that develops trust and reflects the child and family's cultural preferences and norms.
- The initial meeting will occur within 2 weeks of the WIC 241.1 Disposition order and will focus primarily on case plan development for the youth.
- Subsequent Team Meetings will occur at least monthly with all service partners present and will focus on:
 - The progress the youth is making on case plan activities;
 - The appropriateness of the youth's placement;
 - The educational, medical and mental health needs of the youth;
 - The parent's progress with their court ordered services.
- Coordinating the development of any subsequent Court reports and memos:
 - FCS and Probation will communicate with their respective counterpart during the preparation of any Court report or memorandum, and will include a section describing the status and/or progress of the youth and family in the sister case.
 - These reports will include information regarding, at a minimum:
 - Dependency and Delinquency Court Case Numbers,
 - The type and level of services being provided to youth and family,
 - Summary of the CFT team meetings and any treatment provider forms;
 - Extent of collaboration with agency and community partners, and
 - The family and youth's progress towards case plan goals.
- Ensuring communication and collaboration between partners:
 - Provide timely notification to their respective attorney/family of subsequent Court dates and appearances,
 - Notify the other Department when a memo will be submitted to the court and ask for input and information.

If the youth re-offends and a new WIC 602 petition or a WIC 777 petition for a probation violation is filed, the probation officer shall assume the Lead Agency responsibilities, if not already, while the disposition of the new WIC 602 or 777 petition is pending. Additionally, the probation officer will communicate with the social worker to determine if a new 241.1 assessment and report is warranted under the youth's new behaviors and/or circumstances. If both agencies agree that a change in Lead Agency is needed, then a request for a new 241.1 hearing will be made. Each agency shall then notify their respective attorneys and family members of subsequent court dates and of the recommendation as soon as possible.

Placement of a Youth at Juvenile Hall

As a Juvenile Detention Alternatives Initiative (JDAI) Model Site for detention reform, the Santa Cruz County Probation Department and system stakeholders have determined that there are two purposes for detention: 1) To ensure that youth appear for court hearings, and 2) To ensure that youth do not re-offend pending court hearings. To ensure that youth are assessed for risk and needs, Probation and FCS will assess for trauma indicators that influence a youth's behaviors. As such, Probation and FCS will work to develop alternatives to detention in order to not further traumatize foster youth or criminalize related behaviors. Further, Probation and FCS

will consider all alternatives to detention, as they would for any youth who is not involved in the foster care system.

Initial Intake and Screening of Temporary Custody

Pursuant to WIC 628, when a 300 youth is taken into Juvenile Hall and screened for continued detention or possible release, Probation CANNOT keep the foster youth in Juvenile Hall ONLY because:

- o The child is a current foster youth or has a pending CPS case;
- o The current placement seems to be contrary to the youth's welfare; or
- o The inability of FCS to locate a placement for the minor.

Probation MAY keep a foster youth in Juvenile Hall, similar to other youth not involved in the 300 system, when:

- o Detention is needed for the "immediate and urgent necessity" for the protection of the minor or community safety;
- o The minor is likely to flee the jurisdiction; or
- o The minor has violated a court order.

Placement/Group Home Conduct and Failures

Any youth who absconds from a Short-Term Residential Treatment Placement ("STRTP") within the county shall be assessed for an alternative to detention prior to being detained in Juvenile Hall. Any youth with a placement failure or who absconds from an out of county STRTP may be placed in Juvenile Hall pending a 602 detention hearing.

Additionally, under WIC 241.1(b)(3)(B), if any alleged 602 conduct by a foster youth occurs in, or under the supervision of, a resource family home, STRTP placement, or other licensed residential care setting, Probation and FCS may consider whether the alleged 602 conduct was within the "scope of behaviors" to be managed or treated by the resource home, placement, or facility. In determining the minor's behavioral needs and which status will serve the best interests of the minor, Probation and FCS should look to the minor's case plan, needs and services identified by service providers, and any therapeutic or emergency plans developed by the facility.

When a youth returns to Juvenile Hall from a placement, the lead agency will inform Juvenile Hall medical staff (454-3855) of the most updated medication, medical status, and any mental health needs of the youth within 72 hours.

Minimum Contact Standards for In-Custody Cases

Youth in Juvenile Hall are to have an initial face to face meeting by the Social Worker and/or Probation Officer within 5 working days. Following the initial visit, subsequent Juvenile Hall visits shall occur every 15 days thereafter by the Probation officer or monthly by the Social Worker, depending on who is designated the lead worker.

Special Jurisdictional Situations

FCS and Probation shall also work together to determine which agency and/or juvenile court will serve the youth's best interest where a youth may appear to fall within one of the following special jurisdictional situations:

Transition Jurisdiction for Youth age 17 ½ or Older

Pursuant to WIC 450, the Delinquency Court may seek to modify the jurisdiction of a youth under 602 Wardship who is 1) at least 17 years ½ or older and has been under an order of

foster care placement, or 2) is Non-Minor Dependent Ward under the age of 21 and has been under a foster care placement order.

Once the delinquency court determines that a 602 ward is within the transition jurisdiction of the juvenile court and has been successfully rehabilitated, supervision of the transition youth shall be determined as follows:

- Probation will maintain supervision and all subsequent Non-Minor Dependent hearings will take place in delinquency court for former wards in extended foster care who have never been adjudicated a 300 dependent.
- If the youth so chooses, FCS will maintain supervision, and all subsequent Non-Minor Dependent hearings will take place in dependency court, for former wards in extended foster care who are currently or were formerly a dependent and:
 - Rehabilitative goals of the case plan have been met and 602 jurisdiction over the youth is no longer required,
 - Reunification services have been terminated,
 - A hearing has not been set for termination of parental rights or the establishment of a guardianship, and
 - The return of the minor to the parents or legal guardian would create a substantial risk of detriment to the youth's safety, protection, or physical or emotional well-being.
- In order to participate as a Non-Minor Dependent, the youth must agree to extended services with the responsible agency, sign a voluntary re-entry agreement, reside in an eligible placement, and meet one of the five federal participation criteria.
- Notwithstanding the above, Probation and FCS may make arrangements on a case-by-case basis for supervision of a youth by a particular agency and court, provided the agencies are in agreement and the court so orders it.

Once the court determines the youth comes within the provisions of WIC 450, the court shall select a date no later than six months from the date wardship was terminated for a Non-Minor Dependent Status Review Hearing.

Modification of Jurisdiction from Delinquency Court to Dependency Court

Pursuant to WIC 607.2 and WIC 727.2, the Delinquency Court may also modify a youth's jurisdiction to Dependency Court where a youth under WIC 602 wardship meets all of the following:

- Has been under an order for foster care placement;
- Does not appear to come within or yet meet the age criteria of WIC 450 Transition Jurisdiction and/or Extended Foster Care; BUT
- Appears to come within the description of WIC 300 and cannot be returned home safely; AND
- Has met all his/her rehabilitative goals and Probation is now recommending dismissal or termination of wardship.

If the Delinquency Court identifies such a youth, the Court shall order a 241.1 assessment and Report. At the 241.1 hearing, the Court shall review Joint Recommendation and may:

- Affirm the joint recommendation by both agencies to modify the youth's jurisdiction from delinquency to dependency court through the filing of a WIC 300 petition;
- Affirm FCS's decision not file a petition pursuant to WIC 300; OR
- In situations where the court disagrees with the FCS decision not to file a WIC 300 petition, the court may order the child into protective custody and/or the order the filing of a WIC 300 petition. (WIC 607.2(b)(2)(B)).

Once FCS has filed a petition and/or the Delinquency Court has ordered the child into protective custody, all future dates for the minor will be held in Dependency Court and WIC 602 wardship is dismissed.

This provision may also be used to modify and resume the dependency jurisdiction of a 300 youth whose dependency was placed "on-hold" pending the outcome of a "Transfer" hearing in Delinquency Court to Adult Court, and the subsequent outcome of that Transfer hearing was for the youth to remain in Juvenile Court.

Non-Minor Dependent Subject to Adult Probation Supervision

If an NMD youth who is participating in Extended Foster Care in Dependency Court becomes subject to adult probation supervision, the FCS social worker supervising the NMD youth shall:

- Communicate with the Adult Probation Officer monthly or as appropriate;
- Coordinate services in conjunction with the Adult Probation officer and the criminal court requirements;
- Request a team meeting with a supervisor and/or manager, as needed, if either or both social worker and probation officer determine that additional resources or services are needed to best serve the needs of the NMD youth, and which have not yet been ordered by either court.