

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE  
JUVENILE COURT**

**TITLE: CROSSOVER YOUTH COURT PROTOCOL (WIC section 241.1)**

This Protocol is by and between the Orange County Juvenile Court (hereinafter “Court”), the Orange County Probation Department (hereinafter “Probation”), and the Orange County Social Services Agency (hereinafter “SSA”), collectively referred to as “the parties.” The parties will jointly administer this Protocol.

The intent of this Protocol is to enable a youth who meets specific criteria to be designated as both a dependent youth and a ward of the Court. A youth who is designated as both a dependent youth and a ward of the Court will be known as a “crossover youth.”

Welfare and Institutions Code (hereinafter “WIC”) section 202 outlines the state legislature’s intent to preserve and strengthen family ties and to reunify families when removal of a youth from the home has been necessary to ensure the safety and protection of the youth and/or the community. Additionally, WIC section 241.1, requires Probation and SSA to jointly develop a written protocol to ensure: (1) appropriate local coordination in the assessment of a youth who appears to come within the description of both WIC sections 300 and 601 or 602; and (2) the development of recommendations by Probation and SSA for consideration by the Court. In keeping with these goals, this Protocol is intended for Probation, SSA, and the Court to serve children and families more effectively by increasing access to appropriate resources and services in a holistic and timely manner.

This Protocol will govern the respective responsibilities of Probation, SSA and the Court when it appears that the youth may come within the description of WIC section 300 (child welfare), and also WIC section 601 or 602 (juvenile justice), as well as those responsibilities where a youth is assigned to Teen Court, GRACE (Generating Resources to Abolish Child Exploitation) Court, or the Crossover Youth Court (CYC). In such instances, Probation and SSA will make every reasonable effort to jointly determine which status -- child welfare, juvenile justice, or both (crossover) -- best serves the interest of the youth and the safety of the community. The recommendations of both Probation and SSA shall be presented to the Court.

## **A. Applicability of Protocol:**

1. This Crossover Youth Court Protocol (hereinafter “Court Protocol”) shall apply “Whenever a minor appears to come within the description of both Section 300 and Section 601 or 602...” (WIC § 241.1.<sup>1</sup>) Accordingly, this protocol applies to circumstances when the Court decides to declare a youth both a dependent and a ward.<sup>2</sup>
2. This Court Protocol is intended to supersede all previous section 241.1 protocol documents signed by the three parties mentioned herein, including the most recent “Orange County Juvenile Court Protocol for Welfare and Institutions Code section 241.1 Proceedings” adopted by the Juvenile Court, Orange County Probation Department and Social Services Agency, in October 2015.<sup>3</sup>
3. This Court Protocol is intended to supplement and effectuate the provisions of section 241.1 and rule 5.512 of the California Rules of Court. To the extent that it conflicts with either section 241.1 or rule 5.512, the statute or rule shall control.

## **B. Definitions:**

1. “Formal crossover handling.” Proceedings where the youth has been declared both a dependent child and a juvenile justice ward, pursuant to section 241.1, subdivision (e).
2. “Informal crossover handling.” Proceedings where the youth has been declared a dependent and an informal juvenile justice disposition has been ordered, pursuant to section 654, 725, or 790 (DEJ); or where a formal or informal juvenile justice disposition has been ordered and the dependency petition has been dismissed and/or services ordered pursuant to section 301.
3. “Assigned judicial officer.” The judicial officer who has been assigned to preside over both the child welfare and juvenile justice proceedings either separately in their original courtrooms, or together in CYC.

---

<sup>1</sup> All statutory citations throughout this protocol are to the Welfare and Institutions Code, unless otherwise noted.

<sup>2</sup> The statute uses the term “dual status child.” For purposes of this protocol, the term “crossover youth” is synonymous with “dual status child.” Likewise, the term “crossover” is meant to be synonymous with the term “dual” wherever it appears throughout this protocol.

<sup>3</sup> There have been various protocols signed by the parties over the years. This document is meant to supersede all of them.

### **C. Notice of Pending Action:**

1. Section 241.1 provides: “Whenever a minor *appears* to come within the description of both Section 300 and Section 601 or 602, the county probation department and the child welfare services department *shall*... initially determine which status will serve the best interests of the minor and the protection of society.” (WIC § 241.1, subd. (a), emphasis added.)
2. Each time that a section 300, 601, or 602 petition is filed (not including a probation violation petition) regarding a youth who is the subject of a pending section 300, 601 or 602 matter, the juvenile court clerk’s office shall prepare and send a Notice of Pending Action to each courtroom where the youth’s matters are pending and bring the pending matters to the attention of the assigned judge, attorneys and court officers.
3. This paragraph is intended to require that a Notice of Pending Action be prepared and served at the time of the first filing, *and on all subsequent substantive filings*, for a youth who crosses over from section 300 to section 601 or 602, or vice versa, so as to trigger a reconsideration by the judicial officer and counsel of the desirability of ordering a section 241.1 Joint Assessment Report.

### **D. Ordering a Section 241.1 Joint Assessment Report:**

1. Upon receipt of a Notice of Pending Action, or whenever another pending action comes to the attention of the assigned judicial officer, the judicial officer assigned the chronologically *last* petition filed shall order a Joint Assessment Report pursuant to California Rules of Court, rule 5.512.
2. The decision to order a Joint Assessment Report shall be the responsibility of the judicial officer assigned the chronologically *last* filed petition. That judicial officer will order either SSA or Probation to prepare the report. Regardless of which agency is responsible for preparing the report, once the report is ordered, SSA and Probation must assess the child jointly pursuant to section 241.1, as well as the guidelines set forth SSA’s Child and Family Services (CFS) Policy and Procedure (P&P) G-0403 (Crossover Jurisdiction Status).
3. Probation will be ordered to prepare the Joint Assessment Report in proceedings where the youth is already within the juvenile court’s jurisdiction, pursuant to section 300, and a petition to bring the youth within section 601 or 602 is subsequently filed. The assigned probation officer will complete and submit the Joint Assessment Report, after conferring with the assigned social worker. Conversely, in cases where the youth is already within the juvenile court’s jurisdiction pursuant to

section 601 or 602 and a new petition is filed pursuant to section 300, SSA will be ordered to prepare the Joint Assessment Report and the assigned social worker will complete and submit the Joint Assessment Report, after conferring with the assigned probation officer.

4. When a Joint Assessment Report is ordered, the judicial officer ordering the report shall set a future Joint Assessment Hearing, pursuant to California Rules of Court, rule 5.512(e), before that judicial officer. If the youth is detained, the Joint Assessment Hearing must occur as soon as possible after or concurrent with the detention hearing, but no later than 15 court days after the order of detention and before the jurisdictional hearing. If the youth is not detained, the Joint Assessment Hearing must occur before the jurisdictional hearing and within 30 days of the filing date of the petition. The minute order reflecting the court's order for a report and the setting of the Joint Assessment Hearing shall be provided to all counsel and court officers handling the previously filed matter(s), any Court Appointed Special Advocate (CASA), and any other person required by California Rules of Court, rule 5.512(f).
5. When producing a recommendation as to a youth's status for inclusion in the Joint Assessment Report, it is anticipated that candid communication and a spirit of cooperation will prevail in the mutual review of cases by Probation and SSA. If the assigned probation officer and assigned social worker are unable to come to an agreement on the recommendation, and/or further consultation is necessary due to extraordinary case circumstances, they will immediately notify Probation's Juvenile Investigations and Placement Unit Supervising Probation Officers (SPOs) and SSA's 241.1 Dual Status Liaison Senior Social Services Supervisor (SSSS) and Permanency Services/Placement supervisors in order to discuss the matter at the section 241.1 weekly meeting or to schedule an emergency meeting, depending on court timelines. At this meeting, the assigned probation officer and assigned social worker will staff the matter with the above supervisors in an effort to come to an agreement on the recommendation based upon case dynamics; the youth's danger to self, others, or the property of others; the thirteen (13) WIC 241.1 Decision Making Criteria; the Crossover Youth Protocol; and SSA's Child and Family Services (CFS) Policy and Procedure (P&P) G-0403 (Crossover Jurisdiction Status).

#### **E. Joint Assessment Hearing:**

1. At the Joint Assessment Hearing, to provide the court maximum flexibility in making dispositional decisions in the best interest of the youth and the protection of the public, the decisional options available to the court shall include, but not be limited to:

- a) Declaring a youth solely a dependent or juvenile justice ward, under the exclusive jurisdiction of either the dependency court or juvenile justice court, when either SSA or Probation asks the court to dismiss their petition, or the court deems it appropriate to dismiss a petition under the proper statutory authority;
  - b) Declaring the youth a crossover youth, under the dual jurisdiction of the court, pursuant to section 241.1(e);
  - c) Declaring the youth a dependent, under section 300 (or keeping the youth a dependent if already declared) and ordering an informal juvenile justice disposition, under section 654, 725 or 790 (DEJ);
  - d) Declaring the youth a juvenile justice ward or ordering an informal juvenile justice disposition, under sections 654, 725, or 790 (DEJ), and dismissing the dependency petition and ordering services, pursuant to section 301.
2. In the event the youth is declared a crossover youth under dual jurisdiction, the youth may be referred to Teen Court or GRACE Court. If the youth is not referred to one of these collaborative courts, or is referred but not accepted, then the youth will be referred to the CYC and both the dependency and the juvenile justice files will be transferred to the judge assigned to CYC.
3. The judicial officer who orders the Joint Assessment Report shall make the final decision as to the following issues:
- a) The disposition of the crossover status issues;
  - b) Designation of the primary placing agency, if declaring the youth both a dependent and a ward and invoking formal crossover jurisdiction as the disposition;
  - c) Determination of the youth being referred to Teen Court, GRACE Court, or CYC;
  - d) Whether alternate placement orders and/or a Placement Suitability Report are required;
  - e) Whether an alternative case plan for the youth should be ordered;
  - f) What statutory review hearings are required to be set.

4. Before making decisions regarding the youth's crossover status issues, the judicial officer making that decision is encouraged to consult with the judicial officer assigned to the other case as to what orders will be in the best interests of the child. (NB: California Code of Judicial Ethics; Canon 3B(7)(a); amended 1/1/13.) In discussing the crossover status issues to be decided, the judicial officers may consider:
  - a) Whether and how crossover status jurisdiction is expected to enhance the outcome for the youth and family, and why supervision and services from both SSA and Probation, at the same time, are necessary to achieve a positive outcome;
  - b) Judicial economy and the impact upon the overall operation of court calendars and caseload by a declaration of crossover status;
  - c) Determination of the initial handling judicial officer if single judicial oversight is contemplated or required by the disposition. (Dispositions involving single judicial oversight are not limited solely to dual jurisdiction cases, but also in cases of formal declarations or jurisdiction in one case type and informal handling in the other.) In consulting regarding the initial handling judicial officer, consideration should be given to:
    - Any unique factual or legal issues presented by each case, youth or family;
    - The current status of each case;
    - The prior history each judicial officer has with the youth and/or family;
    - The current placement of the youth;
    - The experience level of each judicial officer to address the legal and factual issues involved in each case.
5. Child welfare will be the preferred status whenever the youth's behavior is such that they will not pose a threat to themselves, others, or the property of others within the control and support structure of child welfare supervision. SSA will be designated to supervise a youth while the youth remains under the court's jurisdiction pursuant to section 300.
6. Juvenile justice jurisdiction will be the preferred status whenever the youth's behavior cannot be controlled in the child welfare setting, the youth's behavior poses a threat to themselves, others, or the property of others, and custody time is available, due to the nature of the youth's offense, to provide enhanced control of the youth's behavior. Probation will be designated to supervise the youth while the youth remains under the court's jurisdiction pursuant to section 601 or 602.

7. Crossover youth status may be appropriate when a child welfare youth commits a delinquent act requiring the formal intervention of Probation services, and the youth would benefit from the continued involvement of SSA. If a recommendation for crossover youth status is made at the Joint Assessment Hearing, the Joint Assessment Report will identify which agency, Probation or SSA, is best suited to assume responsibilities as the primary placing agency, for placement of the child, case management, and court-related matters.
8. If the alleged conduct that appears to bring a child welfare child within the description of section 601 or 602 occurs in, or under the supervision of a foster home, short-term residential therapeutic program (“STRTP”), or other licensed residential facility, Probation and SSA may consider whether the alleged conduct was within the scope of behaviors to be managed or treated by the foster home, STRTP, or residential facility, in determining the status that will best serve the interest of the child and the safety of the community. (WIC § 241.1, subd. (b)(3)(B).)
9. All parties and counsel, in the dependency and juvenile justice matters, may appear and have an opportunity to be heard at the Joint Assessment Hearing, pursuant to California Rules of Court, rule 5.512(g).
10. The Juvenile Presiding Judge (JPJ) retains the discretion to assign cases differently from this Protocol in response to caseload and calendaring issues. If a youth is granted an informal juvenile justice disposition under sections 654, 725, or 790 (DEJ), the JPJ may require that both the child welfare case and the juvenile justice case remain in their home courts instead of being sent to CYC.

#### **F. Transfer of court files:**

1. If a youth is declared a “crossover youth” then all section 300, 601 and 602 files will be transferred to GRACE Court, TEEN Court, or CYC and handled by the judicial officer designated to preside over that court, unless the JPJ assigns the cases differently.
2. Each case will continue to be “assigned” to the initial handling judicial officer in both the child welfare and the juvenile justice cases. The judicial officer presiding over the CYC will handle the matters as a collaborative court only. Should any issue, either in the child welfare case or the juvenile justice case, be litigated, the case will go back to the initial handling judicial officer for litigation purposes.

### **G. Future court hearings:**

1. The judicial officer assigned to CYC will provide single judicial oversight over the youth and his or her family. All cases associated with the youth shall be calendared together for court hearings.
2. If a case is placed on the Court's calendar *solely* for the purpose of keeping the cases together for collaborative court purposes, and no legal or factual issues are expected to be addressed on that case, the case will be calendared for a "further proceeding". In all other instances, when legal or factual issues are expected to be addressed on that case, the case will be calendared appropriately to reflect the nature of the proceeding.
3. In the event of changed circumstances, the CYC judge may set a hearing to reconsider the decisions made at the Joint Assessment Hearing.
  - a) Any hearing to reconsider the decisions made at the Joint Assessment Hearing shall proceed in the same manner as a Joint Assessment Hearing, including notice to all parties.
  - b) The court may order a new Joint Assessment Report.

### **H. Appearances and hearings by counsel and court officers:**

1. The Court shall attempt to appoint the same counsel for the youth on all cases, whether section 300, 601 or 602, in order to foster continuity and consistency.
  - a) In appointing the same counsel on all cases, the Court shall take into consideration the experience and competency of counsel to provide representation in both case types, including counsel's competency under California Rules of Court, rule 5.660(d).
2. For all cases assigned to CYC, notice of all hearings shall be served by Probation and/or SSA, upon the parties or counsel for all parties, regardless of whether a hearing is to address child welfare or juvenile justice issues, or both, unless otherwise directed by the CYC judge. The Court shall cooperate with Probation and SSA to establish master service lists in such cases.
3. Probation and SSA court officers shall be required to appear in CYC. The appearance by Probation or SSA court officers may be waived by the assigned judicial officer.



4. At all times, the assigned judicial officer and courtroom staff shall keep in mind the impact to other courtrooms and calendars caused by the need for counsel and court officers to appear in different courtrooms, particularly in light of the limited number of attorneys and court officers available in the Juvenile Court. The assigned judicial officer shall call cases according to a pre-established calendar and make every effort to handle each case in an efficient yet expeditious manner.

**I. Proceedings in different counties:**

1. In the event a youth is the subject of proceedings in different counties, the Court, Probation and SSA shall follow the provisions of rule 5.512(c) of the California Rules of Court.

**J. Data collection:**

1. In connection with the requirement to collect data, pursuant to section 241.1(e)(4), the Court will establish the means to collect the following:
  - a) Number of youth who appear to come within the description of both section 300 and 601 or 602, because of the filing of related cases;
  - b) Number of youth for whom Joint Assessment Reports are ordered;
  - c) Number of youth who are handled as formal dual status children, pursuant to section 241.1(e);
  - d) Number of youth who are handled as informal dual status children, under this Protocol, specifically addressing whether the youth is a dependent with a juvenile justice case being handled informally, or the youth is a ward with a child welfare case being handled informally;
  - e) Number of youth who are assigned to CYC, Teen Court, or GRACE Court.
2. Both SSA and Probation will provide the Court with statistical information upon request.
3. The Court will ensure that all necessary statistical reports are completed and submitted to the Judicial Council of California.
4. Outcome measures and performance indicators will be developed by Probation, SSA, and the Court, and will be periodically reviewed.

**K. Exchange of Information:**

Pursuant to section 241.1 and Orange County Superior Court Local Rules, rule 903.1, Probation and SSA are authorized to exchange information regarding the youth.

**L. Confidentiality:**

Probation and SSA shall maintain the confidentiality of all records in accordance with all applicable federal, state, and local laws relating to confidentiality, including section 827 and California Rules of Court, rule 5.552. All information and records concerning any matters referred to Probation and SSA shall be considered and kept confidential by all parties and their respective staff, agents, employees, and volunteers. Information obtained by Probation or SSA in the performance of this Protocol shall not be used for any purpose other than the performance of this Protocol, except as may be required by law.

In addition to the general confidentiality provisions of this section, Probation and SSA employees, agents, staff, and volunteers associated with this Protocol agree to comply with Juvenile Administrative Order No. 12/003-903: Exchange of Information, revised on July 5, 2018, or as it may be amended, which governs the confidentiality of juvenile case information.

///  
///  
///

**M. Modifications:**

Any substantive modification of this Protocol will be made in writing, with the mutual consent of the parties. Any modifications to the policies and procedures developed by Probation and SSA to implement the provisions of this Protocol will be made with the mutual consent of Probation and SSA.

This Protocol may be terminated by either Probation or SSA with 60 days written notice.

**IN WITNESS WHEREOF, THE PARTIES HAVE EXECUTED THIS CROSSOVER  
YOUTH PROTOCOL FOR WELFARE AND INSTITUTIONS CODE SECTION 241.1  
PROCEEDINGS IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA**

DocuSigned by:

An Tran

ACE7A398FB9847B

An Tran  
Director  
Orange County Social Services Agency

Dated: 4/24/2025 | 9:57:53 AM PDT

E-SIGNED by Daniel Hernandez  
on 2025-04-16 17:00:37 PDT

Daniel Hernandez  
Chief Probation Officer  
Orange County Probation Department

April 16, 2025  
Dated: \_\_\_\_\_

E-SIGNED by Craig E. Arthur  
on 2025-02-03 15:28:40 PST

Honorable Craig E. Arthur  
Presiding Judge  
Orange County Juvenile Court

February 03, 2025  
Dated: \_\_\_\_\_