

Riverside County

W&IC 241.1/ AB 129 Protocol

W&IC 241.1 Protocol

W&IC 241.1 is amended to include subdivision (c) which states that when a W&IC 300, 600, or 602 child in one county is alleged to now come under the same provisions in another county, the county department with jurisdiction shall consult with the new county's Probation or Child Welfare Services Department as to which status will best meet the youth's needs and both departments shall make a recommendation to the court with the new petition. The new court shall notify the court having jurisdiction within five (5) calendar days of the joint recommendation of both departments.

On January 1, 2005, W&IC 241.1 was amended to include subdivision (e) which states that the Probation Department and the Child Welfare Services Department, in consultation with the Presiding Judge of the Juvenile Court create a jointly written protocol to jointly assess and produce a recommendation that the youth be designated as a dual status youth, allowing the youth to be simultaneously a dependent child and a ward of the court.

Memorandum of Understanding (MOU) Between DPSS, Juvenile Court and Probation Department

Based on W&IC 241.1, a taskforce comprised of representatives from DPSS, Probation, and the Juvenile Court joined together and developed a Memorandum of Understanding (MOU) that the

- recommendations of both departments shall be presented to the Juvenile Court with the petition that is filed on behalf of the youth through a standardized W&IC 241.1 Joint Assessment Report, and
 - court shall determine which status is appropriate for the youth based on the report.
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Background

According to W&IC 241.1, a hearing is to be held "whenever a youth appears to come within the description of both Section 300 and Section 601 or 602 W&IC. The county probation department and the county welfare department shall, pursuant to a jointly developed written protocol described in W&IC 241.1 subdivision (b), (c) and (e), initially determine which status will serve the best interest of the youth and the protection of society".

A W&IC 241.1 Joint Assessment Hearing is scheduled to clarify which agency will assume responsibility for providing a joint assessment report to the Juvenile Court addressing the appropriateness of

- filing a petition for DPSS intervention or dependency
 - offering diversion services, probation, or wardship through the Department of Probation, or
 - determining which agency shall be the lead agency in supervision of dual status cases.
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W&IC 241.1/ AB 129 Protocol, Continued

Policy

Staff shall follow the W&IC 241.1 Protocol when complying with the Juvenile Court's request to complete W&IC 241.1 Joint Assessment Reports in collaboration with the Probation Department.

Reference: Module 2, Chapter 4, Section B for further information pertaining to ER worker responsibilities.

W&IC 241.1 Joint Assessment Hearing

The Juvenile Court shall conduct a W&IC 241.1 Joint Assessment Hearing to determine which type of jurisdiction over the youth best meets the youth's unique circumstances.

If the youth is...	then the Hearing on the Joint Assessment shall occur...
detained	as soon as possible after or concurrent with the Detention Hearing, but no later than fifteen (15) court days after the order of detention.
not detained	within thirty (30) days of the date of the petition.

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W&IC 241.1/ AB 129 Protocol, **Continued**

**Judicial
Initiation of
W&IC 241.1
Joint
Assessment on
Existing
Dependents or
Wards**

When ordering a W&IC 241.1 Joint Assessment, the Judicial Officer shall request the attending Court Officer to inform the other agency of the

- identity of the designated lead agency, and
- specifics regarding the scheduled W&IC 241.1 Hearing.

Note: DPSS *does not* have authority to be the lead agency when a dependency exists for the youth in another county.

Upon a determination that the youth is a

- dependent of the Juvenile Court, the Judicial Officer presiding over the W&IC 602 matter, at the time of the initial appearance, shall order the courtroom assistant to have the file in the W&IC 300 matter brought to the courtroom on the date of the next hearing.
- ward of the Juvenile Court, the Judicial Officer presiding over the W&IC 300 matter, at the time of the initial appearance, shall order the courtroom assistant to have the file in the W&IC 602 matter brought to the courtroom on the date of the next hearing.

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W&IC 241.1/ AB 129 Protocol, **Continued**

Probation Youth Referred to DPSS

DPSS shall assume responsibility for the investigation and potential filing of a W&IC 300 petition for cases with youth in wardship status who are being considered for

- termination from the probation system, or
- dual status and whose parents cannot or will not resume responsibility for them.

If...	and the...	then the...
the youth is a ward of Riverside County	<ul style="list-style-type: none"> ▪ probation officer is notified that the parent/guardian is unable or unwilling to assume responsibility for the youth and <ul style="list-style-type: none"> – the youth is being terminated/considered for termination from the probation system, or – the youth is considered for dual status, or – it appears that return to the home of the parents would be detrimental to the youth. ▪ Juvenile Court determines that DPSS is the lead agency 	Probation Court Officer shall (within 24 hours) call in a referral to the Central Intake Center (CIC) to initiate the assignment of the referral to the Emergency Response social worker for a W&IC 241.1 investigation.

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W&IC 241.1/ AB 129 Protocol, **Continued**

Lead Agency Investigation Responsibilities for W&IC 241.1 Joint Assessments

The court shall determine the lead agency (either a probation officer or Emergency Response social worker assigned through CIC) to complete the W&IC 241.1 Joint Assessment Report.

The lead agency shall

- assume responsibility for the assessment
- contact the youth's worker (social worker or probation officer) to obtain
 - the youth's placement history with outcomes of each placement
 - all information from their file including available
 - minute orders
 - dependency/probation reports
 - medical information
 - police reports
 - social history
 - educational records, and
 - names, addresses, and telephone numbers of all known relatives.
- screen case with staff from both agencies to determine which agency is most appropriate to provide services and supervision.

Joint Assessment Requirements

Whenever a youth appears to come within the description of W&IC section 300 and either section 601 or section 602, the responsible Child Welfare or Probation Department must conduct a joint assessment to determine which status will serve the best interest of the youth.

The following criteria shall be followed:

- The assessment must be completed as soon as possible after the youth comes to the attention of either department.
- Whenever possible, the determination of status must be made before any petition concerning the youth is filed.
- The assessment report need not be prepared before the petition is filed but must be provided to the court for the Hearing on the Joint Assessment.
- If the petition has been filed, on the request of the youth, parent, guardian, or counsel, or on the court's own motion, the court may set a hearing for a determination under W&IC 241.1 and order that the W&IC 241.1 Joint Assessment Report be made available.

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W&IC 241.1/ AB 129 Protocol, **Continued**

Joint Assessment Factors

The social worker and probation officer shall consider the following factors when completing a 241.1 joint assessment:

- seriousness of the youth's current delinquent offense and/or delinquency history
- the youth's ability to be rehabilitated prior to obtaining the age of majority
- family reunification issues
- history of incorrigibility/delinquency while under the care of the Department of Social Services or the Probation Department
- ability of the agency to provide adequate services
- history of substance abuse
- mental health needs
- medical needs
- conflicting or problematic court dependency and delinquency orders
- necessity for Independent Living Skills and emancipation
- safety of the youth and the community
- Indian Child Welfare Act (ICWA) status/factors
- Other...

Note: Youth who are placed in Riverside County by other outside county agencies are not eligible for dual status.

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W&IC 241.1/ AB 129 Protocol, **Continued**

Joint Assessment Procedure

A joint assessment by both agencies is necessary to develop a recommendation for the most appropriate department to provide services and supervision to the youth.

After an initial supervisory consultation, the joint assessment shall

- be initiated by the agency that received the referral and arranged with a same line level staff member from the other agency
- be conducted by both the social worker and Deputy Probation Officer, and
- take place within seventy-two (72) hours to ensure that other mandated court time lines are met.

If...	then the matter shall be referred to the ...
an agreement cannot be reached by line staff	staff's immediate supervisor for resolution from both agencies.
an agreement on which agency should assume responsibility cannot be reached at the supervisory level	second-level supervisor from each agency for resolution.
<p>Note: Both DPSS and Probation shall ask for the matter to be continued to give both departments time to investigate and reach an agreement in the recommendation.</p> <ul style="list-style-type: none"> ▪ At the time the request for a continuance is made, both departments shall ensure that their individual recommendations are submitted to the court (in the same report) in effort to enable the court to grant the continuance or render a decision based on the two recommendations submitted. ▪ In the event of an unresolved dispute by the two agencies as to which department should be the lead agency, the court which ordered the W&IC 241.1 Joint Assessment report shall resolve the dispute. 	

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W&IC 241.1/ AB 129 Protocol, **Continued**

Basis of the W&IC 241.1 Joint Assessment Report

Both departments shall make a recommendation to the court in which the new petition is filed on behalf of the youth. The court shall determine whether dependency, wardship, dual status, probation non-wardship or informal probation is most appropriate, pursuant to W&IC 300, 654, 725(a), 790, and 241.1(e).

In making their recommendation to the Juvenile Court, both departments shall confer to develop a joint assessment based on, but not limited to, the following criteria:

- nature of the referral
- youth's age
- history of physical, sexual or emotional abuse
- prior record of the youth's parents for abuse of this or any other child
- youth's prior record for out-of-control or delinquent behavior
-Include both formal and informal interventions provided by DPSS and the Probation Department, and the type of services provided.
- parent's cooperation with the youth's school and other relevant agency providers
- educational update of the youth's functioning at school
- nature of the youth's home environment
- history of involvement of any agency or professional with the youth and his/her family
- history of prior placement(s) outside of the home, the youth's progress while in placement, and the parent(s) level of involvement in the youth's treatment program
- services or community agencies that are available to assist the youth and his or her family
- statement of any counsel currently representing the youth
- statement of any court appointed special advocate currently appointed for the youth
- any determining factors necessitating the youth's need for a dual status designation
- Indian Child Welfare Act (ICWA) status/factors, if any
- other...

Note: Children's Services staff shall access the W&IC 241.1 Joint Assessment Report template on CWS/CMS (see attachment).

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W&IC 241.1/ AB 129 Protocol, Continued

**Procedures for
Preparing the
W&IC 241.1
Joint
Assessment
Report – DPSS
as Lead Agency**

The following steps shall be followed when completing a W&IC 241.1 Joint Assessment Report and DPSS is designated as the lead agency:

Staff	Responsibilities
Probation court officer	<ul style="list-style-type: none"> ▪ Faxes a copy of the relevant minute order to the local Court Services Branch office to fax number (951) 358-5835. ▪ Calls the DPSS 241.1 Liaison at phone number (951) 358-4690 and provide the <ul style="list-style-type: none"> – youth’s name, – relevant court orders, – J number, and – court room number.
DPSS Court Services Staff	<ul style="list-style-type: none"> ▪ Reviews CWS/CMS for current case information. ▪ Makes a referral and faxes all court documents to CIC. ▪ If the court orders the youth released forthwith to DPSS and an IR referral is generated, awaits the arrival of the ER social worker or designated staff to transport the youth from the court. ▪ If the court orders a W&IC 241.1 report without immediate release of the youth to DPSS, the youth is returned to their current placement pending the subsequent W&IC 241.1 Hearing. ▪ Logs referral and supporting documents in the W&IC 241.1 log for tracking purposes. <p>Note: All necessary reports/information shall be provided to CIC within twenty-four (24) hours.</p>
CIC staff	<ul style="list-style-type: none"> ▪ Obtains and records the required information and supporting documents from the referral in accordance with the 241.1 Protocol. ▪ Forwards information and supporting documents to the CIC supervisor for review, approval and assignment.

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W&IC 241.1/ AB 129 Protocol, Continued

Procedures for Preparing the W&IC 241.1 Joint Assessment Report – DPSS as Lead Agency (continued)

Staff	Responsibilities
CIC supervisor	<ul style="list-style-type: none"> ▪ reviews referral information and supporting documentation ▪ reviews referral to assess the appropriate response determination ▪ <i>immediately</i> makes <i>direct voice-to-voice</i> contact with the ER supervisor from the assigned region and provides all the necessary information pertaining to the <ul style="list-style-type: none"> – referral – date and time of the scheduled W&IC 241.1 Hearing – court report due date, and – any forthwith orders. ▪ assigns as a 10 day response to central assignment desk (CAD), or assigns as an Immediate Response when the court orders the youth released forthwith to the custody of DPSS ▪ assigns the referral to the CAD region based primarily on the <ul style="list-style-type: none"> – custodial parent’s last known address, or secondarily – child’s placement address, or lastly – region of the case-carrying social worker.
ER supervisor	<ul style="list-style-type: none"> ▪ Reviews case file and contacts the designated Probation Investigation Supervisor to obtain the name of an assigned Probation Officer: <ul style="list-style-type: none"> – Administrative Officer of the Day (OD), Riverside – (951) 358-4310 – Southwest Juvenile Intake Supervisor– (951) 304-5717 – Desert Juvenile Intake Supervisor- (760)863-8229

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W&IC 241.1/ AB 129 Protocol, Continued

Procedures for Preparing the W&IC 241.1 Joint Assessment Report – DPSS as Lead Agency (continued)

Staff	Responsibilities
assigned ER social worker	<ul style="list-style-type: none"> ▪ Contacts the Central Placement Unit (when appropriate) and transports the youth to the designated placement. <p>Note: For further information on Out of Home Placement Procedures see Children Services Handbook, Module 6.</p> <ul style="list-style-type: none"> ▪ Coordinates a joint screening with the Deputy Probation Officer within 72 hours of the referral being received to assess the most appropriate agency to provide services and supervision to the youth. ▪ Coordinates a joint visit with the youth and Deputy Probation Officer to assess the youth's needs. ▪ Arranges and conducts joint interviews with the family and any other relevant parties. ▪ Prepares the W&IC 241.1 Joint Assessment report with perspectives from both agencies and develops a recommendation for the court. ▪ Contacts the case-carrying social worker if an open dependency case exists. ▪ Prepares the W&IC 241.1 Joint Assessment report in the designated CWS/CMS format upon assignment. ▪ Includes and identifies both the W&IC 300 and 602 Juvenile Court numbers (J numbers) on the face sheet of the report. ▪ Forwards the completed report to the supervisor for review, approval and signature. ▪ Attends the W&IC 241.1 Joint Assessment Hearing when ordered by court.
probation officer	The probation officer shall provide the ER worker with the necessary documents required to facilitate the completion of the W&IC 241.1 Joint Assessment report.

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W&IC 241.1/ AB 129 Protocol, Continued

ER Social Worker Responsibilities for Filing and Distributing the W&IC 241.1 Report

The ER social worker shall

- provide the original report and eight (8) copies, five (5) calendar days before the hearing in the clerk’s office
- distribute copies of the report to the
 - youth (when age appropriate)
 - youth’s parents/guardians
 - youth’s attorney
 - other involved attorneys
 - Probation Department
 - J-file, and
 - case file

Preparing the W&IC 241.1 Joint Assessment Report – Probation as Lead Agency

The following steps for completing a W&IC 241.1 Joint Assessment Report shall be followed when Probation is designated as the lead agency:

Staff	Responsibilities
probation court officer	<ul style="list-style-type: none"> ▪ Contacts probation clerical staff. ▪ Calls in referral to DPSS CIC at (800) 442-4918.
probation clerical staff	<ul style="list-style-type: none"> ▪ Obtains the minute order. ▪ Assigns the investigative report to the designated unit supervisor.
unit supervisor	<ul style="list-style-type: none"> ▪ Reviews file. ▪ Assigns case to the deputy probation officer for completion.

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W&IC 241.1/ AB 129 Protocol, Continued

Preparing the W&IC 241.1 Joint Assessment Report – Probation as Lead Agency (continued)

Staff	Responsibilities
deputy probation officer	<ul style="list-style-type: none"> ▪ Reviews case file and contacts the DPSS CIC to obtain the name of the assigned ER social worker. ▪ Coordinates a joint screening with the assigned social worker within 72 hours of the referral being received by DPSS to assess the most appropriate agency to provide services and supervision to the youth. ▪ Coordinates a joint visit with the youth and DPSS to assess the youth's needs. ▪ Arranges and conducts joint interviews with the family and any other relevant parties. ▪ Prepares the W&IC 241.1 Joint Assessment report with perspectives from both agencies and develops a recommendation for the court. ▪ Files a W&IC 241.1 Joint Assessment report with the Juvenile Court. ▪ Distributes copies of the report to the <ul style="list-style-type: none"> – youth (when age appropriate) – youth's parents/guardians – youth's attorney – other attorneys – DPSS social worker – case file ▪ Attends the W&IC 241.1 Joint Assessment Hearing when ordered by court.
social worker	Social worker shall provide the Probation Officer with the necessary documents required to facilitate the completion of the W&IC 241.1 Joint Assessment Report.

Provision of Notice and Report

At least five (5) calendar days before the W&IC 241.1 Joint Assessment Hearing, notice of the hearing and copies of the W&IC 241.1 Joint Assessment Report shall be provided to the

- youth
- youth's parent/guardian
- all attorneys of record
- any Court Appointed Special Advocate, and
- any other Juvenile Court having jurisdiction over the youth.

Note: The notice shall be directed to the Judicial Officer or department that will conduct the hearing.

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W&IC 241.1/ AB 129 Protocol, Continued

Notification Procedures Within Riverside County

The following table describes the notification procedures to be used when

- both the W&IC 300 and 602 matters are conducted within Riverside County
- the youth's status has been determined, and
- the W&IC 241.1 Joint Assessment Hearing has been set:

If ...	then the...	shall notify the...	and the Juvenile Court Clerk's Office shall ...
<ul style="list-style-type: none"> ▪ the youth is a dependent of the Riverside Juvenile Court ▪ a W&IC 602 petition has been filed, and/or ▪ wardship is being terminated 	<p><i>Probation Department</i></p>	<ul style="list-style-type: none"> ▪ DPSS, and ▪ Juvenile Court Clerk's Office 	<ul style="list-style-type: none"> ▪ annotate the W&IC 300 calendar with the youth's name and W&IC 602 petition "J" number, and ▪ send notice to youth's parents/ guardians, youth, and DPSS.
<ul style="list-style-type: none"> ▪ the youth is a ward of Riverside Juvenile Court, and/or ▪ a 300 petition has been filed 	<p><i>DPSS</i></p>	<ul style="list-style-type: none"> ▪ Probation Department, and ▪ Juvenile Court Clerk's Office by annotating the W&IC 602 petition number in the "Related Petition" section of the W&IC 300 petition specifying the name(s) of the ward. 	<ul style="list-style-type: none"> ▪ annotate the W&IC 602 calendar with the youth's W&IC 300 petition "J" number, and ▪ send notice to youth's parents/guardians, youth, and DPSS.

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W&IC 241.1/ AB 129 Protocol, Continued

Out-of-County Notification Procedures

The following table describes the notification procedures to be used when

- the youth's status has been determined
- either a W&IC 300 or 602 matter is been conducted in Riverside County
- the youth is either a ward or a dependent of another county
- a second W&IC 300 or 602 petition has been filed, and
- a W&IC 241.1 Joint Assessment Hearing has been set.

If the youth is a...	and a...	then...
dependent of a Juvenile Court in another county	W&IC 602 petition is filed in Riverside County	the Juvenile Court Clerk's Office shall <ul style="list-style-type: none"> ▪ notify the court having jurisdiction within five (5) calendar days of the filing of the joint recommendation in the W&IC 241.1 Joint Assessment Report decided upon by both departments, and ▪ include the name of the Judicial Officer to whom, or the courtroom in which, the recommendations were presented.
ward of a Juvenile Court of another county	W&IC 300 petition is filed in Riverside County	

Proceedings in Different Counties

The W&IC 241.1 Joint Assessment Report shall

- contain the recommendation jointly developed by the ER social worker and the probation officer, and
- be filed at least five (5) calendar days before the scheduled W&IC 241.1 Joint Assessment Hearing in the county where the second (2nd) petition alleging jurisdictional facts under W&IC sections 300, 601 or 602 has been filed.

If the...	then the...
petition alleging jurisdiction is filed in one county and the youth is already a dependent or ward in another county	responsible departments of each county shall conduct a joint assessment.
departments cannot agree on who will prepare the W&IC 241.1 Joint Assessment Report	department in the county where the second (2 nd) petition is to be filed shall prepare the W&IC 241.1 Joint Assessment Report.

Dual Status Cases

Description of Dual Status Designation

Probation and DPSS shall utilize the least restrictive options to ensure that the best interests of the child and the community are preserved. All case plans and reports to the court and any other document will be completed in the format common to the established practice of the lead agency.

Dual status designation is designed for youth who require simultaneous designation in both W&IC 602 ward and W&IC 300 dependency status. It serves as the third possible recommendation in the W&IC 241.1 Joint Assessment Report.

- A dual status youth may be a dependent of the court who commits a delinquent act requiring the formal intervention of probation rehabilitative services. Upon completion of probation services, the youth will be returned to the primary care of DPSS.
- A dual status youth may be a ward of the court who is no longer in need of formal probation services and who has no suitable parent, guardian or responsible adult able or willing to provide proper care and supervision of the youth.

Note: Dependency and/or wardship may be terminated once the transition is complete and the youth's needs and safety are no longer in question, and/or the youth no longer poses a threat to him/herself and the community.

Filing a W&IC 300 Petition on Existing Wards

In cases where wardship has been established on a youth, and the social worker and Probation Officer have jointly recommended that Dual Status would best serve the youth's needs in the W&IC 241.1 Joint Assessment Report, a W&IC 300 petition shall be filed in dependency court to initiate dependency proceedings.

Note: Wardship *must be* established prior to initiating a W&IC 300 petition to initiate dependency proceedings in effort to designate Dual Status.

CDU Investigation of Petition/Jurisdictional Report

DPSS shall utilize the existing transfer of ER cases to the court dependency unit (CDU) for investigation of the W&IC 300 petition. If the CDU social worker recommends dual status in the Jurisdictional/Dispositional report, the CDU social worker shall include this recommendation in the court report recommendation page, and jointly develop the case plan with the probation officer.

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Dual Status Cases, Continued

**Dual Status
Cases –
Determination
of Lead
Court/Lead
Agency**

In dual status cases, the court shall determine the lead court and lead agency. The Judicial Officer hearing the case shall review all information and reports contained in either the dependency or delinquency court file as appropriate and shall confer with the other Judicial Officer as necessary to make all required orders for the youth and his/her family.

	If the ...	then the...
	Probation Department is determined to be the lead agency	Delinquency Court will be the lead court and the Judicial Officer will hear the case and all matters relating to the case.
	DPSS is determined to be the lead agency	Dependency Court will be the lead court and the Judicial Officer will hear the case and all matters relating to the case.

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Dual Status Cases, Continued

Legal Representation for Dual Status Cases - Attorney Responsibilities

The Juvenile Defense Panel (JDP) and the Public Defender's Office (PDO) shall be appointed to represent the youth and the parents in the following manner:

If...	then the...
the initial petition is based on a W&IC 300 petition	<ul style="list-style-type: none"> ▪ JDP shall be appointed to represent the youth and the parent(s), and ▪ parent's counsel shall appear in delinquency court and be recognized by the court.
a W&IC 300 case exists and a W&IC 602 petition is filed to create a dual status	<ul style="list-style-type: none"> ▪ PDO shall be appointed to represent the youth. ▪ JDP shall continue to represent the parent(s), including appearing in 602 court on behalf of the parents.
the initial petition is based on a W&IC 602 petition	PDO shall be appointed to represent the youth unless that office determines a conflict exists.
a W&IC 602 case exists and a W&IC 300 petition is filed to create a dual status	JDP shall be appointed to represent the youth and the parent(s).

Note: Both the PDO and JDP recognize that they have an ongoing duty to represent their clients. Based on that duty, they agree to cooperate with each other in communicating their clients' demands, concerns, and needs between the attorneys involved, the clients, and the court.

County Counsel Responsibilities

- All parties agree that a County Counsel Deputy shall solely represent the Department of Public Social Services on issues specifically related to juvenile dependency in cases dealing with dual status youth, and
- a County Counsel Deputy shall meet and confer with the District Attorney Deputy, Probation, or the Department of Public Social Services regarding juvenile dependency issues in dual status cases, as required.

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Dual Status Cases, Continued

**Dual Status/
Probation
Department as
Lead Agency**

The following conditions shall be met when the Probation Department is determined to be the lead agency in dual status cases.

When...	then the Probation Department shall...	and DPSS shall...
<ul style="list-style-type: none"> ▪ dual status is designated at the W&IC 241.1 Joint Assessment Hearing ▪ a W&IC 300 and W&IC 602 petition have been filed ▪ the court has adjudicated the youth and declared both dependency and wardship, and ▪ the lead agency is determined to be the Probation Department 	<ul style="list-style-type: none"> ▪ be responsible for case management ▪ comply with the mandates of the statutory W&IC 602 and 300 review hearings, Title IV-E, and Division 31 requirements, and ▪ provide services to the youth and family, in concert with the assistance of DPSS. 	<ul style="list-style-type: none"> ▪ assign a social worker ▪ assist the Probation Officer in matters involving dependency, development of the case plan, and with other reasonable services to the youth and family, and ▪ provide the original or certified copy of the youth's birth certificate, social security card, and immunization record to aid in out-of-home placement within three (3) working days after dual status is designated by the court. <p>Note: If these documents are not available via DPSS, the Probation Department shall make the necessary efforts to otherwise obtain them.</p>

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Dual Status Cases, Continued

**Dual Status/
DPSS as Lead
Agency**

The following conditions shall be met when DPSS is determined to be the lead agency in dual status cases.

When...	then DPSS shall...	and Probation Department shall...
<ul style="list-style-type: none"> ▪ dual status is ordered at the W&IC 241.1 Joint Assessment Hearing ▪ a W&IC 300 and W&IC 602 petition have been filed ▪ the court has adjudicated the youth and declared both dependency and wardship at the Jurisdictional Hearing, and ▪ the lead agency is determined to be DPSS 	<ul style="list-style-type: none"> ▪ be responsible for case management ▪ comply with the mandates of the statutory W&IC 602 and 300 review hearings, Title IV-E, and Division 31 requirements, and ▪ provide services to the youth and family, in concert with the assistance of the Probation Department. 	<ul style="list-style-type: none"> ▪ assign a probation officer ▪ assist the social worker with matters involving probation, development of the case plan, and other reasonable services to the youth and family, and ▪ provide the original or certified copy of the youth's birth certificate, social security card, and immunization record to aid in out-of-home placement within three (3) working days after dual status is designated by the court. <p>Note: If these documents are not available via DPSS, the Probation Department shall make the necessary efforts to otherwise obtain them.</p>

Note: Nothing in this protocol shall authorize DPSS to make a detention decision resulting in the placement of a youth in a locked probation detention facility. In the event the youth is in violation of the court order and/or requires detention in a locked facility, the case must be reviewed by a probation supervisor. If approved, a W&IC 777 Notice of Hearing/Violation of Court Order petition may be filed and authorization given to place the youth in Juvenile Hall detention.

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Dual Status Cases, Continued

Dual Status Placement and Emergency Shelter Statutes

Housing of dual status youth shall be in accordance with the following Welfare and Institutions Codes:

- Pursuant to W&IC 16514(b), "A minor who has been voluntarily placed, adjudged a dependent child of the Juvenile Court pursuant to Section 300, or adjudged a ward of the Juvenile Court pursuant to Section 601, shall not be housed in an emergency shelter with any minor adjudged a ward of the Juvenile Court pursuant to Section 602."
- Pursuant to W&IC 16514(c), "A minor who has been voluntarily placed, adjudged a dependent child of the Juvenile Court pursuant to Section 300, or as to whom a petition has been filed under Section 325, shall not be placed or detained in a group home or licensed foster family home or with a foster family agency to be subsequently placed in a certified family home with any minor adjudged a ward of the juvenile court pursuant to Section 601 or 602, unless the social worker or probation officer has determined that the group home or licensed foster family home or foster family agency has a program that meets the specific needs of the minor being placed or detained, and there is a commonality of needs with the other minors in the group home or licensed foster family home or certified family home."

Case Contacts and Services

Client contacts and services shall be provided by the designated lead agency. On a monthly basis, the lead agency (probation officer or social worker) shall be contacted by the non-lead agency and shall obtain information regarding case contacts and services for entry in their respective data systems.

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Dual Status Cases, Continued

Termination/ Modification of Dual Status Designation – Lead Agency Responsibilities

Termination or modification of dual status shall be discussed at each review hearing. A recommendation by the lead agency to terminate dual status and dependency or wardship shall only be made after consulting involved parties, including

- district attorney
- defense attorney
- social worker
- County Counsel
- probation officer.

Note: The statement of each party will be submitted via memorandum authored by the lead agency to the lead court. The lead court will have the final decision to modify the youth's status and terminate either dependency or wardship.

Termination/ Modification of Dual Status Designation – Judicial Officer Responsibilities

The Judicial Officer who is designated to hear both matters on dual status cases shall confer with its counterpart prior to any termination or modification of dual status designation in both dependency and delinquency court.

Data Collection

In effort to evaluate the effectiveness of the protocol, W&IC 241.1 (e) (4) requires that counties who are implementing dual status cases shall have a plan to collect data. The following specifies the requirements imposed by Judicial Council in meeting this mandate:

- The Judicial Officer who determined the designation of the lead court shall complete the "Initial Entry *Individual Case Form*" provided by the Administrative Office of the Courts (AOC).
 - The Juvenile Court Clerk's Office shall be responsible for completing the "Initial Entry *Summary Form*" provided by the AOC and shall submit it to the AOC on a quarterly basis.
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Dual Status Cases, Continued

Liaisons for Southern Counties

In effort to satisfy the mandates imposed by W&IC 241.1 (c), liaisons have been selected for each of the southern counties in the event that a joint assessment report needs to be completed.

The Southern Counties W&IC 241.1 liaisons are listed below:

Southern Counties	Liaisons
San Bernardino County	<ul style="list-style-type: none"> ▪ Paul Maiorino (909) 383-2194 CPS ▪ Linda Hutchinson Probation (909) 383-2746
Riverside County	<ul style="list-style-type: none"> ▪ Marna Miller (951) 358-4690 CPS; fax (951) 358-5835 ▪ Neil Smith (951) 358-4310 Probation
San Diego County	<ul style="list-style-type: none"> ▪ Nilanie Ramos 858-694-5793 CPS ▪ Probation Juvenile Records (858) 694-4319
Los Angeles County	<ul style="list-style-type: none"> ▪ Hector Fregoso (323) 526-6704 fregoh@dcfs.co.la.ca.us ▪ Mike Zahn – (323) 780-2149 Probation
Orange County	<ul style="list-style-type: none"> ▪ Michael Myers (714) 940-5620 michael.myers@ssa.ocgov.com ▪ Probation Department Custody Intake Officer-of-the-Day (714) 935-7632
Ventura County	<ul style="list-style-type: none"> ▪ Ventura Office (805) 654-3409 ▪ Oxnard Office (805) 240-2700 ▪ East County Office (805) 582-8062 ▪ Senior Deputy Probation Officer at the Juvenile Intake Unit - Bill Stewart. (805) 652-5716.
Santa Barbara County	<ul style="list-style-type: none"> ▪ Yolanda Perez (805) 681-4491 DCFS yperez@co.santa-barbara.ca.us ▪ Juvenile Probation Dept (805) 737-7825
Imperial County	<ul style="list-style-type: none"> ▪ Javier Duran (760) 337-7702; jd7739@cws.state.ca.us ▪ Gloria Munoz-De Leon, Juvenile Division Manager (760) 339-6214 gloriadeleon@imperial.net

Note: Telephonic contact has been proposed by members of the Policy Implementation Committee for Southern Counties when 241.1 (c) applies.

Dated this _____ Day of _____, 2005

Marie Whittington
Chief Probation Officer
Riverside County
Probation Department

Cynthia Hinckley
Director
Riverside County
Department of Public Social Services

In accordance with Section 827
W&IC, I hereby authorize release
of information between
Department of Public Social
Services and Probation as cited in
the MOU.

In accordance with Section 1203.10 of
the Penal Code, I hereby authorize
release of information between
Department of Public Social Services
and Probation as cited in the MOU.

Becky Dugan
Presiding Judge of the Juvenile
Courts
Of the Consolidated/Coordinated
Courts of the County of Riverside

Sharon Waters
Presiding Judge of the
Consolidated Courts of the County of
Riverside