



**CONTRA COSTA COUNTY
WELFARE AND INSTITUTIONS CODE
§ 241.1(b) INTER-DEPARTMENTAL PROTOCOL**

This Inter-Department Protocol is entered into by and between Contra Costa County Department of Children and Family Services (Child Welfare) & Contra Costa County Probation Department Juvenile Division (Probation).

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I. Purpose of the Protocol

Pursuant to Welfare and Institutions Code (WIC) section 241.1 and California Rule of Court 5.512, this protocol sets forth the procedures to be implemented between the Probation Department (Probation), Children and Family Services (CFS) and the Human and Employment Services Department when a minor appears to come within the description of both Welfare and Institutions Code sections 300 and 601 or 602. WIC section 241.1 directs the county probation and child welfare departments to jointly develop a written protocol to coordinate a thoughtful assessment and set of recommendations to initially determine which status will serve the best interests of the minor and the protection of society. The recommendations shall be presented to the juvenile court, and the court will determine which status is appropriate for the minor. In Contra Costa County, the Dual Jurisdiction Committee has been formed to conform to the mandates of WIC 241.1 and Cal. Rule of Court 5.512 in establishing the procedural steps to be followed in coordinating the Joint Assessment Report.

II. Application of the Protocol

The procedures set forth in the Inter-Departmental Protocol shall be implemented in regard to a youth when recommended by CFS or Probation and/or ordered by the juvenile court. The Dual Jurisdiction Committee will conduct a joint assessment meeting, and prepare and submit a Joint Assessment Report (hereafter referred to as "Report"). The Report must include the joint recommendations of Probation and CFS, if they agree upon the status that will serve the best interests of the child and the protection of society, or the separate recommendation of each department if they do not agree. The Report must also include the delineated information outlined in Cal. Rule of Court 5.512 (d). The Report must be provided to the child, child's parent or guardian, all attorneys of record, any CASA volunteer, and any juvenile court having jurisdiction over the child. The author of the Report is responsible for ensuring copies are distributed to all parties.

III. Administrative Agreements

The Probation Department and CFS shall:

- Identify an agency representative in their respective department's to facilitate communication between said departments for assessment and recommendations for minors that may fall within W&I 300, 601, and 602.
- Immediately notify the other department when a minor may come within the description of both WIC 300 and 602.
- Provide assistance with timely confirmation that a youth is under the jurisdiction of the other department. During business hours Probation will access information through CWS/CMS and CFS may contact the Officer of the Day (925) 313-4000. During non-business hours Probation may obtain information through the CFS Hotline (877) 881-1116, and CFS may obtain information from the Intake Unit at Juvenile Hall (925) 957-2726.
- Assign management and/or supervisory staff to convene the Dual Jurisdiction Committee and to serve as the agency representative at the Joint Assessment meeting and 241.1 Hearing.
- Empower the assigned manager and/or supervisor with the authority to make case decisions for Joint Assessment Team.

- Determine if a single WIC 241.1 Joint Assessment Report will be written following the meeting or if two Reports will be needed.
- In situations wherein an agreement has been reached, the Report must contain the recommendation and the reasoning of both departments.
- Submit the written recommendation of the Dual Jurisdiction Committee to the Juvenile Court.
- Collect, compile, and report data in order to evaluate the protocol pursuant to WIC 241.2.
- Abide by the decision of the Dual Jurisdiction Committee, unless modified by the Juvenile Court.

IV. Out of County Jurisdiction

The Probation Department and CFS agree to:

- Identify an out of county contact person in their respective departments to facilitate participation in the Joint Assessment meeting from other counties
- Initially determine which status will best serve the best interests of the minor and protection of society for those minors already adjudicated in Contra Costa County
- Arrange and participate in a Joint Assessment meeting with staff from the other involved county
- Determine if a single Report will be written and by which jurisdiction. If the departments cannot agree on which will prepare the Report, the department in the county where the petition was or is to be filed must prepare the Report. The Report must contain the recommendations and reasoning of both the Child Welfare and the Probation Departments
- Submit the written recommendation of the Dual Jurisdiction Committee to the Juvenile Court
- Collect data in order to evaluate the protocol pursuant to WIC 241.2
- Abide by the decision of the Dual Jurisdiction Committee, unless modified by the Juvenile Court.

V. Transfer-In Jurisdiction

When a ward or a dependent youth of another county comes under 241.1 protocol within that county and their case is subsequently transferred to Contra Costa County Juvenile Court a new 241.1 Joint Assessment between CFS and Contra Costa County Probation will be ordered and a disposition hearing should be calendared.

VI. Order for Joint Assessment

Upon order of the court or agency agreement for a 241.1 Hearing, the Departments shall convene a Joint Assessment meeting and submit a report(s) of assessment and recommendations to the Court and parties within 10 court days.

VII. Notification Requirements

The Court Officer in Delinquency Court will notify the designated Probation Contact by email that a Joint Assessment has been ordered and copy of the court order shall be attached to the email.

Upon receipt of the order from the Delinquency Court, the Probation Contact immediately notifies the assigned DPO and designated CFS Contact. CFS is responsible for notifying the appropriate Social Worker (SW) or unit within CFS.

Orders from the Dependency Court are routed by the Dependency Court Officer to the designated CFS Division Manager.

The CFS Division Manager will immediately notify the designated Probation Contact and the appropriate CFS staff. Probation is responsible for notifying the appropriate Deputy Probation Officer (DPO) within Probation.

CFS / social workers are responsible for timely notifications to Court Appointed Special Advocates (CASAs). CASAs are allowed to provide a statement to the Dual Jurisdiction Committee for consideration, and the Report shall include the statement of the CASA.

CFS / social workers are responsible for timely notifications to dependency attorneys.

Probation is responsible for timely notifications to delinquency attorneys. Attorneys are allowed to provide a statement to the Dual Jurisdiction Committee for consideration, and the Report shall include the statement(s) of the attorney(s).

At least five calendar days before the court hearing for receipt of the Report, notice of the court hearing and copies of the Report must be provided to the youth, the youth's parent or guardian, all attorneys of record, any CASA volunteer, and any other juvenile court having jurisdiction over the youth.

VIII. Joint Assessment

The meeting for the Joint Assessment may be conducted in person or via video or conference call, or a combination thereof. Generally, these meetings will occur on the 1st and 3rd Tuesday of each month beginning at 9 AM. The location of the meetings will be determined through an agreement by the involved parties.

CFS and Probation staff are responsible for completing the Joint Assessment Form for use by the Dual Jurisdiction Committee in the Joint Assessment.

The following individuals are part of the Dual Jurisdiction Committee and they or their designee, are to be a party to the Joint Assessment:

- The supervisors and / or managers empowered by their respective department to make WIC 241.1 recommendations
- The case-carrying SW, emergency response SW, or assigned supervisor
- The assigned DPO or supervisor

As a best practice, the following parties shall be noticed of and allowed to submit information for consideration in the Joint Assessment, as appropriate, and shall be permitted to submit information and recommendations for the hearing and/or if the youth has identified needs:

- Intensive Care Coordinators (ICCs)
- Assigned Mental Health Worker and/or Mental Health Liaison
- CASA
- CSEC Case Specialist
- Foster Youth Educational Liaison or other educational partner

IX. 241.1 Hearing

If the youth is detained, the hearing on the Joint Assessment Report 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 hearing on the Joint Assessment must occur before the Jurisdictional Hearing and within 30 days of the date of the petition. The juvenile court must conduct the hearing and determine which type of jurisdiction over the youth best meets the youth's unique circumstances.

X. Joint Assessment Report

As a general rule, when the Delinquency Court is ordering the WIC 241.1 Joint Assessment, the Joint Assessment Report will be completed by Probation. When the order emanates from the Dependency Court, CFS will complete the Report.

The Report must contain the joint recommendation of the Probation and Child Welfare Departments if they agree on the status that will serve the best interest of the minor while also protecting the community. Contra Costa County has adopted a "lead court / lead agency" system; either CFS or Probation will be the lead agency. The lead court/lead agency shall be responsible for case management, conducting statutorily mandated court hearings, and submitting court reports.

The Report must also include:

- 1) A description of the nature of the referral;
- 2) The age of the youth;
- 3) The history of any physical, sexual, or emotional abuse of the youth;
- 4) The prior record of the youth's parents for abuse of this or any other youth;
- 5) The prior record of the youth for out-of-control or delinquent behavior;
- 6) The parents' cooperation with the youth's school;
- 7) The youth's functioning at school;
- 8) The nature of the youth's home environment;
- 9) The history of involvement of any agencies or professionals with the youth and his or her family;
- 10) Any services or community agencies that are available to assist the youth and his or her family;
- 11) An evaluation of community protection and the youth's safety;
- 12) A statement by any counsel currently representing the youth;
- 13) A statement by any CASA volunteer currently appointed for the youth
- 14) Other factors deemed relevant by the parties

XI. Dispute Resolution

When there is a disagreement between the Probation Department and CFS concerning the most appropriate recommendation on the legal status for a youth, each department shall prepare a Report for consideration by the Juvenile Court Judge. The Court maintains the final authority on all jurisdictional matters affecting the youth.

XII. Information Sharing

CFS and Probation will share all relevant information in their respective records and files on the child/youth and family. This information will also be shared with the Dual Jurisdiction Committee and participants in the Joint Assessment meeting. All parties must safeguard the records received from other departments.

Case record information includes:

- Court reports
- Referral information
- School records
- Mental health assessments
- Third-party reports
- All information relevant to the WIC 241.1 Joint Assessment
- CSEC-related information e.g., CSE-IT results, CSEC case planning activities

XIII. 602 Wards With 300 Concerns

When a detained WIC 602 Ward's custodial commitment or maximum confinement time will be exhausted in 30 days or less, and release to the family is unfeasible due to one or more of the following:

- 1) Return home to the parent would put the child/youth at risk for abuse/neglect as defined by WIC 300.
- 2) Return home to the parent is not possible because the parent either refuses to provide provision of care or their whereabouts are unknown.
- 3) Return home to the parent is not possible because this child/youth was previously a dependent before being moved to WIC 602 status and WIC 300 conditions still exist.

Probation will follow their Family Findings protocol. If appropriate caregivers are not identified, Probation will recommend a WIC 241.1 Joint Assessment and the Dual Jurisdiction Committee will conduct a Joint Assessment within 30 days prior, or at least 15 days prior, to the youth's release date. Probation may add the matter to calendar requesting a WIC 300 petition be filed depending on the outcome of the Joint Assessment.

In the event the Delinquency Court unexpectedly dismisses a WIC 602 matter, and release to the family is unfeasible due to one or more of the following:

- 1) Return home to the parent would put the child/youth at risk for abuse/neglect as defined by WIC 300.

- 2) Return home to parent is not possible the parent refuses to provide provision of care or their whereabouts are unknown.
- 3) Return home to the parent is not possible because this child/youth was previously a dependent before being moved to or considered for WIC 602 status, and WIC 300 conditions still exist.

The Probation Court Officer shall immediately notify the designated Probation point of contact. Communication with CFS will commence forthwith, as continued detention of the youth is not an option. Probation will immediately contact CFS regarding the abandoned child / youth.

Probation will make efforts to identify and locate appropriate caregivers, and will document those efforts. If appropriate caregivers are not available, Probation will notify CFS through the Hotline number to request that CFS conduct an assessment to determine if the minor comes under WIC 300.

For matters where wardship is active and Probation suspects child abuse, as mandated reporters, Probation shall contact CFS and complete a Suspected Child Abuse Report (SCAR). CFS will follow their investigation protocol which may or may not result in an immediate investigation. A WIC 241.1 Joint Assessment may be requested by either agency, or ordered by the Court.

XIV. Non-adjudicated Youth With 300 Concerns

In the event a child / youth is not under the jurisdiction of either Probation or CFS, but is booked into juvenile hall for a law violation for which the District Attorney does not file a petition by the filing deadline, the child / youth must immediately be released from detention. If release to the family is unfeasible due to one or more of the following:

- 1) Return home to the parent would put the child/youth at risk for abuse/neglect as defined by WIC 300
- 2) Return home to the parent is not possible because the parent either refuses to provide provision of care or their whereabouts are unknown
- 3) Return home to the parent would put the child/youth at risk for abuse/neglect because they have been identified as a CSEC/Y

Probation will immediately contact CFS regarding the abandoned child / youth. Probation will make efforts to identify and locate appropriate caregivers, and will document those efforts. If appropriate caregivers are not available, Probation will notify CFS through the Hotline number to request that CFS conduct an assessment to determine WIC 300.

XV. Nonminor Dependents

Pursuant to ACL 11-85, this WIC 241.1 Joint Assessment protocol reflects which agency and Juvenile Court shall supervise a minor whose jurisdiction is modified from Delinquency to Transition Jurisdiction or modified from Nonminor Dependent (NMD) under the Transition Jurisdiction of the Court, and the process in which supervision responsibility is determined when a NMD becomes a subject of adult probation supervision.

The above process will continue for minors and will incorporate the following modifications for NMDs:

- 1) The NMD will be invited to participate in the Joint Assessment
- 2) The NMD may voice a preference for which Department to oversee their case

XVI. Transition Jurisdiction

Once a minor or NMD is found to be a subject of Transition Jurisdiction (WIC 450), it is possible for either agency to supervise the NMD.

The minor or NMD, or their attorney, may request the Juvenile Court to order a WIC 241.1 Joint Assessment Report. In this case, the Dual Jurisdiction Committee will convene to determine which agency shall best serve the NMD.

The Committee shall review relevant documentation to ensure the NMD has met his or her rehabilitative goals, is no longer in Family Reunification, and is willing to sign a Mutual Agreement (SOC 162). The Committee shall make its recommendation and a Report shall be submitted to the Juvenile Court from which the WIC 241.1 order originated.

XVII. Modified Jurisdiction

Whenever a Ward's delinquency jurisdiction is modified to become a new dependency (WIC 300) jurisdiction or resume dependency jurisdiction, it is likely that the CFS agency shall supervise this case and the court case shall be held in the Dependency Court.

Whenever a Ward's delinquency jurisdiction is maintained and he or she is declared a NMD, it is likely that the Probation Department shall supervise the case and the court case shall be held in the Delinquency Court (WIC 602).

In the abovementioned situations, the Dual Jurisdiction Committee retains the ability to determine which agency will best serve a particular NMD including heavily considering the NMDs choice of supervising agency.

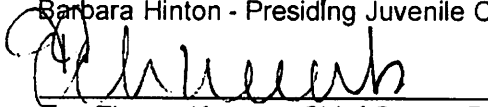
XVIII. Adult Probation Supervision


Should a NMD that was previously a Ward pursuant to WIC 602 be placed on Adult Probation, CFS and Probation have agreed that due to its unique issues, the Probation Department shall supervise these cases and the case shall remain in the Delinquency Court. Should a NMD that was previously a Dependent pursuant to WIC 300, and never involved with the Delinquency court be placed on Adult Probation, said NMD will be supervised by CFS and the court case held in Dependency Court.

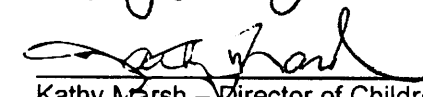
The undersigned agree to the conditions of this protocol, which can only be modified by agreement of all parties. This revised Inter-Department Protocol was initiated on January 1, 2020.

Signatures:


Barbara Hinton - Presiding Juvenile Court Judge


Esa Ehmen-Krause - Chief County Probation Officer


Kathy Gallagher - Director of Employment and Human Services Department


Kathy Marsh - Director of Children and Family Services