



COUNTY OF SANTA BARBARA
DEPARTMENT OF SOCIAL SERVICES and
PROBATION DEPARTMENT

**241.1 WIC JOINT ASSESSMENT:
CHILD COMING WITHIN 300 AND 601/602 WIC
PROTOCOL**

INTRODUCTION

Periodically children appear eligible for Child Welfare services and Probation services pursuant to Sections 300, 601 and 602 of the Welfare and Institutions Code (WIC). In Santa Barbara County, Child Welfare services are provided by the Department of Social Services (DSS) and Probation services are provided by Probation Department. The following protocol allows for Probation and DSS staff to jointly assess and recommend to the Juvenile Court which department should provide services to a child per Section 241.1 WIC.

GENERAL PRINCIPLES

It is within the Probation Department's mission to protect the community and the child, enforce Court orders, promote responsible behavior in offenders, provide information and recommendations to the Court, and provide services to the child and family. The Department of Social Services' mission is to protect the child from child abuse and neglect and serve his or her family. Both agencies strive to accomplish their missions with the least intrusive intervention and least restrictive placement possible.

In all cases involving 241.1 Joint Assessments, both agencies agree to cooperate in a timely manner, to expedite assessments and provide information to the Court, and to reach agreement whenever possible. A court order will precipitate the 241.1 WIC Joint Assessment report.

I. INTERAGENCY COORDINATION PROCESS

Probation and Social Services shall coordinate the intake and assessment of children who, after investigation by either agency, appear to come within the provisions of Section 300 and Sections 601 or 602 (WIC). If a petition is to be filed by either agency in Juvenile Court and Section 241.1 WIC applies, the Deputy Probation Officer (DPO) and the Child Welfare Services Worker (CWSW) shall conduct a 241.1 WIC Joint Assessment and include the recommendation of both departments regarding which status is most appropriate. Any 241.1 WIC Joint Assessment report filed with the Juvenile Court shall include the names and signatures of the DPO and CWSW who evaluated the case and their respective supervisors, the factors they considered in determining which Court status would be in the best interest of the child and society, and both agencies' plans for involvement in the case. Every reasonable effort will be made by the two agencies to jointly determine which venue – delinquency or dependency -- best protects the interests of the child and the safety of the community.

A Joint Assessment report is not needed if a Juvenile Court petition is not filed. However, information regarding the assessment will be entered into the respective Probation and DSS case files.

Nothing in this protocol shall prohibit the Probation Department or Social Services from providing services on a voluntary or informal basis to a child or family when delinquency or dependency status do not appear to be necessary to resolve the issues that brought the case to the attention of DSS or Probation.

II. DECISION-MAKING CRITERIA/CONTENTS OF JOINT ASSESSMENT REPORT

A. At a minimum, each of the following criteria will be evaluated to determine whether delinquency or dependency will best serve the best interests of the child and the protection of the community. The assigned CWSW and DPO are expected to make a joint visit with the child/family in order to evaluate the following criteria. The evaluation of these criteria will be included in any 241.1 WIC Joint Assessment report filed with the Juvenile Court.

1. Nature of Referral. The behavior leading to the application for wardship/dependency will be evaluated.
2. Age of the Child. The age of the child will be considered.
3. Prior Record of Child's Parents for Child Abuse. The history, nature, and resolution of prior child abuse referrals will be considered.

4. The Child's Prior Record of Out-of-Control or Delinquent Behavior. The history, nature, and resolution of prior delinquent behavior referrals will be considered.
5. The Parent's Cooperation with the Child's School. The ability of parents and school to provide appropriate support, education, and behavior controls will be considered.
6. The Child's Functioning at School. Disruptive behavior in the school setting, particularly aggressive and destructive behavior will be considered.
7. The Nature of the Child's Home Environment. The degree of the parent's inability or unwillingness to provide a minimum sufficient level of care will be considered. The family's neighborhood and type/extent of influence of the child's peers will be considered.
8. Records of Other Agencies. It is important to obtain and consider information from all agencies known to have been involved with the child and his or her family. The agency that was ordered in Court to initiate the 241.1 assessment is responsible for obtaining criminal history reports on the parents and other adults who would potentially reside in the home with the child. This information will be shared between the two agencies.
9. Statement of any Court Appointed Special Advocate (CASA) representing the child. Child Welfare Services caseworker will assume responsibility for obtaining a statement from CASA when CASA is representing the child.
10. Additional Factors to be considered and reported to the Court in a narrative section entitled "Additional Factors":
 - Domestic violence in the home
 - Parental incarceration
 - Sibling incarceration
 - Substance abuse by child and/or parents
 - Level of parental involvement
 - Gang affiliation of the child
 - Prior CWS services offered to the family and utilized
 - Prior Probation services offered to the family and utilized
 - Availability of community service agency to assist the child/family

- B. The Joint Assessment report shall state that the report was jointly developed by both departments and it shall summarize the assessment findings and state the reasons for the recommendations. The 241.1 Joint Assessment Report will be one unified report which includes signatures of the Child Welfare Services caseworker, DPO, and their respective supervisors.

III. CIRCUMSTANCES TRIGGERING A 241.1 JOINT ASSESSMENT REPORT

A. CASES WHERE THE CHILD IS NEITHER A WARD NOR A DEPENDENT

1. When the CWSW processes an application for dependency pursuant to Section 300 WIC, and obtains information which seems to warrant the filing of a Juvenile Court petition pursuant to Section 602 WIC, that information is passed to the Child Welfare Services Supervisor. The Child Protective Services Supervisor (CWSS) will contact the respective Supervising Probation Officer (SPO). The SPO will assign and arrange the case to be investigated by a DPO.
2. If, at any time during the course of their work, Probation Department staff obtain information which causes them to believe that the child is in imminent danger of abuse or neglect while the child remains in, or is returned to the family residence, Probation staff will immediately call and file a report with DSS alleging their concerns regarding suspected child abuse or neglect as is required by law. The DPO and the CWSW assigned to assess the case will discuss the case as it relates to determining which venue would best serve the interests of the child and the protection of the community.
3. If both agencies agree, they will forward their case file materials to their respective Supervisors for review. The agency selected to provide services (hereafter known as the filing agency) will process the application for a Juvenile Court petition, and submit a complete 241.1 WIC Joint Assessment report to the Juvenile Court.
4. If they do not agree, the matter will be referred up the chain of command as outlined in Section V (Conflict Resolution). The agency selected as the filing agency will submit a Juvenile Court petition and will include the recommendation of the other agency in the 241.1 WIC Joint Assessment report. Staff in each agency will act promptly and efficiently, being mindful of the

deadlines as specified in Sections 315, 329, 632, and 653.7 WIC, and of the interim security of the child, and protection of the community.

5. In those cases where the District Attorney declines to file a Juvenile Court petition or the Juvenile Court dismisses the Juvenile Court petition, the filing agency shall notify the other agency.

B. REQUESTS FOR A 241.1 JOINT ASSESSMENT DURING JUVENILE DEPENDENCY (300 WIC) OR WARDSHIP (601/602 WIC) PROCEEDINGS:

1. When child abuse or neglect is suspected involving a child who is a ward or probationer, the DPO shall immediately contact DSS to inform Child Welfare Services that a 241.1 assessment is indicated/ordered. When a child in the dependency system appears to come within the description of wardship (601/602 WIC), the CWSW will contact the Probation Department to inform them that a 241.1 assessment is indicated/ordered.
 - a. The assigned CWSW and the assigned DPO will work together to conduct a joint assessment of the child and family, assuring that all components in Section II are addressed. The assigned CWSW and the DPO are expected to make a joint visit with the child/family in order to evaluate the criteria listed in Section II. If a joint visit is not possible, at minimum, the CWSW and DPO will discuss their findings prior to writing and submitting the report.
 - b. The agency that was ordered in Court to initiate the 241.1 Assessment is responsible for preparing the 241.1 Joint Assessment Report that will provide the Court with information and assessment on factors listed in Section II, will include information from both departments, will include the recommendation and reasons for the recommendation, and the signatures of both the assigned CWSW, DPO, and their respective supervisors. The agency not preparing the report is responsible for assuring that the writer of the report has received information necessary for the report. This can be done via e-mail transmission, fax, or hard copy. The 241.1 Joint Assessment Report will be submitted in a timely fashion to the Juvenile Court.

- c. If both agencies agree that dependency status is appropriate, the CWSW will submit an application for petition under the provisions of Section 300 WIC along with a 241.1 WIC Joint Assessment report.
 - d. If both agencies agree that delinquency venue is appropriate, the proper paperwork will be submitted to support that recommendation under the provisions of Section 601/602 WIC.
 - e. When agreement is not reached, the case will be referred via the chain of command for resolution – See Section V – Conflict Resolution.
2. When the Probation Department seeks termination of wardship and/or probation, but cannot return the child to the home due to the potential for abuse/neglect, or there is no home to return the child to, the DPO shall secure a court order for a 241.1 WIC Joint Assessment to be conducted and then contact CWS for the assessment to be completed. This should be done a minimum of 30 days before the termination of wardship or probation.
 - a. If both agencies agree that dependency is appropriate, the CWSW will submit an application for petition under the provisions of Section 300 WIC along with the jointly developed 241.1 Joint Assessment Report (in full format) prepared and filed by the Probation Dept.
 - b. When agreement is not reached, the case will be referred via the chain of command for resolution – See Section V – Conflict Resolution.
3. In those cases where the circumstances of the allegations require immediate action on the part of DSS, the CWSW will contact the DPO managing the Probation case, and they will make a joint recommendation to the Juvenile Court regarding the child's status.

C. INTER-COUNTY TRANSFER CASES

1. When a delinquency case is received as a transfer from another county and the child is an existing dependent in Santa Barbara County, procedures shall be followed as outlined in Section B above.
2. When a dependency case is received as a transfer from another county and the child is an existing ward under Section 601 or 602

WIC in Santa Barbara County, procedures shall be followed as outlined in Section B above.

D. Cases Where the Youth or Non-Minor Dependent Meets the AB 12), Transition Jurisdiction (W&IC section 450), Dependency Jurisdiction (new or resumed W&IC section 300), or Maintaining Delinquency Jurisdiction (602

Foster youth under the supervision of probation may be eligible to continue in the EFC Program in one of three jurisdictional statuses: transition jurisdiction, dependency jurisdiction (new or resumed), or continued delinquency jurisdiction.

The definitions and criteria for these statuses are described in detail below. The process for determining which agency (Child Welfare Services or Probation) will assume/retain case management will be discussed following this section.

Per W&IC section 607.2(a) wards meeting the following criteria are eligible for one of the three jurisdictional statuses for the purpose of participating in the EFC Program.

For **minor** wards who:

- a. Are older than 17 years, five months, but not yet 18 years, **AND**
- b. Were subject to an order for foster care placement as dependents of the court at the time the court adjudged them a ward who has not previously been subject to the jurisdiction of the court as a result of a petition filed pursuant to W&IC section 325, **OR**
- c. Were subject to an order for foster care placement as dependents of the court at the time the court adjudged them a ward of the court under W&IC section 725, **OR**
- d. Were subject to an order for foster care placement as a ward that had not been under court jurisdiction as a result of a petition filed pursuant to W&IC section 325.

For **non-minor** wards who are:

- a. Age 18 and older, **AND**
- b. Were subject to an order for foster care placement as a ward on the day of attaining 18 years of age.

Termination of the court's delinquency jurisdiction would normally happen after wards complete their formal probation. For eligible wards (as described above) the court may continue juvenile court jurisdiction for purposes of participation in EFC.

In addition to meeting the criteria described below for transition or dependency jurisdiction, **the NMD must also meet one of the five participation criteria** as described in ACL 11-69 to participate in the EFC Program.

1) Eligibility for Transition Jurisdiction (W&IC section 450)

Transition jurisdiction is a new status that allows older probation wards who have met the rehabilitative goals set forth in their case plan and who meet the criteria below to remain in foster care. Transition jurisdiction is for wards that are older than 17 years, five months. The difference in eligibility for transition jurisdiction between minors and non-minors is explained below. At a hearing in which termination of jurisdiction over a ward is considered, the court may modify its order of jurisdiction and assume transition jurisdiction over the ward pursuant to W&IC section 450 if all of the following criteria are met:

a. For minors:

- (1) The ward is older than 17 years, five months and younger than 18 years and in foster care placement.
- (2) The ward was removed from the physical custody of his/her parent(s) or legal guardian and was either:
 - (a) Adjudged a ward under W&IC section 725, and ordered into foster care placement **OR**
 - (b) Removed from parent(s) as a dependent of the court with an order for foster care placement as a dependent in effect at the time the court adjudged him or her to be a ward of the juvenile court under W&IC section 725

- 1) Rehabilitative goals of the case plan have been met and jurisdiction over the youth as a ward is no longer required,
- 2) Reunification services have been terminated,

- 3) A hearing has not been set for termination of parental rights or the establishment of a guardianship,
- 4) The return of the minor to the parents or legal guardian would create a substantial risk of detriment to the minor's safety, protection, or physical or emotional well-being, and
- 5) The minor has expressed intent to sign a Mutual Agreement (SOC 162) with the responsible agency for placement in an eligible placement as a NMD and agree to meet one of the five federal participation criteria.

b. For non-minors

- (1) The ward is in foster care placement and attained age 18 while subject to an order for foster care placement and has not attained age 19 before January 1, 2012, or age 20 before January 1, 2013, or age 21 before January 1, 2014 (contingent upon legislative appropriation),
- (2) The ward was removed from the physical custody of his/her parent(s) or legal guardian and was either:
 - (a) Adjudged a ward under W&IC section 725, and ordered into foster care placement **OR**
 - (b) A dependent of the court with an order for foster care placement as a dependent in effect at the time the court adjudged him/her to be a ward of the juvenile court under W&IC section 725:
 - 1) Rehabilitative goals of the case plan have been met and jurisdiction over the youth as a ward is no longer required.
 - 2) The ward has signed the SOC 162 or the SOC 163, Voluntary Reentry Agreement (VRA), with the responsible agency for placement in an eligible placement as a NMD and meets one of the five federal participation criteria.

2) Eligibility for Dependency Jurisdiction (New or Resumed W&IC section 300)

The AB 212 provides an alternate path for wards that do not meet the criteria for W&IC section 450 and cannot be returned home safely to have delinquency status modified to dependency status

under W&IC section 300. Wards eligible for dependency status are those who:

- a. Met their rehabilitative goals.
- b. Are younger than age 18 and not eligible for W&IC section 450.
- c. Come within the description of W&IC section 300 and cannot be returned home safely.

During a hearing to terminate jurisdiction over a ward who meets the above criteria, per W&IC section 607.2(b), the court may either:

- a. For minor wards who were never dependents– Order the probation department or ward’s attorney to submit an application to the child welfare services department to modify the jurisdiction from delinquency to dependency if the ward meets all of the following criteria in addition to criteria described above:
 - (1) Was not previously subject to the jurisdiction of the court as a result of a petition filed pursuant to W&IC section 325.
 - (2) Does not come within the description of W&IC section 450. **OR**
- b. For minor wards who were prior dependents– Vacate the previous order terminating dependency jurisdiction over the minor and resume jurisdiction pursuant to W&IC section 300 based on the prior dependency petition if the minor was subject to a foster care placement order and a dependent at the time of being adjudged a ward under W&IC section 725. Delinquency jurisdiction would be terminated.

3) **Maintaining Delinquency Jurisdiction (W&IC section 602)**

A ward can also participate in the EFC Program while remaining under delinquency jurisdiction on or after their 18th birthday, provided that:

- a. They are on an order for foster care placement that occurred no later than their 18th birthday and are not yet 19 years old, or 20 years old in 2013, or possibly 21 years old in 2014, **AND**
- b. They are participating in, or there is an agreement, to satisfy one of the five EFC Program participation criteria which must be documented in the Transition Independent Living Plan (TILP) see ACL 11-69.

Those NMDs who continue under delinquency jurisdiction and are still subject to the terms and conditions of probation are not voluntarily remaining in foster care and the Mutual Agreement for

EFC (SOC 162) is not required. However, if those wards are meeting participation criteria for the EFC Program, Probation Officers (POs) must ensure the wards understand that changes in EFC eligibility must be reported. Additionally, the Six-Month Certification of EFC Participation (SOC 161) must be completed by the POs and sent to the Eligibility Worker (EW) as this authorizes the AFDC-FC payment. Changes in eligibility are reported to the EW.

Once the wards have met their rehabilitative goals, the NMD can choose to voluntarily participate in the EFC Program under juvenile court jurisdiction. At this point it will be required for the NMDs to sign the SOC 162. If a ward declines to become a NMD (participate in the EFC Program) that does not restrict the authority of the court to retain delinquency jurisdiction pursuant to W&IC section 607

4) Process for determining which agency (CWS or Probation) will assume/retain case management

DSS and the Probation Department recognize that the dynamics of cases and the needs of individual youth may call for supervision to be maintained by one agency. Therefore supervision can ultimately be transferred. Thus, both departments agree that the recommendation for supervision of cases will be done on a case-by-case basis with the involvement and best interests of the involved youth considered.

- a. Generally, eligible wards over the age of 18 who elect to participate in extended foster care services shall remain under the supervision of the Probation Department as a Non-Minor Dependent (NMD) while engaged in and eligible for specified services
- b. Eligible wards older than 17 years, five (5) months, but younger than 18 years of age under a W&IC 450 may have their status modified pursuant to this protocol to that of transition jurisdiction under the supervision of DSS if it is determined that the youth will be best served by DSS rather than Probation
 1. Prior to the 727.2 hearing, if the DPO supervisor feels that the youth would be best served by CWS, the DPO supervisor will contact the CWS supervisor to discuss if both parties are in agreement and apprise CWS of Probation's intention to recommend a 241.1 be ordered. This is a courtesy in order to give CWS a "heads-up" as to what Probation intends to recommend to the court.

- a. If an agreement was made to modify the jurisdiction from delinquency to dependency, the process would be the same as the 241.1 process stated in Section III B of this protocol except that Probation will be the lead agency for writing the report.
 - b. If there was not an agreement, refer to Section V of this protocol.
- c. Eligible wards who are younger than 18 years of age and who are not eligible for W&IC 450 status may also have their status modified pursuant to this protocol to that of Dependency Jurisdiction under the supervision of DSS if it is determined that the youth will be best served by DSS rather than Probation.
- 1. Prior to the 727.2 hearing, if the DPO supervisor feels that the youth would be best served by CWS, the DPO supervisor will contact the CWS supervisor to discuss if both parties are in agreement and apprise CWS of Probation's intention to recommend a 241.1 be ordered. This is a courtesy in order to give CWS a "heads-up" as to what Probation intends to recommend to the court
 - a. If an agreement was made to modify the jurisdiction from delinquency to dependency, the process would be the same as the 241.1 process stated in Section III B of this protocol except that Probation will be the lead agency for writing the report.
 - b. If there was not an agreement, refer to Section V of this protocol

IV. TIMELINES FOR FILING 241.1 WIC JOINT ASSESSMENT REPORTS

In cases where the child appears to come within the provisions of both section 300 and 601 or 602 of the Welfare and Institutions Code, and a Juvenile Court petition is filed the following timelines shall apply:

A. NON-CUSTODY CASES

- 1. If the child is not in custody, the 241.1 WIC Joint Assessment report shall be filed with the Juvenile Court within the standard report filing deadlines prior to the initial hearing on the Juvenile Court petition.

B. CUSTODY CASES

1. If the child is in custody and a Juvenile Court petition must be filed within 48 hours, the Agency that has custody of the child shall immediately contact the other agency to initiate a 241.1 WIC Joint Assessment. The DPO and CWSW will discuss the child's Juvenile Court status, the nature of the alleged circumstance(s), and the plan that is most likely to be in the best interest of the child and provide for the protection of society. If a Juvenile Court petition is filed and the initial 241.1 WIC Joint Assessment indicates that further investigation is necessary regarding the alleged child abuse, neglect, or delinquency, the filing agency shall include the information regarding the 241.1 WIC Joint Assessment in the initial Detention Report filed by DSS or Detention Memorandum filed by Probation with the Juvenile Court. A continuance shall be requested and a full 241.1 WIC Joint Assessment report shall be prepared and filed with the Juvenile Court prior to the next court hearing.

V. CONFLICT RESOLUTION

If the DPO and CWSW cannot agree on the appropriate Juvenile Court venue that would best protect the interests of the child and the safety of the community, the issue will be referred to their respective Supervisors.

If respective Supervisors cannot agree, the issue will be referred to the respective Probation Manager and DSS Division Chief.

If the Probation Manager and DSS Division Chief cannot reach agreement, separate recommendations will be submitted to the Juvenile Court in one unified report explaining that the matter was taken up the chain of command without resolution. The Juvenile Court will serve as the final arbitrator.

VI. EXCHANGE OF INFORMATION

Pursuant to 241.1 WIC, the Probation Department staff and the Social Services Department staff will exchange information regarding the child's history of abuse and neglect as well as the child's history of delinquency and out-of-control behavior, both in a verbal format and/or through photocopies of each other's case files. Due to the possibility of the child's record later being ordered sealed by the Juvenile Court, each agency agrees to track the release of information of the materials contained in their respective case files.

COURT DISPOSITION

Upon evaluating the 241.1 WIC Joint Assessment, the Juvenile Court will make a finding regarding which Juvenile Court venue is in the best interest of the child and the community. The coordinating DPO and CWSW will make immediate arrangements for the appropriate placement of the child as soon as the decision is made.

If the Juvenile Court retains jurisdiction as recommended, the agency retaining the case shall notify the other agency of the Juvenile Court status, and shall coordinate any services that may be provided informally by the agency that will not have Juvenile Court jurisdiction. The Juvenile Court may order the child's 602 WIC status terminated and 300 WIC proceedings initiated, or vice versa. In either event, the assigned DPO and the CWSW shall make the appropriate arrangements regarding the legal status and case plan of the child. The DPO and the CWSW shall also coordinate any placement and service changes.

SERVICE DELIVERY

Pursuant to Title IV-E, Welfare and Institutions Code and Division 31 regulations, the following services will be provided by either CWS or Probation; whichever is designated as supervising the case. Services may include, but are not limited to:

Pre-Placement Preventative Services: Provide pre-placement preventative services prior to a placement into foster care and document in the case record why provision of these services was not successful in maintaining the child with his/her family.

Written Assessment and Case Plan: Develop a written assessment and case plan for each child. The case plan is developed jointly by the CWSW/DPO, the child, and the child's parents in which the CWSW/DPO ensures that the identified needs of the child and the family are addressed with the child and parent having access to necessary services. Aspects of the case plan may include, but are not limited to:

- Developing a case or service plan for a child including the initial case plan
- Working with foster or adoptive parents to prepare them to receive a child
- Case and administrative reviews, case conferences or permanency planning meetings
- Case management and supervision

- Evaluation or assessment of the child and family condition and referral to services
- Development of goals, written service agreements and other supervisory activities
- Routine contacts, other monitoring and/or communication with biological parents or substitute care providers on the status of the child, the case plan goals for the child and the family and administrative procedures of the agency
- Interstate Compact on Placement of Children (ICPC) activities
- Post-adoption services
- Arranging for medical services, including arranging for admission to hospitals or medical facilities
- Liaison with medical providers and assistance in implementing a health regimen
- Development of health and education plans
- Development of Independent Living Plan
- All planning assessments and paperwork which contribute to the above activities
- Travel associated with the above activities

Reviews: Ensure that the status of each child is reviewed periodically as determined by the Court, but not less frequently than once every six (6) months at the Status Review Hearings (WIC 11400(i), 11404.1, 16501.1(f)(9)). While preparing the review report, the active agency providing service will check with the "on hold" agency for any new information that the "on hold" agency may have obtained since the last assessment. The Court shall determine:

- The continuing necessity for and appropriateness of the placement;
- The Agency has complied with the case plan by making reasonable efforts to return the child to a safe home and to complete whatever steps are necessary

to finalize the permanent placement of the child;

- The extent of the child's/parent's compliance with the case plan;
- The extent of progress which has been made toward alleviating or mitigating the causes necessitating out-of-home care placement; and
- To project the likely date by which the child may be returned to and safely maintained in the home, placed for adoption, appointed a legal guardian, placed permanently with a relative, or placed in another planned permanent living arrangement (43 USC 6719(A)(15)(B), (C); 42 USC 675(5)(B); 45 CFR 1355.34(c)(2)(ii); 45 CFR 1356.21(h)(2); 45 CFR 1355.20))
- The services set forth in the case plan shall include those needed to assist the child in making the transition from foster care to independent living (children 16 years or older).

 7/19/12
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 7/27/12
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