

DEL NORTE COUNTY AGREEMENT AND PROTOCOL
WELFARE AND INSTITUTIONS CODE SECTION 241.1
REPORTS FOR JUVENILE COURT

The Chief Probation Officer of Del Norte County and the Director of Del Norte County Department of Health and Human Services, in consultation with the Presiding Judge of Del Norte County Superior Court, enter into the following agreement:

Welfare and Institutions Code Section 241.1 requires that when a minor appears to come within the description of both Section 300 and Section 601 or Section 602 of the Welfare and Institutions Code, the county Probation Department (Probation) and the county Child Welfare Services department (CWS)(jointly “Agencies”) shall determine which status, Wardship, Dependency, or Dual, will serve the best interests of the minor and the protection of society, pursuant to a jointly developed written protocol as described in Section 241.1(b).¹ This agreement is such a protocol.

- I. Procedure for Determining Eligibility for Dual status
 - A. In order to be eligible for dual jurisdiction status, the minor and family must present issues that would justify the filing of a petition by both CWS and Probation according to the criteria of each agency.
 - B. In all cases in which a 241.1 report has been ordered by the Court, Probation will notify CWS or CWS will notify Probation by email of the 241.1 order within 24 hours from the date the 241.1 order was made.
 - a. Additionally, a dependent minor’s attorney will be given notice by Probation upon the filing of a 602 petition.
 - C. A dual status recommendation must be made jointly by Probation and CWS. The agencies will make recommendations that most effectively serve the minor’s best interest. The primary reasons for a dual status recommendation are:

¹ Unless otherwise specified, all further references to code sections refer to the California Welfare and Institutions Code.

1. There is no parent or guardian available to provide proper custody for the minor
 2. The parent or guardian is not able to give adequate care and supervision, and after wardship is terminated continued dependency may be necessary to protect the minor.
 3. Specific circumstances occur when a minor is a ward of the Juvenile Court which fall under Section 300, and the minor cannot be adequately protected without instituting a Section 300 status.
 4. Where a minor is a Section 300 dependent but needs containment or control for the purposes of effective substance abuse, sexual offender, or other treatment related to their underlying offense.
 5. Where a minor cannot be safely housed in a foster care setting due to being a danger to himself/herself or others.
- D. The agencies will present their joint recommendations to the Court at a hearing held pursuant to Section 241.1, and the Court shall determine which status is appropriate.
- E. The Section 241.1 report that is jointly written by both agencies shall consider, but not be limited to, the following factors:
1. The nature of the referral.
 2. The age of the minor.
 3. Any prior history of physical, sexual or emotional abuse of the minor.
 4. Any prior record of child abuse by the minor's parents.
 5. Any prior record of out-of-control or delinquent behaviors by the minor
 6. The parents' cooperation with the minor's school.
 7. The minor's functioning at school.
 8. The nature of the minor's home environment.
 9. The history of involvement of any agencies or professionals with the minor and his or her family.
 10. Any services or community agencies that are available to assist the minor and his or her family.
 11. A statement by any counsel currently representing the minor.
 12. A statement by any Court Appointed Special Advocate currently appointed for the minor.

13. Records of other agencies which have been involved with the minor and his or her family.
 14. Indian Child Welfare Act (ICWA) status and factors if applicable.
 15. The advantages of having both dependency and delinquency services available for the minor and the minor's family.
 16. The results from assessment tools used by both agencies.
- F. The Agencies have agreed to use a "Lead Agency" system which will be enacted as follows:
1. Probation and CWS shall jointly assess and produce a recommendation for the court regarding which agency shall assume the primary supervisory role. If a joint recommendation cannot be reached, a lead agency shall be chosen subject to Section II of this protocol.
 2. With one agency designated as the lead agency, the agencies will work together to enhance supervision and services for problematic cases, and develop case plans utilizing the most appropriate services available to address the needs of the crossover minor. The agencies will meet in person routinely to determine the ongoing case needs and facilitate reunification when appropriate.
 3. The designated lead agency will be responsible for case management, completing any statutorily mandated reports, and conducting statutorily mandated court hearings..
 4. The secondary agency will be responsible for providing supplemental services not to replicate those provided by the lead agency.

II. Resolution of Issues

- A. Both agencies commit to resolving any issues at the lowest staffing level possible.
- B. In the event that CWS and Probation are not able to agree on the status that would serve the best interests of the minor and protection of the public, the matter will be referred to the Multi-Disciplinary Team (MDT). If an agreement is reached, that recommendation will be made to the court. If an agreement cannot be reached in MDT, the court will be notified of the impasse and will decide if dependency, wardship, or dual status is appropriate.

III. In-Service and Designated Functions

- A. In accordance with State law and the Welfare and Institutions Code, each agency shall keep confidential all information pertaining to recipients of child welfare services in accordance with Section 10850 and the State of California Department of Social Services Manual of Policies and Procedures, Division 19.
- B. Each agency will provide cross training to the other regarding this Agreement and related data systems in order to enhance mutual understanding and implementation of its policies and procedures.

IV. Non-Minor Dependents

- A. Minors under dual status are not eligible for transition jurisdiction.
- B. In dual status cases with Probation as the lead agency, when the minor has met his/her rehabilitative goals but return home would be detrimental, the court shall dismiss delinquency jurisdiction and continue dependency jurisdiction with CWS responsible for placement. *Rule 5.812(e)(2)*

V. Transition Jurisdiction

- A. A minor solely under the supervision of Probation who attains the age of 18 while in foster care placement, has the right to remain in foster care placement pursuant to AB 12 under a mutual agreement with the agency specifying the minor's willingness to:
 - 1. Remain under the juvenile courts jurisdiction.
 - 2. Remain in a "supervised placement".
 - 3. Report changes relevant to eligibility and placement, and
 - 4. Work with the Agency on the implementation of the TILP participation activities.
- B. A transition youth in a foster care placement who has met his/her rehabilitative goals, is older than 17 years, 5 months and the delinquency court is ready to terminate jurisdiction, is eligible to have their status modified to transition jurisdiction by the delinquency court.

- C. The transition youth will have the option to remain under the supervision of Probation or to request supervision by CWS at the time that the court assumes transition jurisdiction.
- D. The case shall remain under the supervision of the assigned judge who has been presiding over the Section §602 case unless the minor also has a dependency case before another judge and both judges agree it would be appropriate for the dependency judge to retain jurisdiction.

VI. Supervision Responsibility when Transition Youth Becomes Subject to Adult Probation Supervision

- A. If an eligible transition youth is under Probation supervision, and he/she is convicted as an adult and placed under adult probation supervision, Probation will assess and evaluate appropriate supervision options taking into consideration their transition youth status.
 - 1. Should the transition youth no longer be under adult supervision, but still be eligible for transition youth status, Probation will evaluate these on a case-by-case basis with CWS to determine the proper levels of supervision and the appropriate court.
- B. If an eligible transition youth is under CWS supervision, and the transition youth is now a convicted adult under adult supervision, Probation will supervise the adult solely for the conviction by enforcing terms and conditions. The transition youth supervision will be handled by the dependency court and CWS.

VII. Tracking of Dual Status Cases (Section 241.2)

- A. On any case that is eligible for dual status, the court officer will provide the court with statistical information on that case.
- B. The Court will complete and submit the necessary statistical reports to the Administrative Office of the Courts.

VIII. Regarding Hearings for Dual-Status Minor

- A. Dual jurisdiction cases will preferably be handled by one judge having expertise in both dependency and delinquency matters. Optimally, one attorney will be assigned to represent the minor in both the dependency and delinquency cases.
- B. Joint hearings shall be calendared for dual status minors on the typical calendar for the lead agency. Detention and jurisdictional hearings will be scheduled on an as-needed basis. Both a probation officer and a social worker are required to attend any hearing regarding a dual status minor or proposed dual status minor.

IX. Confidentiality

- A. According to WIC § 827, CWS social workers and probation officers have the authority to access the information contained in the files maintained by each agency for the purpose of determining the appropriate status of the minor.
- B. All documents concerning a dual status minor shall be filed in both case files to allow for a seamless transition from wardship to dependency or vice-versa when one case is eventually dismissed.

X. Miscellaneous Provisions

- A. Court orders modifying a minor's status to dual status pursuant to this agreement shall include the findings and orders required by subdivision (f) of WIC § 241.1.
- B. When a minor becomes subject to dual status jurisdiction the dependency and delinquency judges may communicate about the minor and the dependency judge may furnish the delinquency judge with reports about the minor.

XI. Reassessment of Protocol

- A. Each agency will maintain outcome data of individual participation in the program. Any changes to the protocol must be by written agreement by all parties involved.
- B. The parties agree to review the terms of this agreement annually by June 30 of each year. The parties may terminate this agreement only upon 30 or more days written notice from one party to the other.

Signed this 30th day of July 2015

Barbara C. Pierson

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Director, Department of Health and Human Services

[Signature]

Lonnie Reyman

Chief Probation Officer, Probation Department

[Signature]

Honorable William H. Follett

Presiding Juvenile Court Judge, Del Norte Superior Court

Approved As To Form
[Signature]
Del Norte County Counsel