

SAN MATEO COUNTY

CHILDREN AND FAMILY SERVICES / PROBATION DEPARTMENT

PROTOCOL FOR [\(WIC\) Section 241.1](#), JOINT JURISDICTION

I Overview

This protocol is established in compliance with Welfare & Institutions Code [\(WIC\) Section 241.1](#) and designed to guide the San Mateo County Probation Department (Probation) and the San Mateo County Human Services Agency – Children and Family Services Department (Children and Family Services or CFS) in jointly determining whether dependency, delinquency, or dual status jurisdiction in the Juvenile Court best serves the subject youth’s while also protecting the interests of the community.

Statutes require the coordination of activities between CFS and Probation for youth who appear to fall within the description of both departments ([WIC 300](#), [WIC 601](#) or [602](#)).

CFS and Probation agree that the assigned Social Worker (SW) and the Deputy Probation Officer (DPO) will meet to discuss those instances where a minor child appears to come under the description of both WIC 300 and WIC 601 or 602.

The subsections below describe the joint planning responsibilities of SWs and DPOs in 241.1 cases, as outlined in the current Memorandum of Understanding (MOU) between CFS and Probation.

II Cases that require [\(WIC\) Section 241.1](#) joint planning

- A. Youth appears to come within the jurisdiction of both 300 and 601 or 602 of the WIC and a CPS referral is under investigation or it is recommended by either agency, and/or the Judge has set a 241.1 Joint Planning Hearing.
- B. Youth is an adjudicated 300 dependent of the Court and a 601 or 602 petition has been filed or a 241.1 hearing is recommended by either agency and/or the Judge has set a 241.1 Joint Planning Hearing.

- C Youth is an adjudicated 602 ward of the Court, and a 300 petition has been filed or a 241.1 hearing is recommended by either agency and/or the Judge has set a 241.1 Joint Planning Hearing.

III **Notice of Hearing**

- A. If the matter is a CFS case, it is CFS' responsibility to notice all parties of the pending hearing ten (10) days prior to the hearing.
 - 1. The SW will update all client notebooks to reflect parties involved in the matter (attorneys, parents/guardian, child advocates, de facto parent, and DPO).
 - 2. The SW will complete the notification form and submit to the clerical pool for processing.
- B. If the matter is a Probation case, it is Probation's responsibility to notice all parties of the pending hearing ten (10) days prior to the hearing.
 - 1. The DPO will complete the notification form and submit to the clerical pool for processing.

IV **Cases that require consultation between agencies for the purposes of Case Planning**

- A. Youth is neither a dependent (WIC 300) or a ward (601/602) of the Court, but both CFS and Probation are considering filing petitions in the Juvenile Court.
- B. Youth is an adjudicated ward and a CPS referral is under investigation.
- C. Youth is an adjudicated dependent and Probation has a pending WIC 601/602 petition.
- D. A youth receiving voluntary services through CFS, commits a law violation.
- E. A youth currently on Post-Court Informal Probation (Deferred Entry of Judgment (DEJ), 654.2, 725(a)), or Diversion Contract, and a 300 referral is being investigated.

- F. On and off hour's CFS records checks. Upon a child's entrance into Probation's intake, Probation contacts the CFS hotline to inquire about any prior child abuse reporting.

V Time Frames

- A. When a youth has a pending petition or has been adjudicated under either WIC 300 or 601/602, and a 241.1 hearing has been set, the SW and DPO shall meet face-to-face or discuss by phone conference as soon as possible but no later than five (5) days after the initial court hearing.
- B. The 241.1 Joint Planning Report will be submitted to the Court in compliance with the time frame corresponding to the type of hearing at which the 241.1 case will be heard (e.g., Jurisdictional/Dispositional Court Reports, Family [Reunification \(FR\)](#), [Family Maintenance \(FM\)](#), [Permanency Planning Reviews\(PP\)](#), and [654.2](#) Reviews, etc.)

VI Conflict of Jurisdictions

- A. If a petition is filed in San Mateo County and the youth is a dependent or ward in another county, the SW or DPO generating the petition will contact the other county's agency to confer regarding case planning, court proceedings, and dispositional outcomes.
- B. If the youth is a dependent or a ward of San Mateo County, living outside of San Mateo County, and a new petition is filed in that county, the SW and/or DPO must follow the protocol of the county in which the petition was filed regarding case planning, court proceedings, and dispositional outcomes.
- C. If a dependent of another state is residing in San Mateo County, and he or she has a pending WIC 601/602, the SW will contact the sending state (per [San Mateo County HSA ICPC Policy](#) and [California Department of Social Services \(CDSS\) Manual of Policies and Procedures \(MPP\) Division 31 Regulations 510](#)).
- D. If a dependent of San Mateo County is residing in another state, and they have a pending or adjudicated 602 case, San Mateo County will wait to hear from the receiving state and will follow up accordingly.

- E. If a ward of another state is residing in San Mateo County, and there is a pending WIC 300 petition in San Mateo County, the DPO will contact the home state and advise accordingly. The SW in San Mateo County will confer with the home state regarding case planning, court proceedings, and dispositional outcome (per [Interstate Commission for Juveniles \(ICJ\) Rules](#), and [Interstate Compact for Juveniles Resource Kit](#)).

VII Joint Planning Meeting Guidelines

- A. When the DPO or SW receives a referral and is aware of or believes that another agency is providing services to the youth and/or their family, it is the responsibility of the lead agency worker to contact the other agency's worker.
- B. If, at the 601/602 hearing, the Judge has deemed that a 300 referral is necessary, Probation will contact CFS to make a referral through the hotline at 650-802-7922 and will provide information regarding the referral. Probation must report via phone call to the CFS Court Officer Supervisor (650-802-6513) the specific reasons the Court initiated the referral.
 - 1. The CFS Intake Worker must confer with the DPO within 15 days regarding the best way to determine the outcome of the referral.
 - 2. If it is determined that a 300 petition will not be filed, CFS will provide the DPO with a *Response to Mandated Reporter Letter* indicating the results of the investigation. If the youth is in custody, the SW will call the DPO within twenty-four (24) hours of determination with that information.
 - 3. If the 300 petition is filed, the 241.1 Joint Jurisdiction process will commence.
 - 4. The case managers (SW & DPO) shall meet face to face or discuss by phone conference as soon as possible, but no later than five (5) court days after the initial court hearing.
 - 5. If the youth is a 300 dependent, and a 601/602 matter is pending, a 241.1 Joint Planning Hearing will be requested by Probation in conjunction with the Pre-Trial Conference (PTC).

6. If the youth is currently a 601/602 ward, and a 300 matter is pending, a 241.1 Joint Planning Hearing will be requested by the SW in conjunction with the Dispositional Hearing.
7. The case managers (SW & DPO) will engage in concurrent planning for the youth, develop a Case Plan and a joint recommendation to the Court, and determine lead and placing agency based on the criteria in Section VII.

VIII Criteria to Consider to Designate or Re-determine Lead Agency

A.

- the nature of the referral
- the age of the youth
- the prior child abuse record of the youth's parents
- the youth's prior record for out-of-control / delinquent behavior
- the parent's cooperation with the youth's school
- the nature of the youth's home environment
- the youth's function in school records of other agencies that have been involved with the youth and/or family
- statement of any counsel currently representing the youth (300 or 601/602)
- youth's history of substance abuse
- whether the youth is involved in gang activity
- whether the youth has documented history of sexualized behavior, regardless of it culminating in adjudication
- whether the youth was previously terminated from probation
- whether the youth's adoption has been finalized
- whether dependency has been terminated
- whether there is a new referral to Child Welfare or a new 601/602 referral or Probation Violation Notice
- whether there are situation/family changes that cause the need to re-evaluate the focus of the lead agency
- community safety
- If there is a Camp Glenwood or Camp Kemp commitment, a Probation lead is required
- Consideration should be given to Probation's ability and/or need to monitor, treat and enforce compliance, particularly in areas of substance abuse, gang activity, violent crimes and sexualized behavior, regardless of whether or not this is a first offense (as often these have been escalating behaviors that may not have

- been brought to the attention of the 601/602 Court)
- Consideration should be given to CFS ability to case manage and Meet the family/youth needs, given a mitigation in delinquency issues
- Risk level on Juvenile Probation Assessment Tool

B. Steps required to change the Lead Agency

1. Should it appear appropriate for the secondary agency to assume the lead role, both agencies will consult regarding the appropriateness of changing the lead agency. Together, they will make any necessary changes in the case plan.
2. The lead agency will present their recommendations to the Court within 30 days of the event that precipitated the need for the change:
 - Terminated from probation
 - Adoption finalized
 - No longer a dependency case
 - A new referral to Child Welfare
 - A new 601/602 referral or Probation Violation Notice
 - Situation/family changes that cause the need to re-evaluate
 - Community safety
 - Changes in orders to Camp Glenwood or Camp Kemp
 - Changes in risk to reoffend based on Juvenile Assessment Tool
3. If Probation is the lead, the DPO will submit a WIC 778 petition to the Court. With a new law violation, the recommendation to change the lead will be included in the Probation Officer's Report to the Court. An additional paragraph will be added to the Evaluation Section to include the position of the SW.
4. If CFS is the lead, the SW will submit a JV180 to the Court recommending the lead agency be changed and the case plan revisions be approved.

IX Process to Resolve Disagreements Regarding Lead Agency

- A. If, based upon the previously delineated criteria for agency lead, the SW and the DPO cannot reach an agreement; the matter will be elevated to the respective workers' supervisors, who will conduct a joint meeting of all parties.
- B. If the supervisors cannot come to an agreement, the matter will be elevated to their respective agency manager for resolution. The managers' decision will be the final recommendation presented to the Court.

X Preparing the Joint Planning Court Report

- A. The SW will complete the 241.1 Joint Planning Report from CWS/CMS as it relates to the pending and/or existing 300 petition.
- B. The DPO will complete the Probation Addendum to the 241.1 Joint Planning Report.
- C. Each agency will electronically send the other agency a draft of their finalized report for review within 5 working days of the court report due to the court for filing. This will allow sufficient time for both agencies to review the content and ensure it properly reflects the outcome of the joint planning meeting, prior to filing with the Court.
- D. Once the report has been filed, no changes shall be made. Any changes thereafter will require the SW or DPO to file a motion with the court.
- E. All Court Reports are due at the Clerk's Office two (2) Court days prior to hearing, signed by each respective agency and distributed as customary, including full reports to the respective Court Officers.
- F. The Joint Report will include the following:
 - 1. the date of the Joint Meeting, the names and titles of the attendees, and the reasons for determining the lead agency (refer to the criteria listed in Section VII);
 - 2. both agencies' reports will be consistent in their recommendation² as to which is the lead and placing agency.

Note: The SW will refer to the 241.1 Court Report Guide for report completion.

XI After Dual-Jurisdiction Status is declared - Case Management

A. Case Work Responsibilities of the **Lead Agency**:

1. Primary responsibility for managing the youth's case
2. Visit the youth, at a minimum, monthly
3. Partner with secondary agency for an additional joint face-to-face meeting with youth every other month
4. Prepare, submit, monitor and update the JV220
5. Provide services to youth and family, as determined in the Case Plan and as identified by the Court
6. Schedule Court hearings and notice all parties
7. Schedule and attend all Team Decision Making and Transition Conferences
8. Supervisors will attend Multi-Disciplinary Team (MDT) meetings and Transition Conferences as needed
9. Probation will only be assigned as the primary in CMS/CWS when there is a placement order under probation

B. Case Work Responsibilities of the **Secondary Agency**:

1. Visit the youth, at a minimum, monthly. If Probation is the lead agency and youth is placed out-of-state, then the SW will visit quarterly. If CFS is the lead agency and the youth is placed out-of-state, the DPO will visit quarterly.
2. Attend all MDT meetings.
3. Partner with lead agency worker for an additional joint face-to-face meeting with youth at the request of the primary caseworker or as deemed appropriate, given a change in the case plan. Exceptions to this may be necessary due to the placement location of the youth; a consultation is required with the supervisor.

4. Provide services to youth and family, as determined in the Case Plan and as identified by the Court
- C. Collaborating on the [Case Plan](#), and [Transitional Independent Living Plan \(TILP\)](#)
1. The lead and secondary agency workers will cooperate on the development of the case plan and TILP for the youth and family.
 2. Each agency worker will review the assessment from the other agency within 5 working days of disposition in preparation of the case plan and TILP. There will be a case plan for each agency. Case plans will be created jointly.
 3. Each worker will meet with the family independently or collaboratively, within 15 working days of initial disposition to finalize the case plan and obtain the parent(s) signature(s).
 4. All subsequent case plans and TILPs require continued cooperation and review by both agency workers.
- D. Resolving Case Management conflicts
1. If, based upon the previously delineated criteria for agency lead, the SW and DPO cannot reach an agreement as to case management, the matter will be elevated to the respective workers' supervisors, who will conduct a joint meeting of all parties.
 2. If the supervisors cannot come to an agreement, the matter will be elevated to their respective manager for resolution. The managers' decision will be the final recommendation presented to the Court.
- G. SW and DPO will be responsible for completing all court reports associated with their respective cases as mentioned in Section IX.

XII Protocol for Dual Jurisdiction Children and [Non-Minor Dependents](#)

(Supplement to 241.1 WIC policy, in draft form)

A. Dual Jurisdiction Meeting

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

- The NMD will be invited to participate in all meetings related to their case.

B. Transition Jurisdiction

Once a minor or NMD is found to be a subject of [Transition Jurisdiction \(W&IC 450\)](#), it is possible for either agency to supervise the NMD. The lead case manager will plan and coordinate the [TCM \(Transitional Conference Meeting\)](#); the initial TCM scheduled prior to the youth's 17.2 mos. birthday to establish a transitional plan and goals; the final TCM scheduled prior to the youth's 17.9 mos. birthday to review and assess the achievement of those goals. The lead and secondary case manager will review the case and ensure that rehabilitative goals have been met and youth is no longer in family reunification (and willing to sign mutual agreement). Case managers and youth will agree upon which agency will assume lead at the time that the youth becomes NMD. Each case manager will provide that decision at the six month review.

C. Dependency and Delinquency Jurisdiction

Whenever a ward's delinquency jurisdiction is modified to become a new dependency (W&I 300) jurisdiction or resume dependency jurisdiction, it is likely that the Children and Family Services 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 (W&I 600/602).

In the above-mentioned situations, the Children and Family Services and Probation managers retain the ability to determine which agency will best serve a particular NMD.

When a NMD attains the age of 19 and that NMD is under the jurisdiction of the Delinquency Court (W&I 600/602), consideration will be given to move jurisdiction to Dependency Court (W&I 300). This will require a meeting between the Probation Officer, Probation Manager(s) and Children and Family Services Manager(s).

D. Adult Probation Supervision

Should a NMD that was previously a ward pursuant to W&I 602 be placed on Adult Probation, and was previously under a placement order on their 18th birthday through CFS, CFS shall supervise that case. The

Adult Probation Division will supervise only as it pertains to the adult criminal matter.

Should a NMD that was previously a Dependant pursuant to W&I 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.

Signatures:

Judge
Superior Court

Alliana Rodriguez, Children and Family Services Agency Director

John T. Keene, Chief Probation Officer