COLUSA COUNTY PROTOCOL FOR WELFARE & INSTITUTIONS CODE SECTION 241.1 PROCEEDINGS

Welfare & Institutions Code §241.1 requires that when a minor appears to come within the description of both WIC §300 and §§601 or 602, the County Probation Department and the County Human Services Department shall jointly develop a written Protocol to ensure appropriate local coordination in the assessment of a minor and develop recommendations by the departments for consideration by the juvenile court.

Therefore, based upon the foregoing, the Colusa County Probation Department (hereinafter "Probation") and the Colusa County Department of Health and Human Services (hereinafter "DHHS") enter into the following understanding concerning the protocol for minors pursuant to WIC §241.1.

I. PRE-PETITION INVESTIGATION

Whenever a minor is taken into custody by law enforcement and turned over to either the County Probation Department or the County Department of Social Services, the assigned Probation Officer or Social Worker will immediately determine what they believe to be the appropriate status of the child, under either section 300, 601, or 602. In circumstances which are not clear-cut, the following procedures will be followed:

A. Should the minor initially be placed in the custody of the Probation Department, the Probation Officer assigned will immediately determine if indications of abuse or neglect are present and cross-report to DHHS and/or the appropriate law enforcement agency for a concurrent investigation. A suspected child abuse report form will be submitted within 36 hours by Probation.

Reports to DHHS after normal working hours are to be made to (530) 458-0280. A Social Worker will take the referral and determine if an immediate response is required.

B. Should the minor initially be placed in the custody of DHHS, the assigned Social Worker will immediately begin an investigation to determine if the minor comes within any of the provisions of WIC §300.

In circumstances where there is no applicable 300 subsection and out-of-control behavior is alleged by the parents, the Social Worker will immediately inform the Department Supervisor, who will contact the Probation Department Supervisor to determine the appropriate status of the minor.

C. In determining the type of Petition to be filed, each Department shall give consideration, including but not limited, to the following:

1) Nature of the referral.
2) Age of the minor.

3) Prior record of minor's parents for child abuse.
4) Prior record of the minor for out-of-control or delinquent behavior.
5) The parent(s) cooperation with the minor's school.
6) The minor's functioning at school.
7) Nature of the minor's home environment.
8) Records of other agencies which have been involved with the minor and/or the minor's family.

D. When an agreement between the departments cannot be reached concerning the minor's status, the matter will be staffed with a member of the District Attorney's Office and a member of the County Counsel's office to determine which agency should file the Petition.

E. A brief written assessment and recommendations shall be prepared by each Department concerning what is in the best interests of the minor and the protection of society and will be submitted to the Court at the time of the Detention Hearing or at the Jurisdictional Hearing if the minor is not detained, or at any other Hearing in which the dual status of the Minor shall be adjudicated.

II. POST-PETITION INVESTIGATION:

Once a Petition has been filed and new information comes to light which may have a bearing on the status of the minor, the department maintaining custody of the minor will immediately inform the other department of the new circumstances. The matter will then be set for a staffing by representatives of each department, the District Attorney's Office, and the County Counsel's office to determine whether or not a new Petition should be filed to change the minor's status.

A. In determining which Department should maintain custody of the minor, each Department shall give consideration, including but not limited, to the following:

1) Nature of the referral.
2) Age of the minor.
3) Prior record of minor's parents for child abuse.
4) Prior record of the minor for out-of-control or delinquent behavior.
5) The parent(s) cooperation with the minor's school.
6) The minor's functioning at school.
7) Nature of the minor's home environment.
8) Records of other agencies which have been involved with the minor and/or the minor's family.

B. When an agreement between the departments cannot be reached concerning the minor's status, with the assistance of the District Attorney's Office and County Counsel's Office, if proper circumstances exist to file a concurrent Petition, the non-custodial agency shall file a petition, and both matters shall be set to be heard by the Court.

C. A brief written assessment and recommendations shall be prepared by each Department concerning what is in the best interests of the minor and the protection of society and will be submitted to the Court at the time of the Hearing in which the dual status of the Minor shall be adjudicated.

III. DUAL STATUS DETERMINATION:

If it appears to both Departments that a minor is best served as a dual status minor, then the Departments shall jointly assess and produce a written recommendation to the Court that the child be designated as a dual status child. Such a determination shall be processed as follows:

A. Within fifteen (15) court days following an order for detention of the minor, the Departments shall submit a jointly written recommendation to the Court which addressed the issues set forth in II.A. hereinabove, and the specific goals for services as well as which case upon which the matter shall be tracked, dependency or delinquency.

B. The dual status of the minor and all documents concerning the minor shall be filed in both case files so that when the time comes that the dismissal of one of the proceedings is appropriate there will be a seamless transition from wardship to dependency, or vice-versa.

C. All data collected in evaluating the requirements of this protocol on a case by case basis shall be attached to the jointly prepared recommendation to the Court.

D. The Court shall designate a lead agency for each dual status child. Such designation shall be based upon the department that will provide services assessed to be those which will best serve the needs of the child, taking into consideration the joint recommendations by the Departments. Such lead agency shall be responsible for case management, conducting statutorily mandated court hearings, continuing contact with the minor, continuing contact with the minor's parents, communication with the other Department concerning needs of the family and how best to meet those need, and submission of court reports.

IV. TITLE IV-E FUNDING.

The lead agency designated by the Court shall have primary Title IV-E funding rights and responsibilities. In the event of rights to funding arising prior to designation of the lead agency, the lead agency shall reimburse the other Department in which services were provided prior to designation.

In the event that the lead agency does not provide services to the parent(s) as part of the overall plan of services provided to the family, the lead agency shall reimburse the other Department which does provide such services upon presentation to the lead agency of an accounting of time and services provided to the parent(s).

V. TERMINATION OF PROTOCOL

This Protocol may be terminated immediately by the Court or by either Department upon thirty (30) days' written notice of termination, subject to objection and noticed hearing by the Court.

Wherefore, this document has been executed and becomes effective on the 23rd day of March, 2006.

Philip S. Reinheimer, Director
COLUSA COUNTY DEPARTMENT OF
HEALTH AND HUMAN SERVICES

Steven K. Bordin, Chief Probation Officer
COLUSA COUNTY PROBATION
DEPARTMENT

S. William Abel, Judge of the Superior Court
Sitting as a Juvenile Court