County of Sonoma
Human Services Department
Probation Department

Dual Status Protocol
Welfare and Institutions Code Section 241.1
Revised February 2006

As provided in Welfare and Institutions Code 241.1, subdivision (e), the undersigned representatives of the Sonoma County Human Services Department (HSD), and Probation Department (PD), are authorized, when a minor comes within both types of jurisdiction, to designate said minor as both a dependent and a ward of the juvenile court. The Human Services Department and the Probation Department of Sonoma County agree to the following.

WIC 241.1(e) (5) states that counties shall adopt either an "on-hold" system, or a lead court/lead agency system. The Human Services Department and the Probation Department of Sonoma County have selected the lead court/lead agency system. The lead court/lead agency option provides the most flexibility in determining the best outcome for the case. Under the lead court/lead agency system, either the Human Services or Juvenile Probation Departments can suspend proceedings.

When HSD has a case where proceedings are suspended, HSD will assign these cases to a suspended caseload in CWS/CMS. The Probation Department will be responsible for providing the required visits to child(ren), parent(s) and caregiver(s) as defined by the Division 31 Regulations. When it appears likely that the delinquency jurisdiction will be terminated and reunification would be detrimental to the minor, the HSD and PD will jointly assess whether to recommend reinstatement of the dependency status.

The HSD and the PD will jointly determine when a minor should be designated dual status. Either the HSD or the PD will be designated as responsible for case management, statutorily defined court hearings and court reports. HSD and the PD will jointly establish what roles and responsibilities the lead agency and the non-lead agency will have when a minor is designated dual status.

This system still allows the Court to use informal probation, 654.2 status, and formal probation as options while maintaining active 300 jurisdiction. It will be on rare occasions that a request for a minor to be both a 300 dependent and a 602 ward of the court will be submitted.

Program funding through Title IV-E will remain the same. All related program funding from CDSS will be administered by the HSD, which will 'pass through' the Title IV-E funds. The HSD and the PD will be permitted to claim costs as long as there is no duplication of services or activities. HSD Social Workers and PD Probation Officers may time study their work involving a dual status minor, as long as there is no duplication of services or activities. The HSD will continue to be responsible for AFDC-FC determinations.

Under the lead court/lead agency option, time frames for Family Maintenance and Family Reunification will remain the same. Services and activities related to Family Reunification, as set forth in Division 31 Regulations, will be complied with, regardless of which agency is designated as lead. The HSD and the PD will jointly determine which agency will deliver Family Reunification services.

The HSD and the PD will have the flexibility to change the lead agency status if circumstances warrant. Any change in lead agency status will be jointly determined by the HSD and the PD.

The procedures for determining dual status for a minor, and the designation of a lead court/lead agency, which can include suspension of proceedings by either HSD or PD, are as follows:

1. When a 602 is filed on an active 300 case, (or a 300 filed on an active 602), the Probation Officer and the Social Worker are to consult. Records are to be reviewed, and a plan is to be developed, as outlined in the existing 241.1 protocol for coordination of dual jurisdiction matters. When dual status is recommended, the plan and justifications for it will be incorporated into a 602 report and a 300 report (if due). The County Court Clerk will advise all pertinent HSD parties of the status of the minor.

2. Dual status recommendation is a mutual decision which best meets the needs of the minor. The Probation Department and HSD will arrive at a recommendation that most effectively serves the minor's best interests. The primary reasons for maintaining a minor as a 300 dependent after a sustained 602 charge, or adding a 300 status to a 602 ward are as follows:

   a. There is no parent or guardian available to provide proper custody for the child.

   b. The parent or guardian is not able to give adequate care and supervision, and after the 602 is dismissed, continued 300 dependency may be necessary to protect the minor.

   c. Specific circumstances occur when a minor is a ward of the Juvenile Court, which fall under section 300 of the Welfare and Institutions Code, and the minor cannot be adequately protected without instituting a 300 status.

   d. Where a minor is a 300 dependent but needs containment or control for the purposes of effective substance abuse or sexual offender treatment.

   e. Where a minor cannot be safely housed at Valley of the Moon or a foster care setting due to being a danger to him/herself or others.

3. Once the lead agency is determined, the Court Officer of each department will be informed of the dual status recommendation, the designated court (Delinquency or Dependency) and the lead agency (Probation or HSD). The lead court or agency will be responsible for case management, conducting statutorily mandated court hearings and submitting court reports. The supporting agency will follow the lead agency, and under no circumstances will there be

simultaneous or duplicative services provided by the Probation Department and the Human Services Department. The judge of the Delinquency Court and the judge of the Dependency Court will have the option of exchanging information at any time both Juvenile Probation and Human Services are involved with a dual status minor.

4. When 300 and 602 orders are maintained simultaneously, the Probation Officer and Social Worker will be required to communicate at least monthly, or more often, if the situation is complex or if major changes occur.

5. On all dual status cases, the County Court Clerk will send notices of hearings, court reports, and 602 court orders to all HSD parties having involvement in the case.

6. The County Court Clerk will send notices of hearings, court reports and 300 court orders to all involved parties at the Probation Department.

7. If a 300 case is suspended, at least four (4) weeks prior to dismissal of any 602 order, the Probation Officer and the Social Worker will consult, in person or by phone, to discuss the plan for the reactivation of the 300 dependency. The Court Officer of each department will then be notified of the reactivation date.

8. At least four (4) weeks prior to any out-of-county transfer of a 602, the Probation Officer will notify the Social Worker of the intent to transfer the 602 out of county, and both will discuss dependency plans for the minor child. If the 300 is being transferred out of county, the Social Worker will notify the Probation Officer at least four (4) weeks prior.

9. At least four (4) weeks prior to a child's return home, the Probation Officer and the Social Worker will consult, in person or by phone, regarding reunification plans for the minor child and family. If the child returns home under 602 supervision, the Social Worker is to be notified of the minor's return home and advised as to the case plan.

10. Upon dismissal of a 602 proceeding, after a joint assessment by the HSD and the PD, and a recommendation to the court, the 300 dependency will be resumed. Where a 300 status was suspended, a 300 hearing will be scheduled to reinstate dependency orders. Unless there are new dependency allegations filed, or the minor's dependency has been dismissed, it will not be necessary to file a new 300 WIC petition.

11. If a mutual recommendation cannot be agreed upon, every effort will be made to consult managers from the Probation Department and the Human Services Department. The case will then be referred to the Case Management Council and mid-level managers, in order to expedite plans that are in the best interests of the minor. If agreement still cannot be reached, the case will be referred to the Dependency Court judge, who will make the final decision.

12. Both departments agree to the development of a data collection plan, for evaluation purposes, as required by the office of the Judicial Counsel.

13. The court will assume responsibility for compiling the data regarding dual status children and submitting the information to the Judicial Council, pursuant to the mandates of the Welfare and Institutions Code, Section 241.2. The information to be reported to the state will include:

Number of cases which were candidates for dual status.
Number of cases actually designated dual status.
Number of cases initially in dependency (and age of case from initial petition).
Number of cases initially in delinquency (and age of case from initial petition).
Number of cases kept in dependency.
Number of cases kept in delinquency.
Number of cases moved from dependency to delinquency.
Number of cases moved from delinquency to dependency.
Number of cases in which probation is the lead agency.
Number of cases in which child welfare is the lead agency.
Demographic information: (gender; age; race/ethnicity; living situation).

14. One year from the date of this document, either HSD or Juvenile Probation may give notice to 'opt out' of the protocol.

Signed this 7th day of September 2006

Presiding Juvenile Court Judge

Director, Human Services Department

Chief Probation Officer