MODOC COUNTY
MOU for Dual Jurisdiction

Introduction:
This protocol is entered into between the Modoc County Child Welfare Department and the Modoc County Probation Department. The overall goal is to ensure appropriate local coordination, in a courteous and professional manner, in the assessment of those minors who fall under the provisions of Welfare and Institutions Code (WIC) Section 241.1 and Assembly Bill (AB) 129 passed November 2004.

A child may be placed in foster care as either a dependent in the placement and care of the County Welfare Department (CWD) under WIC Section 300, or as a delinquent in the placement and care of the County Probation Department (CPD) under W&IC Section 600et. Seq.

"If a determination as to which code section (300 or 602), cannot be readily identified, Welfare and Institutions Code (WIC) Section 241.1 requires that whenever a minor appears to come within the description of both WIC Sections 300 and Sections 601 or 602, the county Probation Department and the County Child Protective Services Department shall, pursuant to a jointly developed written protocol, initially determine which status will best serve the interests of both the minor and the protection of society. The recommendations of both departments will be made jointly in one report to the juvenile court with the petition that is filed on behalf of the minor, and the Court shall determine which status is appropriate for the minor. Any other juvenile court having jurisdiction over the minor shall receive notice from the Court, within five calendar days, of the presentation of the recommendation of the departments. The notice shall include the name of the judge to whom, or the courtroom to which, the recommendations were submitted." (WIC Code 241.1)

Assembly Bill 129 authorizes "the Probation Department and the Child Protective Services Department in any county to create a protocol which would permit a minor who meets specific criteria to be designated as both a dependent child and a ward of the juvenile court, as specified. A minor who is designated as both a dependent child and a ward of the juvenile court would be known as a dual status Child." (AB 129, Cohn)

For the purposes of this document, "juvenile court" includes both Dependency and Delinquency Court. The following Protocol will serve as a guide to assist in a coordinated approach to services and handling of both dependents and wards of the court. It cannot be emphasized enough the value to the individual youth, their family, and the community that the coordinated services approach under WIC 241.1 will bring.

POLICY and PROCEDURE

A. Determination of Joint Jurisdiction

Background: Whenever a minor is detained by a peace officer and turned over to either Modoc County Social Services or the Modoc County Probation Department the assigned social worker or probation officer will determine what they believe to be the appropriate status of the child to be under WIC Section 300 or 601/602.

If it is determined that a joint jurisdiction of 300 and 601/602 applies a report is to be prepared and presented to the court as a WIC 241.1 Joint Jurisdiction Case. In each case this protocol will determine the lead agency in the preparation of the assessment.

Most common situations when a WIC 241.1 Joint Jurisdiction Case applies:

1. A minor who is a dependent child allegedly commits a 601 or 602 offense resulting in a petition being filed in the Delinquency Court. In those instances 241.1 requires a joint assessment by Probation and Children's Services. The assessment is to be filed and heard in the Delinquency Court and Probation would be the lead agency in the preparation of the joint assessment.

2. A minor who is on probation pursuant to section 601 or 602 is the victim of child abuse and/or neglect. In those cases where an emergency response is made by a social worker, the minor, where warranted, would be taken into custody by the social worker and a case filed pursuant to section 300. A joint assessment by Probation and Children's Services would be conducted. The assessment is to be filed and heard in the Dependency Court and Children's Services would be the lead agency in the preparation of the joint assessment.

3. A minor is under the jurisdiction of the Delinquency Court and Probation wishes to seek an early termination of jurisdiction and return the minor home but is unable to do so because the home is inappropriate due to the potential for abuse and/or neglect or there is no home to return the child. In this case, Probation would be the lead agency.

   The case would continue to be heard in Delinquency Court until it is determined that the minor is better suited for the jurisdiction of the Dependency Court. When that determination is made an orderly transition to Children's Services and the Dependency Court would be made.

4. When a petition has been filed in the Delinquency Court on a minor who is not under the jurisdiction of the Dependency Court but the detention report suggests that child abuse and/or neglect may have had some significance in what occurred. For example, a child is charged with battery on a parent whom

the minor claims perpetrated abuse against the minor. Probation would be the lead agency in this case.

5. In instances where WIC 602, 653.6 and/or 707(d) apply, the District Attorney has authority to file a petition. When the minor appears to be a person described in both WIC Sections 300 and 602, the social worker and the probation officer shall jointly determine whether a 300 petition shall be filed.

6. If Children's Services and Probation are unable to agree whether dependency or wardship is preferred in any of the scenarios described above, negotiations shall be referred to their respective chains of command starting with the Children's Services and Probation's Supervisors through the Program Managers until a consensus agreement is reached.

B. Screening and Assessment

Definition: Initial screening and assessment will begin with the intake to ensure that juveniles and their families with involvement in the Dual Systems of Child Welfare and Probation are identified and their needs, risks, and safety issues are properly assessed.

Policy:

- Agencies must still seek the least restrictive level of care to meet the needs of the youth, family, and community safety.
- 241.1 Protocol will continue to be the process of identification for Dual Jurisdiction.
- Careful assessment of the family group will be conducted to ensure that the intervention does not fall solely on the "problem child".
- Workers will use a model of Structured Decision Making and Risk Assessment to help determine the level of intervention and family services.
- Agency staff will work together to address the youth and family needs in a comprehensive, holistic, and **collaborative** fashion.
- Agency workers shall continue to maintain the integrity of the case status while the 241.1 is being processed through the Court.

Procedure:

- Identification or initiation may come from the court or the agency manager. (Probation or Child Welfare)

- Any 241.1 Assessment will consider the following points:
  a) Nature of the referral
  b) Age of the Minor
  c) History of physical, psychological, and sexual abuse (Child Welfare History)
  d) Prior Criminal or Child Welfare Record of the minor's parents
  e) Minor's prior delinquent record and out of control behaviors
  f) Parental cooperation with school
  g) Minor's functioning at school
  h) Nature of Minor's home environment
  i) Family/Minor history of involvement with service agency/professional community services
  j) Any services available in the community
  k) Any collateral feedback regarding the minor and parents. i.e. Court Appointed Special Advocate, Attorney, other relatives.

- Workers will use either the Children Research Center (CRC) Model of Structured Decision Making (SDM) and follow the recommendations for delivery of service and intervention.

- Whenever a youth enters either system the Child Welfare or Probation intake worker will contact the alternate agency worker to determine if the minor has a history with the Child Welfare or Delinquent System.

  a. The Child Welfare or Probation System workers will contact the alternate agency court unit supervisor or senior to determine alternate agency involvement.

  b. A comprehensive assessment of a child and family's needs, risks and strengths combined with a careful safety assessment of the child, family, and community will be conducted.

  c. In the case where there is a citation or criminal charge the agency worker will investigate whether there are issues or have been issues for involvement in either the Child Welfare System or Delinquency System.

  d. When the youth or family is involved with another agency, the worker will investigate the details of that involvement and seek supervision approval to initiate the 241.1 Dual Jurisdiction Process if appropriate.

  e. Supervisors will confer with the Child Welfare Manager and/or Probation Manager and obtain approval of the joint recommendation that is brought to the detention hearing.

- In the detention report the agency worker will make a recommendation to the

court as to the length, level, and extent of the Delinquent or Child Welfare involvement and the need for possible 241.1 W&I handling.

- At this time the Court will order the parties to proceed with the Dual Jurisdiction Procedures for a recommendation on final disposition of the matter.

C. Case Assignment

Definition: Is the system by which the Court, based upon agency recommendations, determines the Jurisdiction, level, and type of agency involvement.

Policy:

- Before disposition, a recommendation will be made to the Court as to the level and type of agency involvement.
- In the event of a co-occurring jurisdiction, the case will be assigned to one Judge with every effort to consolidate court dates.
- A block of court time will be set aside to allow the Jurist to become familiar with the dual jurisdiction family.
- As a guiding philosophy, selection of attorney will strive for a single attorney model.

Procedure

- A joint in-person conference shall occur among child welfare and probation staff assigned to the case and their supervisor. This conference will evaluate the needs jurisdiction.
- The parties shall make a joint report to the managers, in writing, the nature of their recommendation and the process they used to develop the most appropriate case plan.
- Based on the recommendation of the joint team the dual jurisdiction managers will make a written recommendation for the appropriate dual jurisdiction.

D. Dependency / Delinquency Assignment

Definition: Appropriate case flow management practices may promote substantive and timely proceedings in dual jurisdiction matters and help to avoid delays that may prevent timely intervention.

Policy:

- Effort will be made to consolidate both dependency and delinquency cases to

a single Jurist. One Jurist will ensure a complete understanding of the family history, knowledge of previous standing orders, and the ability for the bench to deliver a consistent message to families, this will allow the Jurist to avoid issuing conflicting orders.

- Dedicated dockets ensure sufficient time is allocated to meet the needs of the youth, family, and community safety.

Procedure:

- Dependency lead agency cases will be calendared in the Dependency Court with the 602 matters being handled by the presiding dependency Jurist. (This procedure will be reviewed upon the termination of the current Conflict Attorneys Contract and assignments in the Modoc Court).

- Delinquency lead agency cases will be calendared in the Delinquency Court with the 300 matter being handled by the presiding Delinquency Jurist.

- Concurrent jurisdiction cases will be calendared in the Dependency Court with the presiding Jurist of the Dependency Court as the lead.

E. Case Planning and Supervision

Definition: Innovative, family centered and collaborative case planning will produce positive results to decrease risk of delinquency and dependency involvement.

Policy:

- Every effort will be made to unify the Case Plan from County Probation and Child Welfare.

- The dual jurisdiction responsibility for individual case workers should include
  a) Medical Care
  b) Mental Health Services
  c) Dental Care
  d) Visitation between the child and family
  e) Educational Services
  f) Emancipation Planning
  g) ILP Planning
  h) Community Services
  i) Substance abuse counseling and treatment
  j) Collection of restitution
  k) Conditions of Probation and Dependency Orders

- Individual and Team responsibility for the above will vary and be determined by the needs of the child, family, case plan, community safety, and positive outcomes.

- Collaboration, communication, and interaction between workers are necessary for ongoing assessment of case needs and service delivery.

- Every effort should be made to keep this process family-centered and strength-based.

Procedure:

- A joint meeting of Probation and Child Welfare will be held to determine who will be the lead case worker, how placement visits will occur, when regular joint family case planning will occur, and which type / level of family-centered intervention will occur.

- If disagreements and or differences arise regarding services and case planning the case will be reviewed with Child Welfare Supervisor and Probation Supervisor through a Team Conference.

- Workers will meet in person on a monthly basis to determine the ongoing case needs and facilitate reunification when appropriate.

- A quarterly update will be submitted to the 241.1 management team by each supervisor who has 241.1 cases assigned to their team. This report will include:
    a) Documentation of collaboration / communication.
    b) Any updates to unified case plan.
    c) Update on placement and progress toward goals.

F. Statistical Reporting:

Definition:

Data collection and reporting is a critical element of the County Dual Jurisdiction agreement.

Policy:

- Data will be collected and maintained by Child Welfare and Probation Administrative Support staff.

Pauline Cravens
Director of Social Services

Honorable Francis W. Barclay
Presiding Judge of Juvenile Court

Elias Fernandez, Jr.
Chief of Probation