# WIC 241.1 Committee Protocol

## I - Introduction

**Background**

Under WIC 241.1, whenever a minor appears to come within the description of Section 300 and Section 601 or 602, the county probation department and the child protective services department shall initially determine, pursuant to a jointly developed written protocol, which status will serve the best interest of the minor and the protection of society.

On January 1, 2005, WIC 241.1 was amended to include subdivision (e) which states that the Probation Department and the Child Welfare Services Department, in consultation with the Presiding Judge of the Juvenile Court, may create a jointly written protocol to jointly assess and produce a recommendation that the child be designated as a dual status child, allowing the child to be simultaneously a dependent child and a ward of the court. The recommendation of both departments shall be presented to the juvenile court and the court shall determine which status is appropriate for the minor.

In accordance with 241.1 mandates, the San Bernardino County Children and Family Services (CFS) and the San Bernardino County Probation Department, in collaboration with the Department of Behavioral Health (DBH), the Public Defender's office/Private Counsel, the District Attorney's office and County Counsel, have developed the following protocol for the establishment of a joint 241.1 Committee. The protocol, in addition to establishing the composition of the 241.1 Committee, also sets forth how and which cases are to be referred to the 241.1 Committee, what information is to be provided to the 241.1 Committee for assessment, and how decisions are to be reached and presented to the juvenile court. The 241.1 Committee will meet on a weekly basis but a meeting may be canceled if there are no cases referred for the agenda.

**Mission statement**

The San Bernardino County protocol has been revised to include a dual status option recommendation for eligible youth referred to the 241.1 Committee. Either CFS or Probation may refer cases to the 241.1 Committee, to determine by consensus, an optimal recommendation that will serve both the best interest of the minor and the protection of society.

At the committee meetings, staff from both departments will ensure that there is an accurate and complete exchange of information about the minor and his or her needs. Staff will provide information regarding the minor's current behavior, the parent's willingness and ability to provide basic care, the safety concerns for the community, and the respective departments' mandate to meet the minor's and his or her family's needs. Additionally, representatives from other agencies will provide input to assist the committee in determining the optimal recommendation.

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**Purpose**

The purpose of the 241.1 Committee protocol is to establish guidelines for a coordinated and collaborative approach for:

- Facilitating the exchange of relevant information
- Resolving minor and family issues
- Providing appropriate services
- Making recommendations to the Court

**241.1 committee database**

By agreement, the 241.1 Committee database is maintained by the Probation Department. The database includes prior referrals and recommendations by the Committee. Prior referrals and recommendations will be included in the agenda when a minor is re-referred to the Committee.

# II - Composition of 241.1 Committee

**241.1 Committee**

The Presiding Judge of the Juvenile Court will select an individual to act as the chair of the 241.1 Committee. The 241.1 Committee is comprised of the following seven (7) standing members who decide on the recommendation regarding jurisdiction and/or services:

- Four (4) CFS regional liaisons (Supervising Social Services Practitioner)
- Three (3) Probation Department employees - Two (2) liaisons (Probation Officer III or designee) and one (1) Supervising Probation Officer (SPO), acting as the Probation lead.

Others who may attend and/or participate in the 241.1 Committee meeting but are not deciding members:

- CFS Social Worker and/or SSSP
- Probation Officer
- DBH representative
- District Attorney
- Public Defender
- County Counsel
- Child's Attorney or representative
- Court Appointed Special Advocate (CASA)
- Specified Dependency/Delinquency Court personnel
- Judicial Officer or court representative
- 241.1 Committee secretary
- Inland Regional Center (IRC) representative
- Indian Tribal representatives
- Out-of-county CFS, Probation or CASA representatives
- "Other persons" cleared through CFS or Probation management

# III – Types of Cases

**Cases to refer**

The following are general types of cases that fall within the scope of the 241.1 Committee:

- When a 300 child/minor is alleged to have committed a 602 offense
- When there is no prior 300 petition filed but when the 602 petition is filed, there are allegations of abuse or neglect in the home
- When a 300 petition is filed and it is discovered that the child is an adjudicated 600 ward

Although there are limited circumstances as to when the 241.1 protocol applies, such cases should be promptly referred to the 241.1 Committee for assessment.

**Cases that should not be referred**

The following are examples of cases that should not be referred to the 241.1 Committee because they do not meet 241.1 requirements or the minor's placement needs can be met through other avenues:

- A 602 ward's placement order will be completed or their maximum confinement time will be exhausted in 30 days and release to the family is unfeasible. (This situation may occur for a minor where a former dependency case was dismissed due to the 602 status.)
  - Probation will make a referral to the Child and Adult Abuse Hotline (CAAHL) at least 30 days before the release of the ward.
  - Established exchange of information procedures, including providing CFS with relevant case records, will be followed.
- Probation has difficulty locating an appropriate placement for the minor. Under these circumstances, Probation may utilize CFS's Central Placement Unit (CPU) in an effort to locate an appropriate placement as well as refer the minor to the Interagency Placement Unit IPC), rather than referring the minor to the 241.1 Committee.
  - Probation will notify minor's attorney prior to making a referral to the IPC.

NOTE: The 241.1 Committee shall not make a recommendation where the minor is pending a competency determination. Cases pending competency will be kept on the agenda until competency is resolved. Once competency is determined and if the minor is declared to be competent by the court, a referral should be made to the 241.1 Committee for a recommendation.

# IV – Referral and Evaluation Process

**How cases are referred**

- As soon as either agency discovers that a minor falls within the scope of the 241.1 Committee, the agency (whether the probation officer, social worker, or CFS liaison), must immediately notify the liaison of the other agency in the appropriate region.
  - Referrals may be emailed to the secretary of the 241.1 Committee.
  - The secretary checks the JNET calendar daily for minors that are referred for a 241.1 assessment.
- All referrals must be submitted to the secretary of the 241.1 Committee by noon on Friday.

**Referral information**

The following information is needed to refer a case to the 241.1 Committee:

- Minor's name
- Minor's date of birth
- Location/ Region (Rancho, San Bernardino, Victorville)
- Social Worker's name
- Probation Liaison
- CFS Liaison
- Charges, if available
- Attorney for minor

**Meeting day and location**

The 241.1 Committee meetings are scheduled weekly as determined by the Juvenile Court. The meeting location is at:

San Bernardino County
Juvenile Dependency Court
Conference Room
860 E. Gilbert Street
San Bernardino, CA 92415

**Meeting calendar, minutes and agenda**

The Probation Department will provide the 241.1 Committee meeting calendar, meeting minutes and agenda. The meeting minutes are recorded by the secretary of the 241.1 Committee. The written agenda for the next meeting will be forwarded by the end of the week to those on the 241.1 distribution list as maintained by the 241.1 secretary.

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**Information needed by the 241.1 Committee**

In order for the 241.1 Committee to make the best possible recommendation that is in the best interest of the minor, essential information is required from the presenting agency and all agency representatives with knowledge of the minor including the needs, services provided, agency services available, etc. Additionally, the secretary for the 241.1 Committee will include in the agenda any prior referrals and recommendations for the minor, as obtained from the 241.1 database.

The type of information presented at the meeting should include information as required by WIC 241.1. The **241.1 Discussion Guideline** is incorporated into the protocol in order to facilitate discussion. The liaisons may present the information at the meeting but whenever possible, the social worker should be available to provide pertinent information, either in person, by video conferencing or by telephone.

NOTE: **ATTACHMENT 1 – 241.1 Discussion Guideline** is included as a part of this protocol.

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**Confidentiality and exchange of information**

Any and all information disclosed by the participants in the 241.1 Committee is confidential and may not be disclosed outside the 241.1 Committee meeting for any purpose except as part of a dependency or delinquency proceeding. Pursuant to WIC 827(a) (1) (K), the 241.1 Committee will operate as a multidisciplinary team so that participants may freely exchange information for purposes of treatment and supervision of the minor.

**Case presentation at 241.1 meeting**

When a case is referred to the 241.1 Committee for an assessment, the presence of the social worker or probation officer is desirable at the meeting to present pertinent information concerning the minor. The information presented should follow the required criteria in the **241.1 Discussion Guideline**.

However, due to time constraints, the social worker or probation officer may opt to present case information via video conferencing, or may be represented by the regional liaison. In instances where the social worker or probation officer cannot be present, the liaison should be fully prepared to present the case to the Committee. Attendees may ask questions and voice opinions regarding any of the cases presented and may fully participate in the Committee discussion.

**Recommendation determination**

After cases are presented by CFS and/or Probation, all the meeting attendees may participate in the ensuing discussion regarding the minor's needs and services available. However, only CFS and Probation Committee members will determine the recommendation for the court.

If no final consensus is reached, each agency will present their information to the court.

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**241.1 process table**

The following table summarizes the WIC 241.1 protocol process as practiced in San Bernardino County:

| Stage | Staff | Description |
|---|---|---|
| 1 | Probation Department (Intake) | • Notifies all region CFS liaisons via e-mail or telephone<br>• Calls referral into the Child and Adult Abuse Hotline (CAAHL), states "241.1 referral"<br>• For a minor in another county, contacts out-of-county hotline and/or social worker and provides child assessment/analysis |
| | Children and Family Services (CFS) | Notifies Probation Department liaison |
| 2 | Judicial Officer | At the request of either department, orders minor referred to 241.1 Committee and Dual Jurisdiction Court for assessment, recommendation and jurisdictional determination. |
| | Probation Court Officer | Notifies minor's attorney of record |
| 3 | CFS Regional Liaison (SSSP) | • Notifies assigned social worker (SW)<br>• Provides **241.1 Discussion Guideline** and the **CFS/Probation 241.1 Report** form to the SW<br>• Discusses dependency issues and any of the minor's on-going behavioral problems with SW<br>• Notifies the child's attorney of record |
| 4 | Probation Officer and CFS Social Worker | • Completes the **CFS/Probation 241.1 Report**<br>• Submits the **CFS/Probation 241.1 Report** to the CFS regional liaison via e-mail |
| 5 | CFS Regional Liaison and/or Social Worker | • Completes the **CFS/Probation 241.1 Report** (Incorporates information from Social Worker and Probation Officer)<br>• Presents information to the 241.1 Committee and to the Court |
| | Probation Liaison | Presents information (from the **CFS/Probation 241.1 Report**) to the 241.1 Committee and to the Court |

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**241.1 process table** (continued)

<table>
<tr><th>Stage</th><th>Staff</th><th>Description</th></tr>
<tr><td>6</td><td>241.1 Committee</td><td>• Discusses options and formulates a plan for the minor<br>• If no final consensus is reached, each agency will present their information to the court</td></tr>
<tr><td>7</td><td>Probation Liaison or designee and CFS Social Worker or Liaison</td><td>Makes a verbal recommendation to the court.<br><br><u>Note</u>: If 300 or 600 case is in another county, may provide verbal or written information to the other county.</td></tr>
<tr><td>8</td><td>Judicial Officer</td><td>Makes findings whether matter is 602, 300 or dual status case.
<table>
<tr><th>IF THE...</th><th>THEN THE...</th></tr>
<tr><td>Juvenile Court dismisses the 602 petition</td><td>Court will order the minor released to CFS (when release to parent/guardian is not possible)</td></tr>
<tr><td>602 petition is not dismissed</td><td>Court will either refer the matter back to the 602 Court or proceed with the pending hearing</td></tr>
<tr><td>Minor comes under dual jurisdiction</td><td>Matter will be continued in the dual jurisdiction court</td></tr>
</table></td></tr>
<tr><td>9</td><td>CFS Social Worker</td><td>• If the minor is declared a ward, at the disposition hearing, then the SW submits to the dependency court a:<br>– Copy of 602 minute order from the disposition hearing<br>– Request to dismiss the 300 petition (if a petition has been filed)<br>• If the 602 is dismissed and the minor is ordered released to CFS, then the SW will file a petition if the minor is not a current dependent<br>• If Dual Status is ordered, then the SW will file a petition if the minor is not a current dependent</td></tr>
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# V - Dual Status Designation

**Introduction**

The Probation Department and Children and Family Services (CFS) shall work as a collaborative team and utilize the least restrictive options to ensure that the best interests of the minor and the community are preserved.

A dual status designation may be considered as a recommendation option in the 241.1 report for a minor who requires simultaneous WIC 602 and WIC 300 status.

Dependency and/or wardship may be terminated once the transition is complete and the minor's needs and safety are no longer in question, and/or the minor no longer poses a threat to him/herself and the community.

**Dual status criteria**

The 241.1 Committee must consider the following criteria when accessing or recommending a minor for dual status designation:

- Dependency court timelines
- Has jurisdiction been established if the minor is 171/2 or older?
- Placement history (level, type, length)
- Placement stability/placement failures
- Escalating negative behaviors
- Minor whose negative behavior has increased to the point where CFS needs additional resources from the Probation Dept.
- Significant relationship between the social worker and the minor

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**Lead agency**

Lead agency responsibilities:

- Placement
- Case management and coordination of service delivery with the non-lead agency
- Court hearings (attending or being available by phone or video)
- Writing and submitting court reports
- Complying with the mandates of WIC 300 and WIC 602 hearings, Division 31 and Title IV-E regulations
- Completing monthly face-to-face contacts with the minor and family
  - Completing quarterly (at minimum) joint visits by the social worker and probation officer
- Participating in a monthly (at minimum) face-to-face meeting with non-lead agency worker to confer/collaborate on progress of case, assessments and recommendations

**Non- lead agency**

Non-lead agency responsibilities:

- Assigning secondary worker/officer to the case
- Coordinating service delivery with lead agency worker/officer
- Court hearings (attending or being available by phone or video)
- Writing and submitting assessment for court report to the primary worker/officer no later than 45 days prior to the court hearing (for status reviews or PP cases)
- Complying with the mandates of WIC 300 and WIC 602 hearings, Division 31 and Title IV-E regulations
- Completing monthly face-to-face contact with the minor and family
  - Quarterly (at minimum) joint visit by the social worker and probation officer
- Participating in monthly (at minimum) face-to-face meeting with lead agency worker to confer/collaborate on progress of case, assessments and recommendations
- Sharing all necessary information and documentation including, but not limited to birth certificate, immunization records, social security card, etc. to aid in out-of-home placement
  - This information shall be provided within three (3) workings days after dual status is designated by the Court if available

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**Contact documentation requirements**

Client contacts and services shall be provided and documented by both agencies in adherence to their Department's policy regarding face-to-face contacts. All contacts made by the lead and non-lead agency shall be documented in their respective databases. Probation officers are required to enter data into Caseload Explorer (CE) and to enter contact and service notes from CE into Child Welfare Services/Case Management System (***CWS/CMS***).

# VI – Management Issues

| | |
|---|---|
| Release of records | To ensure the continuity of services to both the minor and the minor's family, each department will, upon request, release court records, contact logs, etc., to the other agency. Such release of records is authorized by WIC 827 and Standing Order in the juvenile court. |
| Annual review of protocol | The Committee agrees to meet annually for a review of the 241.1 Protocol. The meeting shall be noticed by the 241.1 Committee chairperson and scheduled to immediately follow the first regularly scheduled 241.1 meeting in the month of November. Representatives from Probation, CFS, County Counsel, District Attorney and defense counsel will be invited to participate in the protocol review. If need arises to review the 241.1 Protocol before the November meeting, the 241.1 Committee chairperson may schedule such a meeting. |
| **Payment issues** | The lead agency is responsible for services provided as well as submission of Title IV-E documentation. |
| **Data collection** | Data will be collected by the Court, Probation and Children and Family Services to include but not limited to:<br>• Minor's age, gender and ethnicity<br>• AWOL status<br>• New law violations by minor (recidivism)<br>• Stability in placement<br>• Level of placement |

THE SIGNATURES OF THE PARTIES AFFIXED BELOW AFFIRM THEIR COMMITMENT TO THE GUIDELINES OF THE PROTOCOL FOR THE 241.1 COMMITTEE IN San Bernardino COUNTY.

County of San Bernardino Human Services
Children and Family Services
DeAnna Avey-Motikeit, Director

11/21/11
Date

County of San Bernardino
Probation Department
Michelle Scray, Chief Probation Officer

11-30-11
Date

Hon. Gregory Tavill
Presiding Judge of the Juvenile Court
San Bernardino County Superior Court

Nov. 30, 2011
Date

# 241.1 DISCUSSION GUIDELINE FOR CFS AND PROBATION

## Twelve Items to be addressed during investigations for 241.1 reports

The following is a list of criteria that should be covered for the 241.1 report and the recommendations to the committee. Please remember to conclude with the social worker or probation officer's assessment and recommendation to the committee as to who can better serve the child, CFS, Probation or both agencies.

### 1. A description of the nature of the referral.

- The nature of the referral, if the child is not a dependent.
  - Example: Description of the offense, arrest, intake statement, allegations filed in petition.
- If already a dependent, the date of the JD and the reasons the child was made a dependent.
  - Example: *"On 1-1-03, John Doe was found to come within section 300B of WIC because of the parent's substance abuse."*

### 2. Interview of child/minor and current caregiver(s).

- Include the child/minor's current status, what child/minor wants to happen, what impact being in juvenile hall has had on child/minor.
  - Example: *"What do you think should happen? Where do think you should go from here?"*
- Caregiver(s) willingness to provide care.

### 3. The age and gender of the child.

### 4. The history of any physical, sexual, or emotional abuse of the child.

### 5. The prior record of the child for out-of-control delinquent behavior.

- Can include but are not limited to – Drug/alcohol use, gang involvement, fights, acts of defiance, stealing, lying or other delinquent acts for which the child has not been charged.
- Juvenile Traffic Court citations
- Acting out at placement

6. **The record of the child's parents.**

- Prior records of the parent's reported history of abuse/neglect for child in question or other children. Include dates of substantiated and inconclusive referrals with type of abuse/neglect and basic disposition.
- Parents' criminal history, if known to Probation.
- Parents' current whereabouts and willingness to provide appropriate care.

7. **The nature of the child's home environment.**

- If the child is placed, include number of placements, stability of placement, and type of care – foster care, relative placement, guardian, or group home.
- Level of current home as well as the levels of other facilities used.
- Statement by staff/ foster parent(s) from most recent placement home, if possible
- If child is with a parent describe the parent's ability to meet the child's basic needs.
- Information on parental substance abuse, domestic violence and health/mental health issues

8. **The child's functioning at school.**

Factors to include:

- Current school of attendance and grade level
- School of origin (Can minor return to school of origin?)
- Grades and Attendance
- School Behavior
- Suspensions and Expulsions
- IEP or 504 Plan
- Parental cooperation with the child's school, including involvement with IEP and other related functions
- Indicate who holds educational rights for this child

9. **The history of involvement of any agencies or professionals with the child and the family, including services provided.**

- Counseling offered to the child/minor
- Psychological/ Psychiatric evaluations or services (diagnosis and medication)
- Department of Behavioral Health/AB2726 involvement
- Forensic Adolescent Services Team (FAST)
- Inland Regional Center (IRC) involvement
- Special medical needs
- ILSP
- WRAP
- Court Appointed Special Advocate (CASA)

10. **Any services or community agencies that are available to assist the child/family.**

- Include therapists, mental health, regional center, special medical needs
- If child is diagnosed with a mental illness, include prescribed psychotropic medications and compliance.

11. **A statement by any counsel currently representing the child.**

- Private Attorney, Public Defender, Out-of-County Attorney or Attorney representing minor in Dependency Court

12. **A statement by any court appointed special advocate currently appointed for the child.**

- Casa Worker
- Guardian Ad Litem

**If considering a minor for dual status designation, be prepared to discuss the following dual status criteria:**

- Dependency court timelines
- Has jurisdiction been established if the minor is 171/2 or older?
- Placement history (level, type, length)
- Placement stability/placement failures
- Escalating negative behaviors
- Minor whose negative behavior has increased to the point where CFS needs additional resources from the Probation Dept.
- Significant relationship between the social worker and the minor

**Statement of your overall recommendation: (Does 300, 600 or both agencies better serve the needs of the child – Why?)**