STANISLAUS COUNTY AGREEMENT AND PROTOCOL
WELFARE AND INSTITUTION CODE SECTION 241.1
REPORTS FOR JUVENILE COURT

The Chief Probation Officer of Stanislaus County, the Director of the Stanislaus County Community Services Agency and Presiding Juvenile Judge of Stanislaus County Superior Court enter into the following agreement:

Welfare and Institutions Code Section 241.1 requires that when a minor appears to come within the description of both Welfare and Institutions Code Section 300 and Section 601 or 602, the County Probation Department and the County Community Services Agency shall jointly assess and produce a recommendation regarding which status, Wardship, Dependency or Dual Status will serve the best interest of the child, and the protection of society.

1. INVESTIGATION OF SUSPECTED ABUSE AND SUBSEQUENT PLACEMENT OF MINOR.

   A. Pursuant to Penal Code Section 11166, the Probation Department, as a mandated reporter, will report to Child & Family Services and the appropriate police agency when a ward, minor on court probation or informal probation per WIC 654, or a minor pending probation, or Juvenile Court action is the alleged victim of child abuse or neglect or may be a person described by Section 300 of the Welfare and Institutions Code. If the child is a ward, and requires removal from a home setting pending investigation of the child abuse allegation, the Probation Department and the Community Services Agency will cooperate in making a joint decision regarding the temporary placement of the minor.

   B. Child & Family Services, as a child protective agency, will respond to and investigate any suspected abuse and neglect of a child that is a ward, on court or informal probation, or pending probation or juvenile court action. During the course of any investigation of the above, Child & Family Services shall notify the Probation Department of the referral and any subsequent investigation.

   C. If removal or services are necessary for a child who is a ward of the court or who has a pending referral to probation for offenses falling under WIC 602, Child & Family Services will contact the Probation Department so that Probation may take appropriate action. Whenever possible a joint staffing will be held for sharing information and to determine how both agencies can meet the needs of the child(ren). The contact number for the Probation Department is Juvenile Intake 525-5400 or after hours, 525-4578. The contact number for Child & Family Services is 1-800-558-3665.

   D. Each department will provide access to data to the other for case clearance purposes and coordination of services.

II. PRE-PETITION AND STAFFING:

A. In instances where WIC 602 (b), WIC 653.5 and/or WIC 707 (d) apply, the District Attorney has authority to file a petition. In all other cases in which the most appropriate jurisdiction for the minor appears to be dual jurisdiction, representatives from each respective agency will confer and a joint decision will be made between the agencies in order to assess for appropriate services and approach of jurisdiction.

B. In determining the approach, each department is not limited to, but shall give consideration to the following:

1. Nature of referral.
2. Age of the minor.
3. Prior history of Physical, sexual or emotional abuse of the minor.
4. Prior child abuse record of minor's parent.
5. Prior record of the minor for out of control or delinquent acts.
6. The parent's cooperation with the minor's school, Probation and CSA.
7. Minor's behavior and progress in school.
8. The nature of the minor's home environment.
9. Records or prior interventions and their outcomes from all agencies that have been involved with the minor and his or her family.
10. Any services or Community Agencies that are available to assist the child and the family.
11. Any relevant information from Attorney regarding the minor or family.
12. Any relevant information from CASA representative.
13. Any recommended referrals and services for the minor and family.

C. The "On-Hold" approach: With an "On-Hold" system, a delinquency court would place a dependency case in suspension while the minor receives the supervision and services necessary to deal with the issues that led to wardship. Upon completion of supervision services the case will be referred for a joint assessment to determine if involvement of the dependency court should be reactivated. When a dependency matter has been placed on hold, the probation department would be required to complete any statutorily mandated reports, complete time studies, and conduct visits as required by code.

D. The "Lead Agency" approach: With a "Lead Agency" approach the agencies would work together to enhance supervision and services for problematic cases. The designated "Lead Agency" would be responsible for completing any statutorily mandated reports, case plans, completing time studies, conducting visits and updating the Court as required in WIC 602 and WIC 300 matters. While the Lead Agency is responsible for completing all required documentation, it must also include (where applicable) the other agency's input in the development of those

documents. In this sense, a multi-disciplinary approach is utilized to identify the most appropriate services available to address the needs of the crossover youth. By using the "Lead Agency" approach the maximum number of options for providing services are available while avoiding any duplication of services or supervision.

E. In considering the filing of a delinquency petition, the principle guideline shall be whether the minor's behavior indicates he/she is committed to a delinquent life style. In considering the filing of a dependency petition, the principal guideline shall be whether there is substantial danger to the physical health of the child or severe emotional damage and no reasonable means exist to protect the child without Court intervention. Consideration shall be given to the intervention and placement options that exist within both agencies that can best address the safety and service needs of child(ren) and family.

F. Each department will provide consultation and liaison services to the other and will share information concerning the child and the child's family. Staff from Probation and Child and Family Services will consult with each other regarding which agency/approach is most appropriate to deal with the minor using the guidelines specified in Section II- B, C, D & E of this protocol.

1. The Probation Placement Supervisor is the liaison and contact person for the Probation Department. The Emergency Response Intake Supervisor is the liaison and contact person for the Community Services Agency.

2. In the absence of the Probation Placement Supervisor, the Placement Unit Deputy Probation Officer III will be the contact person. In the absence of the Emergency response Intake Supervisor, another Emergency Response Supervisor will be the contact person.

G. If a child is currently being housed in Juvenile Hall without a WIC 602 petition being filed and Probation takes protective custody of the child, Probation will contact the Community Service Agency and the Child & Family Services will respond immediately to take custody of the child.

III. POST-PETITION INVESTIGATION: (Cases in which the Court has ordered a 241.1 Assessment and Reports) In determining whether to order a joint assessment report pursuant to W&I 241.1, the court will consider any recommendations made at the detention hearing by the probation officer and any specific statement by counsel for the minor indicating the reason for believing the minor is currently at risk of abuse or neglect in his/her home.

A. If a WIC 602 petition is filed for a child who is a WIC 300 dependent: When the Court orders a 241.1 assessment for a child who is a WIC 300 dependent, Child & Family Services will conduct the assessment and

prepare the 241.1 report with input from Probation using the process outlined in Section IV of the protocol and will forward the 241.1 report to the Probation Department no later than 5 business days prior to the next scheduled court hearing. Whenever possible the attorney representing the minor in the WIC 300 matter will also be appointed to represent the minor in the WIC 600 matter.

B. If a child is a WIC 602 ward:
When the Court orders a 241.1 assessment for a child who is a WIC 602 ward of the Court, the Probation Department will conduct the assessment and prepare the 241.1 report with input from Child & Family Services using the process outlined in Section IV of the protocol and will forward the 241.1 report to the Child & Family Services no later than 5 business days prior to the next scheduled court hearing. Whenever possible the attorney representing the minor in the WIC 602 matter will also be appointed to represent the minor in the WIC 300 matter.

C. If both a WIC 300 petition and a WIC 602 petition regarding the same minor are before the Court or when the child is neither a WIC 300 dependent or a WIC 602 ward:

1. When both a WIC 300 petition and a WIC 602 petition regarding the same minor are before the Court or when the Court orders a 241.1 report for a child who is neither a WIC 300 dependent or a WIC 602 ward, the involved staff and their supervisor from both agencies will consult with each other regarding which agency is most appropriate to complete the 241.1 assessment and report. The assessment will be completed using the guidelines specified in Section IV of this protocol. If necessary, a team assessment-planning meeting will be held.

2. The 241.1 report will be forwarded to the receiving agency no later than 5 business days prior to the next scheduled court hearing. For purposes of this protocol, the "receiving agency" is determined by the specific Court that orders the 241.1 report. That is, if the order comes out of the Delinquency Court, the Probation Department is considered the receiving agency and is responsible for filing the report with the respective Court Clerk's Office. If the order comes out of the Dependency Court, Child & Family Services is the receiving agency and is responsible for the filing of the report.

D. In all cases in which a 241.1 report has been ordered by the Court, the Probation Department will notify the Child & Family Services liaison or Child & Family Services will notify the Probation Department by fax and email of the 241.1 order within 24 hours from the date the 241.1 order was made. The Child & Family Services liaison or Probation Department liaison will then email both the assigned/involved worker and their supervisor of the notification, and copy the Probation Department liaison or Child & Family Services liaison.

E. If a 241.1 report was completed within the last six months, a memorandum shall be written in lieu of an additional 241.1 report. The memo shall refer back to the original 241.1 report and shall include an updated recommendation. Any new relevant child welfare or law enforcement reports shall be attached to the memorandum.

IV. 241.1 JOINT ASSESSMENT PROCESS:

A. When a 241.1 report has been ordered by the Court, both agencies shall complete the applicable information in the 241.1 Joint Assessment report (see attachment A), which includes factors specified in Section II- B above, and forward a copy to the involved staff for each agency. All previous reports including referral and case log notes, emergency response referrals, and mandated reporting forms (form 8572) shall be provided to counsel, probation and the court as an attachment to the 241.1 report.

B. For all transfer in/out cases involving counties governed by the San Joaquin Valley/Foothills Transfer Protocol, the court and agencies shall follow the procedures outlined in the Inter-County Transfer Protocol.

C. Staff from both agencies will consult with each other using the information obtained in the 241.1 Joint Assessment information sheet and will come to an agreement on which avenue the case should take (wardship, dependency or dual status). The staff will make a recommendation on the dual status cases of "on hold" or "lead agency".

D. If the line staff from each agency cannot agree as to which agency is most appropriate to deal with the minor, the line staff will complete a joint staffing with their Supervisors. If an agreement is reached, proceed to section IV-E.

E. If the joint staffing does not result in an agreement, a second joint staffing with the Assistant Director of Child Welfare and the Chief Deputy Probation Officer or their designees will occur and a final decision will be made at the conclusion of the staffing.

F. The agency preparing the 241.1 report will submit the final report to the other agency for review no later than 5 days prior to the Court hearing. The report will include a signature line with a statement that the receiving agency has reviewed, provided input and agrees with the recommendation as provided in the report.

G. If a W&I 241.1 report has been done within the last six months, a memo shall be written in lieu of an additional 241.1 report. The memo shall refer back to the original 241.1 report.

H. If in the course of supervision by either agency it is found that circumstances exist that necessitate a change in the minor's dependency or delinquency status, a new 241.1 report may be requested by the supervising agency (utilizing the existing protocol) for consideration by the Court. The Court may also consider changes in status if during a minor's placement review or dispositional hearing the report being considered acknowledges a joint assessment and there is an agreement by both agencies that the change in the minor's status is in his/her best interest. Disagreements in any change in status, which cannot be resolved through the steps noted in Section V, shall require a new 241.1 report to be prepared.

I. On and after January 1, 2012, if the court finds that a delinquent ward under 18 years of age, who was removed from his/her parents or guardian and placed in foster care as a dependent child of the court at the time the court adjudged the child a delinquent ward or who was removed from his/her parents or guardian and placed in foster care as a delinquent ward, no longer comes with the description of a delinquent ward, but does come with the description of a dependent child as set forth in Section 300, the court may modify its order of jurisdiction pursuant to section 601 or 602, and assert dependency jurisdiction pursuant to Section 300 by means of a petition filed pursuant to Section 387 or 388. In such event, the procedures outlined in section IV(H) shall govern the procedure to be followed in making that determination. (This relates to Dual Status Cases)

J. On or after January 1, 2012, procedures will be in place to address which status will best serve a minor who falls under the descriptions of W&I Code section 300 and sections 600 or 602 who comes under Transitional Jurisdiction and Non-Minor Dependency (as noted in Sections 1-3 below).

1. In determining which agency and court shall supervise a minor whose jurisdiction is modified from delinquency to transition jurisdiction (450 WIC) the following procedures will be followed:

    a. For 602 wards, at the last status review hearing prior to a minor's 18th birthday (but no later than 90 days prior to their 18th birthday) the Probation Officer will address the issues of Transitional Jurisdiction eligibility, specifically, whether or not the following apply:
        i. Minor is over 17.5 years but younger than 18 years old
        ii. Minor achieved his/her rehabilitative goals
        iii. Minor is at risk of abuse or neglect
        iv. Minor cannot be returned home safely
        v. Minor intends to meet non-minor dependent (NMD) status requirements (450 WIC)

    b. If the 602 ward meets/agrees to all of the requirements under Section (a) (i.) through (v.) above (as required by ACL 11-85 and 11-69), the Probation Officer will work with a designated Social

Worker to develop a case plan and narrative that will be submitted to the delinquency court during this Status Review Hearing that will recommend which agency and court will be responsible for supervision during the transitional jurisdiction. A separate 241.1 report is not required in these cases; however, the current court may order a 241.1 if necessary as outlined in Section IV (H) above.

c. If the 602 ward does not meet/agree to all of the requirements under Section J (1)(a)(i.) through (v.), is under 18 and still at risk of abuse or neglect, then the minor will remain a delinquent ward until further order of the Court (see Section J (2) for further clarification of NMD supervision).

d. A 602 ward with a foster care order in place on his/her 18th birthday who meets all of the criteria in section 450 WIC, is eligible to be a nonminor dependent (NMD) under transition jurisdiction (see Section J (2) for further clarification of NMD supervision).

    i. A 602 ward with a foster care order in place on their 18th birthday who does not meet/agree to all of the criteria in 450 WIC, may have:

        1. The foster care order vacated and 602 jurisdiction and supervision continued by Probation up to the maximum age limit as noted by the delinquency court
        2. The foster care order vacated and delinquency jurisdiction terminated

e. A 602 ward who is 18 years old or older and who DID NOT have a foster care order in place on his/her 18th birthday does not meet eligibility for modification of jurisdiction under this section.

f. For 300 WIC dependents who are currently in foster care, are still at risk of abuse or neglect, but are under 18 years old, then these minors will remain under the supervision of dependency jurisdiction and supervision of CSA.

    i. If they are 18 years old or older, then transition jurisdiction does not apply.

g. Dual Status minors are not eligible for transition jurisdiction. As noted below:

i. If Probation was the lead agency, then delinquency jurisdiction is terminated and dependency jurisdiction and supervision continue with CSA

ii. If dependency jurisdiction was suspended (on hold), then dependency must be resumed if the court finds that the minor cannot be returned home.

2. Which agency and court shall supervise a NMD under the transition jurisdiction of the juvenile court.

a. Pursuant to WIC 451(b) a minor or a nonminor (NMD) who is subject to the court's transition jurisdiction shall not be subject to any terms or conditions of probation, and his or her case shall be managed as a dependent child of the court or as a nonminor dependent (NMD) of the court.

i. For 602 WIC minors modified to transition jurisdiction, CSA and dependency court will provide supervision for those under this section

ii. For the NMD cases formerly wards under 602 WIC, who were minors under transitional jurisdiction, CSA and dependency court will provide supervision for those under this section

iii. 602 WIC wards who have not achieved their rehabilitative goals, are 18 years old or older with a foster care order in place on their 18th birthday, are eligible to be a nonminor dependent (NMD) under delinquency jurisdiction if they meet all of the NMD eligibility criteria.

1. Probation and the delinquency court will provide supervision for those under this section until rehabilitative goals are met.

a. When rehabilitative goals are met, see Section J (2)(a)(iv)

iv. For 602 WIC wards who have meet their rehabilitative goals, and are 18 years old or older with a foster care order in place on their 18th birthday, and meet other eligibility criteria as outlined in 450 WIC et seq., delinquency jurisdiction can be terminated and individuals can become NMDs under transition jurisdiction.

1. CSA and dependency court will provide supervision for those under this section
2. If a 602 ward declines to become a NMD that does not restrict the authority of the court to maintain delinquency jurisdiction pursuant to section 607 WIC.

v. For 300 WIC minors or former dual status minors whose dependency has been resumed and have become NMD cases, CSA and dependency court will provide supervision for those under this section

3. A process that addresses the manner in which supervision responsibility is determined when a NMD becomes subject to adult probation supervision.

a. If an eligible NMD is under Probation supervision currently or previously as a NMD, and the ward is then convicted as an adult under adult probation supervision in Stanislaus County, the Probation Department will assess and evaluate appropriate supervision options for the specific adult conviction, with NMD jurisdiction and supervision coming under the delinquency court.

i. Should the NMD no longer be under adult probation supervision, but still eligible for NMD status, the Probation Department will evaluate these on a case-by-case basis with CSA to determine the proper levels of NMD supervision and the appropriate court. The procedures in Section IV(H) can be applied in these cases.

b. If an eligible NMD is a former 602 WIC ward and was previously under transition jurisdiction with CSA providing supervision, and the ward is now a convicted adult under adult probation supervision in Stanislaus County, then the Probation Department will supervise the adult <u>solely</u> for the conviction by enforcing terms and conditions of probation. The NMD supervision will be handled by the dependency court and CSA in those cases.

c. If an eligible NMD was a former or current 300 WIC, or is under transition jurisdiction, and the ward is now a convicted adult under adult probation supervision in Stanislaus County, then the Probation Department will supervise the adult <u>solely</u> for the conviction by enforcing terms and conditions of probation. The NMD supervision will be handled by the dependency court and CSA in those cases.

V. RESOLUTION OF ISSUES:

A. Both agencies commit to resolving any issues at the lowest staffing level as possible.

B. For any issues related to policy the Chief Deputy Probation Officer for Field Services or his or her designee is the contact person for the Probation Department. The Assistant Director of Child Welfare Services or his or her designee is the contact person for the Community Services Agency.

VI. IN-SERVICE AND DESIGNATED FUNCTIONS:

A. In accordance with State law and the Welfare and Institutions Code, each agency shall keep confidential all information pertaining to recipients of Child Welfare Services in accordance with WIC 10850 and the State of California Department of Social Services Manual of Policies and Procedures, Division 19.

B. Each department will provide cross training to the other regarding this Agreement and related data systems in order to enhance mutual understanding and implementation of its policies and procedures.

VII. TRACKING OF DUAL STATUS CASES:

A. The Court will complete and submit the necessary statistical reports to the Administrative Office of the Courts.

VIII. EXCHANGE OF INFORMATION:

Pursuant to WIC Section 241.1 the Superior Court of California (County of Stanislaus), Community Services Agency and Stanislaus County Probation shall exchange information regarding the child's history of abuse and neglect as well as the child's history of delinquency and out-of-control behavior, both orally and by providing photocopies, as needed of each other's case file.

IX. IMPLEMENTATION AND EVALUATION:

The parties shall conduct a joint evaluation of this Agreement once every two years from the original effective date of January 6, 2009.

The current agreement covers the time period through January 6, 2013.

STANISLAUS COUNTY
PROBATION DEPARTMENT

Jill Silva
Acting Chief Probation Officer

1-30-12
Date

STANISLAUS COUNTY
COMMUNITY SERVICES AGENCY

Christine Applegate
Director

2/6/12
Date

SUPERIOR COURT OF CALIFORNIA
COUNTY OF STANISLAUS

Nan Cohan Jacobs
Presiding Juvenile Judge

2/9/12
Date