

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 Service 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 access 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 child care custodian, 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 a child abuse matter. If the child is a ward, and requires removal from a home setting pending investigation of the child abuse allegation, the Probation Department will make the necessary arrangements for the temporary placement of the minor. If the above minor is the alleged offender in a child abuse matter, the reporting party shall directly contact the police agency having jurisdiction.
- B. Child & Family Services, as a child protective agency, will respond to and investigate any suspected abuse 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(ern). 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 1-800-558-8665.

- D. Each department will provide database access 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 has been involved with the minor and his or her family.
 - 10. Any services or Community Agencies that is 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.
- 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 multidisciplinary team will develop case plans utilizing 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. The designated “lead agency” would be responsible for completing any statutorily mandated reports, completing time studies, conducting visits and updating as required in WIC 602 and WIC 300 matters.

- 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. 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 it is determined that a child is better suited to be handled by Community Service Agency and the child is currently being housed in Juvenile Hall without a WIC 602 petition being filed, 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)

- 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

- 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 department no later than 5 business days prior to the next scheduled court hearing.

- 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.

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.

- B. 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”.
- C. 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.
- D. 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.
- E. 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.

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. On any case that is eligible for dual status, the court officer will provide the court with statistical information on that case.
- B. 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 Service 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 effective date of September 1, 2005.

STANISLAUS COUNTY
PROBATION DEPARTMENT

STANISLAUS COUNTY
COMMUNITY SERVICE AGENCY

Jerry Powers
Chief Probation Officer

Ken Patterson
Director

Date

Date

SUPERIOR COURT OF CALIFORNIA
COUNTY OF STANISLAUS

Donald E. Shaver
Presiding Juvenile Judge

Date