

Dual-Status Children: Protocols for Implementing Assembly Bill 129

A REPORT TO THE CALIFORNIA
LEGISLATURE

NOVEMBER 2007



ADMINISTRATIVE OFFICE
OF THE COURTS

CENTER FOR FAMILIES, CHILDREN
& THE COURTS

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Executive Summary

Assembly Bill 129, sponsored by the Judicial Council and the Children’s Law Center of Los Angeles, was intended to improve the handling of cases in which delinquency and dependency intersect and to help increase access to appropriate resources and services for children and families in a holistic and timely manner. Effective January 1, 2005, AB 129 allows each county’s probation department and child welfare department, in consultation with the presiding judge of its juvenile court, to develop a written protocol permitting a child who meets specified criteria to be designated as both a dependent child and a ward of the juvenile court.

Overview

Before the enactment of AB 129, Welfare and Institutions Code section 241.1(a)¹ provided that when a child appeared to come within the description of both a dependent and a ward of the court, probation and social services were to determine which status would serve the best interests of the minor and the protection of society. Courts were prevented from making a child simultaneously both a dependent and a ward of the court, which presented the court with significant challenges in serving certain youth and families. For example, when a child has successfully completed probation but does not have a safe home to return to, the court, in the absence of dual status, may retain delinquency jurisdiction in order to maintain the child in an out-of-home placement. This could result in a child being placed in a more restrictive setting than necessary and being subject to the stigma of being on probation for a longer period than a child who has a home to return to.

The single-status requirement also was viewed as hampering the ability of the courts, probation, and child welfare to address family issues in a holistic manner. In the dependency system, interventions historically have focused on the parents’ maltreatment of the child, whereas in the delinquency system, interventions have focused on the child’s criminal activity. Dual status was viewed by its supporters as a way to provide more comprehensive services to the family with multiple issues—pulling in the resources available to both the probation department and child welfare services—to allow parents who have been found to be abusive or neglectful to be held accountable at the same time that their children’s illegal behavior is addressed.

California and national research indicates that a certain population of youth and families experience problems that touch both the dependency and delinquency systems. Many professionals who work with this population believe that these problems often exceed the ability of one system to deal with them. This issue has been magnified by a historical lack of communication and coordination between the dependency and delinquency systems. Supporters of AB 129 believed that dual status would provide another tool to the court, probation, and child welfare to effectively deal with these youth and families.

AB 129 requires the Judicial Council to prepare an evaluation of the implementation of the dual-status protocols within two years of the date the participating counties first deem

¹ Subsequent code numbers in this report refer to the Welfare and Institutions Code.

a child to be a dual-status child. This report is a product of that two-year evaluation process and addresses the following questions:

- How many counties adopted a dual-status protocol? Why did some counties elect to adopt a protocol, while some did not?
- What are the key features of dual-status protocols?
- What did the process of developing a dual-status protocol entail?
- Which aspects of developing and implementing a protocol were successful, and which were more challenging? What facilitated the successes, and what would help overcome the challenges?
- What would help the county teams optimize the implementation of their dual-status protocols moving forward?

From January 1, 2005, to the time of this report, 7 of California’s 58 counties had formally adopted a dual-status protocol: Colusa, Inyo, Placer, Riverside, San Joaquin, Sonoma, and Stanislaus. (See table E.1 on page iii for an overview of each county’s protocol.)

Key Findings

Statewide,² 560 youth were candidates for dual status and 95 were actually designated dual status. Although youth with active delinquency cases were more likely to be considered for dual status, youth with active dependency cases were more likely to be actually declared dual status. Dependent youth considered for dual status had been in the system for a long time, whereas delinquent youth considered for dual status had been in the system a relatively short time. For dependent youth, the delinquency offenses that prompted consideration for dual status were fairly evenly distributed among felonies and misdemeanors, as well as among violent, property, and other crimes. For most delinquent youth, the trigger for dual status was child neglect.

Interviews and focus groups with judicial officers,³ probation and child welfare staff, and other stakeholders revealed key aspects of dual-status protocol development, successes and challenges in implementing the protocol, and the benefits and drawbacks of dual status.

In developing and implementing the protocols, county teams found that judicial leadership was key to convening the right people to provide input on their dual-status protocols and to ensuring the continuing momentum of protocol development. Similarly, they found it beneficial to have point people in probation and child welfare who were knowledgeable about the protocol and could be a central point of contact for questions or concerns regarding it. The counties also involved a wide range of stakeholders—not just

² Statewide figures include six of the seven counties that adopted a protocol. Data are not available from Colusa County.

³ For succinctness in writing this report, “judicial officers” refers to judges and commissioners in the juvenile court who hear dual-status cases.

Table E.1. Overview of County Dual-Status Protocols

	Colusa	Inyo	Placer	Riverside	San Joaquin	Sonoma	Stanislaus
Date protocol adopted	3/23/2006	12/13/2005	12/14/2005	10/5/2005	12/19/2005	9/7/2006	12/23/2005
Number of dual-status youth	Unknown	2	15	62	9	2	5
On-hold or lead court/lead agency model?	Lead court/ lead agency	Lead court/ lead agency	Combination	Lead court/ lead agency	Lead court/ lead agency	Lead court/ lead agency	Combination
Hearings and calendaring	Not mentioned	Joint dependency/ wardship hearings are conducted for dual-status minors.	Dependency lead cases are calendared in dependency court, while delinquency lead cases are calendared in delinquency court. Concurrent jurisdiction cases are calendared in dependency court.	If probation is the lead agency, the delinquency court is the lead court. If the Department of Public Social Services is the lead agency, the dependency court is the lead court.	The court will conduct joint dependency/ wardship hearings for dual-status minors.	Dependency lead cases are calendared in dependency court, while delinquency lead cases are calendared in delinquency court.	Not mentioned
One judge/one attorney required?	Not mentioned	Aims to have one judge handle the case; however, protocol acknowledges that this may not be possible.	Mandates one judge for each case. Strives for single-attorney model.	If initial petition is based on Welf. & Inst. Code, § 602, the office of the public defender represents the	If there is more than one judge handling a dual-status case, judges must communicate in regard to the	Not mentioned	Strives for single-attorney model.

	Colusa	Inyo	Placer	Riverside	San Joaquin	Sonoma	Stanislaus
				child; if based on Welf. & Inst. Code, § 300, the juvenile defense panel represents the child and family.	case. Single-attorney model should be used unless it would be detrimental to the minor or be inappropriate to do so.		
Provisions for reassessing the protocol	Protocol may be terminated by court or either agency upon 30 days' written notice of termination.	Not mentioned	Not mentioned	Not mentioned	Any party may terminate the agreement for prospective cases by giving 30 days' written notice to other parties.	One year from date of protocol signing, either human services or the juvenile probation department may give notice to opt out.	The parties shall conduct a joint evaluation of the protocol once every two years from the effective date of September 1, 2005.
Other key features of protocol	Lead agency has primary title IV-E funding rights and responsibilities and reimburses nonlead agency on receipt of accounting of time and services provided.	Only children who have not been removed from the home are eligible for dual status.	Workers will use a model of structured decisionmaking and risk assessment to help determine the level of intervention and family services.	Youth who are placed in Riverside County by other outside county agencies are not eligible for dual status.	Dual-status protocol does not preclude the court following the pre-602/dual-status protocol, the goal of which is to avoid escalating dependents to 602 status.	County clerk is responsible for sending all notices, reports, and orders to human services and the juvenile probation department.	Each department must provide training to the other in regard to the agreement and its data system.

the court, probation, and child welfare—in developing their protocols, as they recognized that many other parties would be affected by implementation and that they would need to buy into the protocol and, at a minimum, have a conceptual understanding of dual status.

County teams found that stakeholders in the dependency and delinquency systems lacked knowledge of or had misconceptions about one another's systems. Joint training—especially for probation officers and social workers, those most involved in serving dual-status youth and families—was viewed as a way to enhance collaboration between the systems and generally improve implementation of their dual-status protocols. In addition to joint trainings, collaborative meetings among the various stakeholders from both systems are important to identify and troubleshoot problems and have other questions answered. Because of staff turnover and the potential for new issues to arise over time, training and collaborative meetings should occur regularly or frequently.

County teams believe that dual status has allowed the combined strengths of both the dependency and delinquency systems to treat family issues more holistically. Judicial officers report that they no longer experience the frustration of having to choose between two systems when a family has needs that can best be met by both. Through child welfare, parents can continue to receive services and address the structure they need to provide for their children, while probation works with the children to address their criminal behavior. By having two sets of eyes and ears on the case that are in tune to different types of issues, the court receives more complete information about the youth and family and can therefore make better decisions. Dual status has expanded the ranges of services and placements available to probation officers and social workers to address the needs of youth and families. Perhaps more importantly, dual status has created a dialogue among probation, child welfare, and the court, which has resulted in a greater understanding of one another's systems and additional partnerships outside the context of dual-status cases.

The difficulties of implementing dual-status protocols center around a few major themes: a lack of clarity regarding the specific responsibilities of and procedures to be followed by agency workers, judicial officers, attorneys, and other key players; a lack of knowledge or misunderstanding among delinquency stakeholders about the dependency system, and vice versa; and a lack of guidance at the state level about how dual status should be implemented. The county teams believe that given additional time and training, an opportunity to build on their protocols, and further direction at the state level, their dual-status protocols can work more effectively and achieve more successful outcomes for youth and families.

The county teams have been developing solutions to both ensure more effective collaboration and further institutionalize dual status. If the right tools and templates are developed and stakeholders in general receive more direction on their roles and responsibilities, those involved are less likely to become frustrated with the process. Dedicating agency workers, judicial officers, or court calendars to dual status would also be helpful in centralizing the specialized knowledge required to handle dual-status cases and would generally provide more visibility for dual status.

Next Steps

Because counties may still opt into developing a dual-status protocol at any time (i.e., the legislation does not sunset), staff of the Administrative Office of the Courts, Center for Families, Children & the Courts (CFCC) will continue to support counties in developing and implementing their protocols. Quarterly conference calls of county team members will continue, as will informal gatherings at conferences like Beyond the Bench, in order to identify new or ongoing issues, troubleshoot problems, and allow county teams to share information. CFCC staff will review its publications library for materials that may provide guidance to the county teams and distribute them as appropriate. Opportunities will be sought to integrate dual-status issues into existing dependency and delinquency training programs or to invite AB 129 county team members to those programs. CFCC staff will monitor the academic research currently being conducted on dual-status or crossover youth in order to understand the most effective indicators for measuring the impact of dual status, find ways to integrate dual-status-related issues into existing CFCC research programs, and seek grant opportunities to carry out more in-depth research on dual status.

Chapter 1: Introduction

Overview of the Legislation

Assembly Bill 129,⁴ sponsored by the Judicial Council and the Children’s Law Center of Los Angeles, was intended to improve the handling of cases in which delinquency and dependency intersect and to help increase access to appropriate resources and services for children and families in a holistic and timely manner. Effective January 1, 2005, this legislation allows counties to choose to develop a local dual-jurisdiction protocol to designate certain youth as dual status—as both a dependent child and a ward of the juvenile court. Through AB 129, California counties have the opportunity to enhance and build on protocols they had already developed under 241.1(a).

Before the enactment of AB 129, 241.1(a) provided that when a child appeared to come within the description of both a dependent and a ward of the court, probation and social services were to determine which status would serve the best interests of the minor and the protection of society. The recommendations of both departments were presented to the juvenile court with the petition filed on behalf of the child, then the court determined which status was appropriate. Courts were prevented from making a child simultaneously both a dependent and a ward of the court.

AB 129, with the addition of 241.1(e), allows each county’s probation department and child welfare department, in consultation with the presiding judge of its juvenile court, to develop a written protocol permitting a child who meets specified criteria to be designated as both a dependent child and a ward of the juvenile court. The protocol is signed by the chief probation officer, the director of the county social services agency, and the presiding judge of the juvenile court and must include the following: a description of the process used to determine whether a child is eligible to be dual status; a description of the procedure by which the probation department and the child welfare services department will assess the necessity of dual status; a provision for ensuring communication between judges in the dependency and delinquency courts when the dependency matter has been suspended; a plan to collect data to facilitate the Judicial Council’s evaluation of the implementation of the protocols; and the adoption of either a “lead court/lead agency” or an “on-hold” model.

The lead court/lead agency model involves a joint assessment to determine the most appropriate system to be responsible for case management and all mandatory hearings and reports. However, both the dependency and the delinquency cases are still open. When dual supervision is no longer necessary or one case status ends, the system with a case still open assumes full supervision of the case. Under this model, children can enter the system with a delinquency case but then receive services under the dependency system. The on-hold model suspends the child’s dependency case as long as the delinquency case is in effect. At the time the delinquency case could be dismissed, the probation and the child welfare departments jointly assess whether dependency jurisdiction should be reinstated. AB 129 suspends dependency jurisdiction for

⁴ See appendix A for the complete legislation.

appropriate cases, eliminating the need to file a new petition to reopen the dependency case when the child has successfully completed probation.⁵

AB 129 provides counties with significant flexibility in developing and implementing their dual-jurisdiction systems, except that conflicting orders by different courts cannot be issued, and there are to be no simultaneous or duplicative services provided by the probation and child welfare departments. This flexibility was built into the legislation to allow counties to creatively implement a local system that would best help children involved in both sides of the juvenile court without increasing the workload for the agencies involved.⁶

Impetus for the Legislation

The prohibition under 241.1(a) against making a child simultaneously a dependent child and ward of the juvenile court presented the court with significant challenges in serving certain youth and families, making it difficult for courts to fulfill their statutory mission. Some children who successfully complete probation may not have a safe home to return to. For those children, in the absence of dual status, the court would either send the child home and wait for a new dependency petition to be filed or retain delinquency jurisdiction in order to maintain the child in an out-of-home placement.⁷ In the first option, it may be difficult to get the child welfare services department to file the new petition. Under the second option, a child may be placed in a more restrictive setting than necessary, which could result in negative outcomes and subject the child to the stigma associated with being on probation for a longer period than a child who has a home to return to.⁸ Supporters of AB 129 believed that dual status would allow for a more seamless transition back to the dependency system and avoid keeping children on probation longer than necessary.

The prohibition of dual status also hampered the ability of the courts, probation, and child welfare to address family issues in a holistic manner.⁹ In the dependency system, interventions historically have focused on the parents' maltreatment of the child, whereas in the delinquency system, interventions have focused on the child's criminal activity. Dual status was viewed by its supporters as a way to provide more comprehensive services to the family with multiple issues—pulling in the resources available to both the probation department and child welfare services—to allow parents who have been found to be abusive or neglectful to be held accountable at the same time that their children's illegal behavior is addressed.¹⁰

⁵ Personal communication from Tracy Kenny, Attorney, AOC Office of Governmental Affairs, October 6, 2005.

⁶ *Ibid.*

⁷ AB 129 Bill Analysis, Senate Judiciary Committee, June 15, 2004 hearing, www.leginfo.ca.gov/pub/03-04/bill/asm/ab_0101-0150/ab_129_cfa_20040616_144555_sen_comm.html (accessed May 25, 2007).

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ AB 129 Bill Analysis, Assembly Judiciary Committee, January 13, 2004 hearing, www.leginfo.ca.gov/pub/03-04/bill/asm/ab_0101-0150/ab_129_cfa_20040112_141109_asm_comm.html (accessed May 25, 2007).

Although the legislation permits dual status for youth who cross over from the dependency to the delinquency system and for youth going from the delinquency to the dependency system, the former scenario was thought to be more common. As a result, most of the arguments in support of the legislation focused on the perceived benefits of dual status for dependents who become involved in criminal activity. Not as much was known or anticipated in terms of delinquent youth who subsequently become involved in the dependency system.

Crossover Issues

Because they “cross over” from one system to the other, youth who have been involved in both the dependency and delinquency systems are often referred to as “crossover youth.” Research has shown that, relative to nonmaltreated youth, dependent youth are more likely to become involved in criminal activity and once engaged in such activity, are more likely than their nondependent peers to recidivate. For some youth, this criminal activity may be related to drug use. Dependent youth are also more likely than nonmaltreated youth to experience mental health problems, which may precipitate acting-out behavior that, without early intervention, could escalate into delinquent acts.¹¹ Additionally, many delinquent youth have troubled home lives, a fact that may go unnoticed until they come under probation supervision.

The crossover issues most frequently reported by probation officers surveyed for the Juvenile Delinquency Court Assessment (JDCA) in spring 2007 included youth lacking a suitable home or family to return to on completion of probation (96%), having parents with mental health problems (95%), and being charged with offenses related to their placement (87%). Notably, less than 1 percent of respondents reported *not* having encountered youth with any of the crossover issues listed on the survey. Common difficulties faced in serving these youth included holding parents accountable or getting them to cooperate (90%) and holding youth appropriately accountable (76%).

Prosecuting and defense attorneys surveyed for JDCA in spring 2007 largely echoed the issues raised by probation officers. However, they were both much more likely than probation officers to cite youth having parents with substance abuse problems as an issue (97%). Like probation officers, the top concerns among district attorneys in serving crossover youth were holding youth and parents accountable, but district attorneys were also very likely to see finding suitable placement as a challenge (80%). Finding suitable placement was the number one issue for defense attorneys (85%), followed by holding parents accountable or getting them to cooperate (83%). Defense attorneys expressed more concern than probation officers and district attorneys with finding a mechanism to return delinquent youth to the dependency system and somewhat less concern about holding youth appropriately accountable.

A summer 2006 survey of judicial officers from JDCA sheds light on the issues faced by judicial officers in handling cases involving children who are moving from one part of

¹¹ For more information on the intersection between dependency and delinquency, see the full CFCC fact sheet at www.courtinfo.ca.gov/programs/cfcc/pdf/files/Ab129-FactSheetMay05.pdf.

the juvenile court to the other. One in five (22%) judicial officers was either “dissatisfied” or “very dissatisfied” with information sharing between probation and child welfare. More than half (59%) cited services for youth not being as extensive in the delinquency system as in the dependency system as a consideration in how to handle these cases. Other common considerations were the belief that dependent youth with delinquency referrals can lose their ability to return to their placement (46%) and that there is an interruption in services for dependent youth who enter the delinquency system (43%).

Before its June 2005 Transfer of Knowledge Symposium, Center for Families, Children & the Courts (CFCC) staff distributed a questionnaire to all participants to identify the county teams’ needs and concerns related to developing a dual-status protocol, with the goal of creating content to address those issues. Nearly one-quarter of participants felt that their protocol under 241.1(a) was addressing the needs of children in their county either “not very well” or “not well at all.” The fact that most participants did appear to be satisfied with their protocol under that code section suggests that the protocol’s adequacy may not factor into a county’s interest in developing a dual-status protocol; but for those who did find it inadequate, dual status may have had particular appeal. Commonly cited problems with the protocols included returning children from probation to the dependency system (54%), continuity of services for both the children and the family (each 50%), lack of communication among the court, probation, and child welfare (47%), and lack of ongoing, coordinated case assessment (45%).

Support for Implementation

CFCC staff undertook several efforts to support the counties’ implementation of AB 129. In April 2005, a letter was issued to all presiding judges of the juvenile court, chief probation officers, and child welfare directors, informing them of the legislation and of CFCC’s availability to provide technical assistance, as well as outlining issues to be addressed by the protocols. In June 2005, CFCC sponsored a Transfer of Knowledge Symposium to help the county teams draft and implement their protocols. The symposium brought experts from the courts, probation, and child welfare to speak on the intersection of dependency and delinquency. Both national and California perspectives were provided on the issues. The Child Welfare League of America (CWLA) also provided technical assistance and collaborated with CFCC in planning the symposium. Counties had the opportunity to meet as a team throughout the day and developed action plans for establishing concrete next steps toward developing a dual-status protocol. More than 150 judicial officers, probation officers, social workers, and other justice partners, representing 27 California counties, attended the symposium. In addition, an informational session on AB 129 was held at the 2005 Beyond the Bench conference.

In terms of more informal efforts, beginning in 2006, CFCC staff organized quarterly conference calls for the county teams that had adopted protocols to allow the teams to exchange information and ideas, share successes, and troubleshoot problems, as well as to inform CFCC staff of any needs for technical assistance. CFCC organized a roundtable of the county teams at the 2006 Beyond the Bench conference and plans to do so again for the 2007 conference.

In May 2006, the California Department of Social Services (CDSS) issued All County Information Notice (ACIN) No. I-05-06 to respond to questions CDSS had received on AB 129. The notice addresses questions regarding title IV-E funding and eligibility, supervision obligations under the two models (on-hold and lead agency), and issues about the compatibility of automated computer systems.¹²

Evaluation

AB 129 also added 241.2, which requires the Judicial Council to prepare an evaluation of the implementation of the dual-status protocols within two years of the date the participating counties first deem a child to be a dual status child (the first protocol to be finalized was dated October 5, 2005). A team of attorneys and research analysts from CFCC was responsible for conducting the evaluation.

The evaluation focused primarily on examining the process of creating and implementing the dual-status protocols. As will be explained more fully later, counties that have adopted dual-status protocols are still very much in the pilot or formative stages of implementation. For various reasons—county teams are working toward optimal implementation, a relatively short period of time has passed in light of the length of dual-status youths' time in the system, so few counties have adopted protocols, and relatively few youth have been deemed dual status—it is premature to examine case outcomes in any detail.

The evaluation consisted of two major components: (1) from all counties that adopted a dual-status protocol, the collection of quarterly statistics summarizing the number of cases that were candidates for dual status, the number that were actually deemed dual status, and for those that were deemed dual status, basic case characteristics and demographics; and (2) in two counties selected for closer examination (Placer and Riverside), interviews and focus groups with the court, probation, child welfare, and other stakeholders to understand the process of developing the protocol, successes and challenges in implementing the protocol, and the benefits and drawbacks of dual status.¹³

This report also incorporates several secondary or supplemental data sources, including a survey of participants from the symposium, minutes from quarterly county team conference calls and other meetings, notes from county-level dual-status training sessions attended by CFCC staff, and several surveys, conducted under the statewide Juvenile Delinquency Court Assessment, of court administrators, judicial officers, probation departments, district attorneys, and defense attorneys.

¹² See appendix B for a copy of the ACIN.

¹³ See appendix C for copies of the data collection instruments.

Chapter 2: Statewide Overview of Implementation

Adoption of Dual-Status Protocols

From the legislation's effective date of January 1, 2005, to the time of this report, 7 of California's 58 counties have formally adopted a dual-status protocol. (See table 1 for a list of the counties that adopted a protocol and the dates their protocols became effective.) In addition, while it has not formally adopted a protocol, Los Angeles County has begun piloting one at its juvenile courthouse in Pasadena. The hope is that by implementing the protocol in one venue on a smaller scale, some of the difficulties and challenges can be worked out prior to making the protocol effective countywide.

Table 1. Counties Adopting Dual-Status Protocols

County	Effective Date
Colusa County	3/23/2006
Inyo County	12/13/2005
Placer County	12/14/2005
Riverside County	10/5/2005
San Joaquin County	12/19/2005
Sonoma County	9/7/2006
Stanislaus County	12/23/2005

Counties may have opted against developing a protocol for a number of reasons. Although nearly one-quarter of symposium participants thought their county's protocol under 241.1(a) was not working well, more than two-thirds felt the protocol was working either "very well" or "somewhat well." This suggests that some counties may have not seen the need for a dual-status protocol. According to the fall 2006 JDCA Court Operations Survey, some counties decided against implementing a protocol because they did not believe they had enough potential dual-status cases to justify creating a protocol or could not gain the necessary buy-in from all affected parties. However, many court administrators noted that in spite of the challenges, their counties are still in ongoing discussions about adopting a dual-status protocol.

County team members attending the symposium noted several logistical concerns as they considered adopting a protocol, including but not limited to the allocation of responsibilities among the court and agencies (61%), resources (57%), information sharing (41%), how to identify or screen for appropriate cases (41%), and issues related to the Adoption and Safe Families Act (33%), particularly the impact of dual status on timelines and responsibilities for service delivery. Any one or a combination of these issues could become a stumbling block to moving a dual-status protocol forward.

However, even for counties that did not formally adopt a dual-status protocol, the existence of AB 129 and the initial discussion that ensued facilitated a dialogue among the court, probation, child welfare services, and other stakeholders about how their counties deal with children who cross over from the dependency to the delinquency system, and vice versa. Engaging in these discussions has allowed counties to more closely examine other options for crossover youth that fall short of dual status, including

various levels of informal probation or deferred entry of judgment for dependents and voluntary contracts with child welfare services for the families of delinquents.

Overview of Protocols

To comply with the enacted legislation, counties that adopted a 241.1(e) dual-status protocol submitted a copy to CFCC.¹⁴ Staff reviewed each of the protocols and posted them on the CFCC Web site. A chart comparing the various protocols was posted as well. It is hoped this information will help courts and dependency and delinquency stakeholders learn how courts created their protocols, addressed particular areas or practices, and overcame some of the challenges posed by dual status. Highlights from the comparison chart are briefly summarized below.

Five of the seven counties with protocols have chosen the lead court/lead agency model. The other two have chosen a hybrid approach that permits them to apply that model or an on-hold model on a case-by-case basis. The on-hold model may be less appealing because the statute is applicable only to cases where dependency youth cross over to delinquency, not vice versa.

Only two of the seven counties have chosen to calendar joint dependency/delinquency hearings for their dual-status cases and in one of those, both agencies are expected to attend the hearing. In the other counties, reports generally are prepared by the lead agency, and only that agency is present in court. One county has directed its dependency court to hear all dual-status cases, regardless of which agency is the lead. This approach ensures consistency in that all attorneys, probation officers, and social workers know in which court their dual-jurisdiction matters will be heard, and one judge and one clerk are responsible for handling the files and making all findings and orders.

Several of the protocols indicate a desire for one attorney to keep the case when youth cross from either system and are deemed dual status, whether it is the child's dependency attorney or defense attorney. However, the protocols also acknowledge the difficulty that this presents; a dependency attorney may not be able or willing to regularly appear in delinquency court if that court becomes the lead, and delinquency defense attorneys may not be able or willing to appear in dependency court. When assigning only one attorney is not possible, good communication between the two attorneys is essential to ensure both are kept apprised of the child's needs and progress.

In general, the protocols do not delineate when children may or may not be deemed dual status. However, one county's protocol will not permit youth placed inside the county from another county to be deemed dual status (e.g., a dependent child from X County living in Y County may not be made a dual-status child of Y County after a 602 petition is sustained). Another county's protocol does not permit children who have been removed from the home and are living in foster care/placement to be deemed dual status. This limitation is a result of concerns about who is responsible for visiting a dual-status

¹⁴ See appendix D for a chart providing an overview of all of the protocols. See appendix E for each individual county's protocol.

child in placement, particularly if probation is the lead agency, and visitation requirements being connected to eligibility for title IV-E funding.¹⁵

The recommendation for a child's status is left to the probation and social service agencies. If the line staff cannot agree on what status is most appropriate for the child, the conflict usually moves up the chain of command within each organization, unless the county has an established multiagency policy committee or collaborative team to review the matter. Ultimately, however, the court must determine the child's status—dependent, ward, or dual status.

The sometimes difficult issue of information sharing and confidentiality was not a stumbling block for most counties. Only one protocol addressed the issue, and it specifically directs the probation department and social service agency to exchange child and family information.

As for terminating a protocol, three counties specifically permit any party to opt out of the protocol with 30 days' notice to the other parties. And one county requires joint evaluation of the protocol every two years from the date the protocol became effective.

County Experiences in Implementing Protocols

As of June 30, 2007, in six of the seven counties¹⁶ that submitted quarterly statistics, 560 youth¹⁷ had been candidates for dual status, with the vast majority (90%) having had active delinquency cases prior to the dual-status hearing. The data collection forms focused on the child's status immediately prior to the dual-status hearing; therefore, the statistics do not reflect the extent to which youth with active delinquency cases had been previously involved in the dependency system. According to county team members, the families of many delinquent youth considered for dual status do in fact have a prior child welfare services history. Additionally, some delinquent youth may have a current child welfare case in their family (with respect to their siblings), but because of the prior prohibition on dual status, are not themselves dependents.

Of the 560 youth who were candidates for dual status, 95 ultimately were declared dual status. It is important to note that although dual status was an option in those 560 cases, it may not have been actually recommended in all cases. In fact, county teams have noted that they have been very careful not to recommend dual status just because it is an option; in general, they believe that dual status should be reserved for special or unique situations. They have been carefully weighing the benefits of the involvement of both systems in the case, assessing what the family can get from one system that they cannot get from the other. Although not among the most prominent considerations in developing a protocol, participants in the AB 129 symposium also commonly noted concerns surrounding "net widening." This term evolved in the evaluation of juvenile justice

¹⁵ For more information on these concerns, see the "Obstacles and Challenges" section below.

¹⁶ Data are not available for Colusa County.

¹⁷ This figure does not include a small number of cases that had been initially considered for dual status but did not have a disposition on dual status because the case was transferred or new information became available that changed the team's view of the need for dual status.

diversion programs and refers to the expansion of the numbers and types of youth brought under the supervision of the juvenile court, as well as the potential that these cases are inappropriately brought into the juvenile justice system.¹⁸ Based on statistics and reports from county team members, net widening is an issue that does not appear to have materialized and in some cases was consciously avoided.

Although youth with active delinquency cases were more likely to be *considered* for dual status, youth with active dependency cases were more likely to be *declared* dual status (35 percent of youth with active dependency cases were declared dual status, compared to only 15 percent of youth with active delinquency cases). Dependent youth considered for dual status had been in the system for a long time (close to half had cases active for two or more years), whereas delinquent youth considered for dual status had been in the system a relatively short time (nearly 8 in 10 had cases active for six months or less). For dependent youth, the delinquency offenses that prompted consideration for dual status were fairly evenly distributed among felonies and misdemeanors, as well as among violent, property, and other crimes, with drug offenses being least common. For most delinquent youth (55%), the trigger for dual status was child neglect.

Dual-status youth were most likely to be served by the dependency court as the lead court and child welfare as the lead agency (45%); however, almost as frequently, the delinquency court served as lead court and probation served as lead agency (42%). Hybrid arrangements (e.g., delinquency as lead court and child welfare as lead agency) were much less common. Dual-status children were more likely to be male (66%) than female (34%). All were between the ages of 13 and 17. Most dual-status youth were placed in either juvenile hall or foster care at the time of the dual-status hearing.¹⁹

Overall, counties that adopted a dual-status protocol felt that dual status was a worthwhile option to consider and that the process of developing and implementing the protocol reaped important benefits. However, counties have been facing significant challenges in optimally implementing their protocols—challenges that are not insurmountable but that will require more time for the counties to fully address and additional guidance at the state level. Dual status represents a major systems change involving three agencies and other key stakeholders, as well as a culture shift in terms of the way the involved players normally do business. The progress of the counties must be viewed through that lens.

Successes and Benefits

Participating counties report that having a dual-status protocol has enhanced the courts' and agencies' ability to treat family problems more holistically and to provide a fuller range of services to address problems throughout the family, not just for the child or the parent. Probation historically has been viewed as weak in providing reunification services; having the opportunity to partner with the child welfare department means that

¹⁸ Oldenettel, D., and Wordes, M. (2000). The Community Assessment Center Concept. OJJDP Juvenile Justice Bulletin, March 2000, www.ncjrs.gov/html/ojjdp/jjbul2000_03_6/pag5.html (accessed October 10, 2007).

¹⁹ For a more complete summary of the statistics, including county-level data, see appendix F.

family reunification can be better addressed. When child welfare is able to provide services to the family of a delinquent child, it may also help prevent future delinquency among younger siblings by working with parents to provide consequences for their children's behavior. On the other hand, for a dependent whose criminal behavior is escalating, probation may be better equipped than child welfare to provide the youth with needed structure and accountability. Dual status allows the courts to draw on the strengths of each agency to address the family situation.

Probation officers interviewed expressed appreciation for having a social worker available to accompany them when they had concerns about the safety of children in a home they were going to visit or when they needed assistance after a probationer revealed past or current abuse. Probation officers may have more flexibility to drug-test youth, while social workers may have more flexibility to drug-test parents, so the agency staff have appreciated being able to call on one another if they suspect a family member has substance abuse issues.

Although probation and child welfare services have access to many of the same placements, the extent to which each agency has knowledge of all of those placements, as well as their comfort level working with particular placements, may vary. Probation officers and social workers note that dual status has expanded their knowledge of the range of placement options available for these youth. Additionally, there are occasions where different types of placements become available because of a youth's dual status. Social workers have assisted probation officers in getting youth into foster homes who would have been difficult to place if they were solely delinquents. Probation officers have assisted social workers in getting children needing more structure and intensive supervision into boot camp-type programs. More broadly, having both agencies involved places an extra set of eyes and ears on the youth and family, meaning that the court and agencies have more complete information and can make better decisions on the case.

In addition to improving the cases of individual youth and families, the adoption of dual-status protocols has reaped ancillary benefits that participating counties believe should not be underestimated. Because dual status affects such a broad range of stakeholders, it has brought together agencies and individuals who increasingly realize that they often are dealing with the same youth and family populations. County teams were successful in communicating the importance of dual status to these stakeholders, which led to gaining the necessary buy-in to proceed with establishing a protocol.

Increased interagency communication and a greater understanding by probation and child welfare of one another's roles, mandates, philosophies, and limitations also have been consistently emphasized as key collateral effects of dual status. The agencies have been able to educate one another about the services they provide and resources they have access to, which can help them coordinate case plans much more effectively. Furthermore, county team members have noted that increased communication and collaboration—the fact that workers have someone knowledgeable they can call from the other agency—has enhanced their ability to serve non-dual-status youth as well.

Obstacles and Challenges

County teams have experienced significant challenges in implementing their protocols. Because dual status represents such a change in the way the juvenile court and its officers in probation and child welfare do business, it was difficult at the outset to anticipate the types of problems that would arise. The counties' major challenges have been in operationalizing their protocols, in translating what dual status means in terms of the everyday work of the court, probation, child welfare services, and other affected parties. They have found it necessary to more clearly define roles and responsibilities and are continuing to assess what systems or tools are needed to most effectively handle dual-status cases. Additionally, the county teams have been struggling with some broader, more systemic issues that have affected their ability to optimally implement their protocols.

One of the greatest challenges has been communication and collaboration between probation officers and social workers. Although overall the agencies share a good relationship at the management or supervisory level, figuring out how line staff from the two agencies can best work together on an individual case has been more problematic. Probation officers and social workers may have difficulty finding out who their counterpart is in the other agency or how to contact them. Some agency staff may not be notified, may be notified late, or may find out indirectly about key events in the case, such as changes in placement, court hearings, or the assignment of a new probation officer or social worker. Others may have difficulty obtaining important documents, such as review reports and minute orders. These types of problems can become exacerbated given the degree of line staff turnover due to promotion, reassignment, or resignation. County team members also have expressed concern that the agency staff may not be truly collaborating, for example, not seeking their counterparts' input on review reports or not fully integrating the information from both sides, letting the lead agency do most or all of the work, or simply not being in regular communication about the case and the needs of the youth and their families.

Another big adjustment for probation and child welfare has been, and continues to be, learning about a new system, one with a different legal mandate, a different philosophy, and a different style of operating. Probation's focus historically has been on the child's criminal behavior, whereas child welfare's focus historically has been on the parents' conduct and safety and well-being of the children. They focus on different sets of issues in considering how to handle a case. This has translated to a challenge in developing review reports that fully address both delinquency and dependency issues. Judicial officers have noted that when one agency takes the lead in writing the report, it often lacks the depth of information that the nonlead agency provides based on its expertise. More generally, the agencies have had misconceptions about one another's roles. For example, social workers note that probation officers may be quicker than they would be to try to reunify children with their parents or may not understand why a family could have so many child abuse reports without anything being founded. On the other hand, probation officers note that social workers may want to put children in juvenile hall or charge them with a probation violation when probation might not think it's appropriate and would not otherwise do so for a non-dual-status case. As the two agencies begin to

understand one another's customary ways of doing business, and in particular one another's limitations, they will be better able to collaborate on dual-status cases.

Probation officers and social workers have been struggling with what it really means to be the lead agency. In terms of service provision, does the lead agency have to actually provide all of the services or just ensure that services are provided? Which agency has the responsibility to pay for the services, and does it have the funding to do so? How much collaboration should there be in writing review reports? Who should convene meetings or otherwise initiate contact? Agency workers definitely thought that they needed more guidance on the concrete steps they are to take, as well as their roles and responsibilities vis-à-vis the other agency, when they are assigned to a dual-status case. As county team members have noted, agency staff, and in particular social workers, are accustomed to laws and protocols that are very prescriptive, and they have been somewhat uncomfortable working in the absence of such guidelines on dual-status cases.

A closely related issue for probation and child welfare has been the agencies' responsibilities to visit the child. Social workers are mandated to make monthly visits to the child. Since title IV-E funding is tied to child welfare services' compliance with such mandates, social workers have been continuing to visit the child even when probation is the lead agency and the probation officer is making regular visits. They believe that this goes against the legislation's intent to avoid duplication of services but are concerned that if the probation officer alone conducts the visits, it could lead to the loss of title IV-E eligibility if discovered in an audit. The All County Information Notice from the California Department of Social Services mentioned in chapter 1 was intended in part to address this issue, but the county teams felt that it did not provide sufficient clarification, so they have been erring on the side of caution regarding visitation.

Because probation and child welfare have the most responsibility for and the highest level of contact with dual-status youth and their families, they probably have experienced the most difficulties with respect to dual status. However, it has not been a completely smooth experience for others in the system. For example, some attorneys may not have a systematic way of finding out that a child has been declared dual status or has a court hearing—particularly if the case is heard in a department in which the attorney does not customarily practice—and may have difficulty obtaining review reports and minute orders. Dependency attorneys and court officers may not always appear in delinquency court, and vice versa, which may limit the information the judicial officer has access to in the hearing.

Judicial officers and clerks in the dependency and delinquency courts also have had to learn one another's protocols and procedures. Judicial officers need to ensure that they are making the proper findings on both sides of the case, which may be especially challenging for those without experience in both dependency and delinquency. Clerks need to ensure that the appropriate findings make it into the minute orders and that the minute orders and other relevant documents are included in the case files—files that they may not normally manage. Additionally, judicial officers in delinquency may be accustomed to the style and format of review reports prepared by probation and therefore

may have difficulty reading and interpreting a report prepared by a social worker (and vice versa). In terms of the content of review reports, judicial officers have also noted that reports prepared by probation officers on dependency matters, and by social workers in delinquency matters, may not be as detailed or as comprehensive as the reports on non-dual-status cases.

Key Components of a Successful Dual-Status Protocol

Although the county teams have been hampered by logistical, communication, and resource issues in implementing their dual-status protocols, they recognize that dual status represents a major change for the courts, agencies, and other justice partners and that it will take time to become truly institutionalized. The counties believe that these challenges are not insurmountable, especially given more direction at the state level, and they are committed to continuing their implementation efforts, refining policies and procedures as necessary. Their experience provides an opportunity for other counties that may be considering adopting a dual-status protocol to learn about what has contributed to the success of the protocols so far and what the county teams believe will enhance that success moving forward.

County team members note that especially in the initial stages of protocol development, the leadership and convening power of the court, in particular the presiding judge of the juvenile court, plays a primary role in getting the right people to the table and keeping the process moving. Not only is judicial leadership important, there also must be committed, consistent leadership in probation and child welfare to ensure the initial and ongoing success of dual status. Having point people in each agency ensures that players in the juvenile court system have somewhere to turn when they have questions related to dual status. Leadership does not necessarily have to come from a single individual in each agency but can consist of a core group of individuals who are familiar with dual status and can work toward transferring knowledge to their colleagues. Because some of the counties that have adopted dual-status protocols have experienced changes in leadership in one or more of the involved agencies, sustainability is of particular concern.

The county teams found it very important and beneficial to solicit feedback from a broad range of juvenile court stakeholders—including district attorneys, defense attorneys, county counsel, parents' and children's attorneys, mental health, and education—in the initial development of their protocols. Although only three agencies—the court, probation, and social services—are required to sign off on the protocol, the teams recognized that many other parties affected by its implementation would need to buy into the protocol and, at a minimum, have a conceptual understanding of dual status. Additionally, county teams indicated that other stakeholders need to have the opportunity to express any concerns so that they could address those issues up front when drafting the protocol.

In addition to gaining initial buy-in for the protocol, it is essential for the county teams to establish a forum to gather stakeholder feedback on how the process is working so that problems can be identified and joint solutions developed. In terms of probation and child

welfare, all levels of agency staff—managers and supervisors, as well as line staff—should be included in the conversation. In response to the increasing awareness of implementation issues, county teams are stepping up their efforts to hold such collaborative meetings.

Many of the challenges in implementing dual-status protocols arose from players in the dependency and delinquency systems not having knowledge of or having misconceptions about one another's systems. Probation officers and social workers need to learn about each other's mandates, roles and responsibilities, and operations, both in general and specifically with respect to dual status; judicial officers need to know how and when to make the appropriate findings; and clerks must know how to make a proper record of the case. Ongoing training should be offered to address new problems that arise, especially in the early stages of implementation and because of the turnover among judicial officers, attorneys, agency staff, and others who deal with dual-status cases.

County teams have begun to conduct dual-status training and have found it beneficial to have joint trainings with probation and child welfare so they can learn about and properly address misunderstandings. Training should include an overview of the dependency and delinquency systems (including relevant code sections), a general orientation to the dual-status protocol, and a more practical segment on the nuts and bolts of handling a dual-status case.

Promising Practices and Future Directions

County teams are exploring additional policies and procedures that can greatly enhance their ability to handle dual-status cases. Because such cases are unique and require some degree of specialized knowledge, probation and child welfare have considered developing dual-status units or designating specific staff to work on these cases. Similarly, some courts have designated or are considering designating a specific judicial officer or officers to hear all dual-status cases. Courts may wish to consider establishing a specialized dual-status calendar, which would likely facilitate the appearance in court of players from both the dependency and delinquency systems who have an interest in the case. Having specialized positions or courts would also help to better institutionalize dual status.

County teams have been addressing ways to enhance communication and collaboration between probation officers and social workers. Holding family team meetings regularly will not only ensure ongoing, face-to-face contact between the probation officer and the social worker, but will also allow them to meet with the family together to jointly assess their needs, which may help them develop more responsive and comprehensive case plans. County teams also have been developing joint report templates, which, in addition to providing a consistent format for dual-status reports, lay out the nature and extent of information that should be included in the report. By clarifying expectations about each agency's contributions to the report and incorporating details such as employing "we" language, county teams hope that using the templates will reinforce the notion of

collaboration among agency staff and improve the quality of reports from the judicial officer perspective.

Chapter 3: Study Counties' Protocol Development and Implementation

Placer and Riverside Counties were selected as study counties for the evaluation. In-depth interviews were conducted with a range of stakeholders in each county in order to better understand the process of developing and implementing a dual-status protocol. This will provide counties that may still be considering adopting a protocol with direction about issues they should consider.

Placer County

Placer County was uniquely situated to develop a dual-status protocol, as key agencies that serve youth and families already enjoyed a collaborative relationship under the Children's System of Care (CSOC). Following is a description of the Children's System of Care from the Placer County Web site:²⁰

SMART [Systems Management, Advocacy, and Resource Team]/Children's System of Care is a unique comprehensive family/client centered service system for adults, children and families. Under the guidance of the SMART policy council, comprised of Director of Health and Human Services, Deputy Superintendent Office of Education, Chief of Probation Department and the Presiding Judge of the Juvenile Court, CSOC provides traditional child welfare, social, health-related, education, and juvenile justice services and policy guidance to improve service delivery to children and their families. CSOC offers a full spectrum of care and support services including: mental health and substance abuse services; child welfare services casework, foster care, and public adoptions services; foster youth, educational, and health assistance services; and juvenile probation services.

Placer County had special legislation passed that allows them to blend funding under this model to provide comprehensive services to children and families. The Placer County team felt that adopting a dual-status protocol would build on this existing relationship, as well as resolve several issues with which they were struggling in trying to address the needs of youth and families in the juvenile court system. When children started as dependents and then became wards of the court, it was difficult to get them back into the dependency system after they had successfully completed probation. Furthermore, the shift to delinquency and the resulting focus primarily on the child's criminal behavior, as one county team member noted, takes "the onus of responsibility off the parents to deal with their issues." Dual status was viewed as a way to "have focal points on multiple levels of issues with the child not necessarily being the . . . identified problem in the family" and as an opportunity to bring services to the family that would address that

²⁰ Placer County job announcements page for client services program supervisor, which includes description of SMART/Children's System of Care program, www.placer.ca.gov/Departments/Personnel/Jobs/Announcements/ClSvPrgSpr_2006_10_01.aspx (accessed August 28, 2007).

range of issues. Additionally, the team believed dual status had the potential to provide more cohesive plans for families that have children in both the dependency and delinquency systems.

Protocol Development

Although only the court, probation, and child welfare are required to sign off on a dual-status protocol, the Placer County team involved a wider range of stakeholders in the initial development of its protocol, including the district attorney, public defender, and county counsel. Naturally, because of the existence of the Children’s System of Care, education and mental health were involved as well. The team recognized that the buy-in and participation of these stakeholders was critical to the success of the protocol. The court executive officer (CEO) also was included in the conversations around dual status; the team felt that the CEO’s understanding and support was a key step toward institutionalizing the practice within the court.

In order to keep the work manageable and avoid the complications of writing by committee, a smaller, core workgroup actually drafted the protocol, but the additional stakeholders were brought in periodically to review and comment on the workgroup’s products. Their input brought forth some valid issues that the workgroup had not anticipated and allowed them to adjust the protocol to address those issues. Another critical piece of the protocol’s development was piloting a draft of the protocol on just a few cases, which enabled the county team to identify potential pitfalls and develop solutions to address them. As one team member noted, “We learned a lot from it, actually, because otherwise you write a policy that you essentially have to rewrite . . . and so we . . . piloted the plan and made some fairly significant changes as a result.”

Although some issues surfaced as a result of discussions with county stakeholders and from piloting the protocol, the Placer County team reported no major resistance to the protocol; everyone had agreed at least to the concept from the beginning. Team members estimate that it took four to six months from the time they began initial discussions about the protocol to the time the protocol was signed and formally adopted.

Dual-Status Process²¹

Placer County officially adopted its dual-status protocol in December 2005. From that time through June 2007, 43 youth have been considered for dual status, 18 with active dependency cases and 25 with active delinquency cases. Consistent with the statewide trend, youth with active dependency cases tended to be in the system longer than those with active delinquency cases, although the active delinquency cases in Placer County were not as highly concentrated in the six-months-or-less range. Diverging from the statewide trend, dependent and delinquent youth were roughly equally likely to be declared dual status.

²¹ For a more complete description of the dual-status process, see Placer County’s protocol in appendix E.

Of the 43 cases considered, 15 were declared dual status. The lead court/lead agency combination on these cases was fairly equally distributed among delinquency/probation, dependency/child welfare, and delinquency/child welfare. Approximately half of the dual-status youth were male and half were female. Half were in foster care, mostly nonrelative foster care.

County team members commented that the number of cases considered for dual status may be somewhat inflated because in some cases when a judge sees a child protective concern in court, rather than making a report to child welfare, he or she will order a 241.1 assessment. The child protective concern may not always be serious enough to warrant opening a dependency case. County team members overall thought they would have more dual-status youth but noted that they have not “shied away” from making a recommendation for dual status if they think it’s appropriate. It could be that prior to dual status, a fair number of cases presented with both dependency and delinquency issues, but on further investigation, the issues on one side or the other did not warrant consideration of dual status.

The intake process for probation and child welfare, as well as the detention hearing (or other early hearings) for the court, may uncover dependency and delinquency issues on a particular case. Any of these entities may make a request for a 241.1 assessment, at which point the probation and child welfare managers are contacted to initiate a dual-status report. The probation officer and social workers assigned to the case meet in person with their supervisors to develop a recommendation. That recommendation is then forwarded in writing to the probation and child welfare managers, who make a written recommendation to the court, including the dual-status model best suited to the case²² and, if applicable, the preferred lead agency. Centralizing the report preparation function with the managers is helpful in ensuring consistency in the process. If the managers do not agree, the case is referred to the SMART Management Team, which meets to discuss more complex or problematic cases, for formal review. County team members noted that this process is not often used.

In addition to those listed in the statute,²³ the factors to be considered in 241.1 assessment reports in Placer County include the prior criminal record or child welfare record of the parents, services available in the community, and any other collateral feedback regarding the minor and parents (e.g., Court Appointed Special Advocate, attorneys, and other relatives). Additionally, a structured decisionmaking or risk assessment tool is to be used to assess the appropriate services and level of supervision. Probation and child welfare

²² Placer County employs a mixed dual-status model, the options being an on-hold model with subcomponents of the lead agency approach, or a concurrent service and case plan model.

²³ Welf. & Inst. Code, § 241.1(b) sets forth the following for consideration in developing recommendations about a potentially dual-status child: the nature of the referral, the age of the minor, the prior record of the minor’s parents for child abuse, the prior record of the minor for out-of-control or delinquent behavior, the parents’ cooperation with the minor’s school, the minor’s functioning at school, the nature of the minor’s home environment, and the records of other agencies that have been involved with the minor and his or her family.

staff interviewed for the evaluation provided more specific examples of the types of cases for which they would recommend dual status or either dependency or delinquency only.

From one child welfare worker's perspective, dual status would be more appropriate if he saw "more sociopathy" in a dependent child; if, on the other hand, the child's criminal behavior was likely a one-time offense, wardship would not be appropriate and the matter should be handled informally. This notion was supported by a county team member who noted that conscious efforts have been made not to criminalize dependents just because the option exists under dual status (for example, if a child acts out in his or her group home.) However, some longtime dependents, particularly those in placement, may have become so institutionalized that they need the external locus of control that wardship would provide under dual status. Another consideration for longtime dependents is the need to keep ongoing services in place, which would make those children more suited for dual status than for wardship only. In terms of what agency should act as lead on a particular case, child welfare might be more appropriate than probation if the child's parents are still involved and committed to working with the child.

From the probation perspective, the type of crime may suggest whether a child welfare or delinquency issue gave rise to the child's criminal behavior. Probation may also look to any prior child welfare history in the family as an indicator of the need for dual status.

When a child is declared dual status, his or her dependency and delinquency matters are heard by a single judicial officer, who thereby has the benefit of becoming familiar with the whole family's situation. According to the protocol, "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." Having a single judicial officer assigned to a dual-status case allows for an ongoing assessment of the family's situation. For example, one judicial officer noted that family circumstances can change over time, so it may become necessary to reassess either the appropriate status of the child or the agency best suited to take lead responsibility on the case.

The Placer County team chose to designate a judicial officer in the dependency court to hear dual-status cases, as that individual would be better positioned to make the appropriate findings on the dependency case. (The judicial officer currently assigned to dual status also has the benefit of previous experience in the delinquency court.) In addition to dedicating a single judicial officer to dual-status cases, the county team has established a dedicated dual-jurisdiction calendar that is heard at a regular time and location each week. The protocol also sets forth a preference to have a single attorney represent the child.

The judicial officer who presides over the dual-status calendar noted that he usually follows the recommendations in the 241.1 report, but that occasionally new information comes to light after the report is submitted, but before the pretrial conference, that may change his view of the appropriate status for the child or the appropriate agency to take the lead responsibility. The judicial officer allows for pretrial discussion, off the record,

to allow all interested parties to confer about the case and update one another on any new developments.

The responsibilities of agency workers assigned to a dual-status case include medical care, mental health services, dental care, visitation between the child and family, educational services, emancipation planning, independent living program (ILP) planning, community service, substance abuse counseling and treatment, collection of restitution, and conditions of probation and dependency orders. Responsibilities of specific workers or agencies are expected to vary according to the needs and circumstances of each individual case. The protocol emphasizes ongoing case coordination between probation and child welfare and the use of a family-centered and strengths-based approach to dual-status cases. The protocol also directs the workers to meet on a monthly basis to determine ongoing case needs and facilitate reunification when appropriate and directs supervisors to provide quarterly reports to the 241.1 management team in order to document case activities and provide status updates.

Built into Placer County's dual-status protocol is a memorandum of understanding (MOU) that provides for coordination and information sharing between CSOC and probation. The agencies do not have access to one another's data systems but may request such information from their counterparts in the other agency. For some workers, this is facilitated by the collocation of probation officers and social workers in the same office. For other workers, even though the provision for information sharing is there, it may be difficult to coordinate with agency counterparts to actually obtain the information.

Successes, Challenges, and Effects of Implementing the Protocol

Placer County's team has made significant strides in implementing its dual-status protocol, although it still faces some ongoing challenges. This section reviews some of those successes and challenges and more broadly explores the effects of implementing the protocol.

Social workers interviewed for the evaluation thought that the time involved in handling a dual-status case was not significantly more than that in handling the case of a child who was solely a dependent. Although being assigned to a dual-status case may mean more meetings and more coordination, it also means more access to information that could be helpful in addressing the needs of youth and family. As one social worker noted, "Having a [probation officer] on my [child welfare] case means I spend more time talking with her. So that takes time away, but it also adds to the depth of understanding on my case and problem-solving. Whenever there's another person in on the case, on the team, I find that an asset." Another social worker mentioned that it may be a particular child's issues, more so than whether he or she is dual status, that dictate how much time she spends on a case; probation officers generally shared the same viewpoint.

A judicial officer who hears dual-status cases also believed that his workload had increased, but not substantially, especially in light of the relatively low number of dual-status cases overall in Placer County. Since he receives a joint report, a dual-status case

does not represent additional reading or preparation time, but because of the number of parties who are involved or otherwise have input into the case, it does involve some additional hearing time.

Beyond the benefit to probation officers and social workers in having access to more information on the youth and family, dual status has had other positive effects on the county's ability to effectively handle these cases. A probation officer reported that it was far easier for him to obtain a foster care placement for a dual-status child, which "is pretty rare for a straight delinquent." On the other hand, for a dependent youth whose criminal behavior was escalating, dual status allowed the team to send him to a boot camp, a placement to which there would not have been access for a solely dependent child. In one case in which a child was dual status and her sister was solely a dependent, it allowed the team to place the sisters together, which would probably not have been an option had the dual-status sister been solely a ward.

Aside from the placement issues, a social worker noted that having a probation officer on his team is helpful for setting limits and having a child follow through with his or her conditions of probation. It was also suggested that "having two jurisdictions might expedite getting a [child] out of the system because you have added sets of eyes that are looking at every part of the case, trying to help resolve it." Overall, county team members noted that services have increased to become more comprehensive for the family and are not just focused on the child as the problem.

Along with more services from both systems comes more accountability from both systems: ". . . in the old days without dual jurisdiction the services dried up . . . and the parents didn't feel obligated to go through with anything, because they have their [child]; that's what they wanted. And their [child] was a criminal and that was okay with them because it wasn't their fault anymore. . . . So I think by having dual jurisdiction, it allows to kind of keep that edge on [the] parents' responsibility for maybe having created some of that situation." On the other hand ". . . sometimes what used to happen is that these [youth] wouldn't learn accountability for their behavior if they stayed in the 300 system." That team member went on to say that when children don't learn accountability, they may think that they can get away with the same behavior in adulthood, behavior that could ultimately result in their incarceration.

In addition to its benefits on individual cases, dual status also has had a positive effect on a more systemic level, chiefly in helping the courts, probation, and child welfare become more familiar with one another in terms of legal mandates, roles and responsibilities, access to resources, and general operations. ". . . there was an ancillary effect of the protocol . . . getting [us] in the room to continually discuss processes has been really huge. [Child welfare] has learned a lot about probation and [probation has] learned a lot about child welfare, and the judges have learned a lot about us, the agencies. . . . we're able to coordinate service plans much more effectively." It is important to note, however, that this learning has occurred primarily at the management or supervisory level.

Another ancillary benefit of developing the dual-status protocol has been the establishment of a model in which a probation officer and a social worker will partner on the investigation when there is a report that a delinquent child is being abused. This builds on the relationships formed under the dual-status model and draws on the strengths of each agency before dual status becomes a consideration. Because both workers are on the spot to investigate the issues, it may also be helpful in preventing unnecessary 241.1 assessments.

As previously mentioned, despite its progress, Placer County has also experienced some challenges in implementing its dual-status protocol, some of which are at the operational level and will require additional training and further development of policies and procedures. Whether operational (micro level) or more systemic (macro level), many challenges arise from communication and coordination issues between the agencies, including a lack of familiarity with or knowledge about one another's systems. Considering that dual status represents a major culture shift for most of the players involved in implementing the protocol, such struggles are not surprising.

In terms of information sharing, the Placer County team believes that it is strong on the "front end," due in part to having the agency managers prepare all the 241.1 reports, but that information sharing and case coordination have not been as strong at the level of the line worker once a case is actually declared dual status. Team members expressed concern that in some cases, the probation officer and social worker may not really be working together, and agency workers have noted that for cases where they are working together, the information may not flow as freely as anticipated.

One social worker noted that in working on her dual-status case, she thought probation would have more "teeth." There were circumstances where she thought the child was violating the conditions of his probation, but the probation officer did not charge him with a probation violation. She did not realize the level of discretion the probation officer had on the case and felt that some issues would have been better addressed by the court. Social workers also seemed concerned that if dual-status children do not face consequences for their criminal behavior early, it could escalate to the point it becomes more difficult to serve them. Although not a source of difficulty, the social worker being unaware that it is not necessary to go back to court when the child gets off probation further reflects the agencies' different orientations and the need to become more educated about one another's systems.

Probation officers note that a source of interagency tension is the tendency for social workers to want to put children in juvenile hall when probation does not feel it's appropriate or would otherwise not do so for a normal delinquency case (for example, if there are family problems, but no real criminal behavior). Probation believes that child welfare needs a better understanding of its mandate to look at the least restrictive placement. It is important to note that probation's ability to handle dual-status children may be affected by broader trends in the delinquency system. Although a child may be problematic to the social worker, his or her issues may be minor relative to those of more serious juvenile offenders on probation, which may need to take priority given high

probation caseloads. Even if placement in juvenile hall is considered appropriate for a particular dual-status child, limitations on bed space may not allow a probation officer to do so.

Although not necessarily a source of conflict, the nature and extent of the relationship a probation officer or social worker has with a child may factor into how the agencies work together on a case. One social worker noted that she had been assigned to a child's case for years. That child became dual status and probation was designated lead on the case. The probation officer was attempting to get the child into services that the social worker had already tried with the child years ago. On a different case, the social worker, in spite of the fact that child welfare was lead agency on the case, drew heavily on the probation officer's input, as the officer had a very good relationship with the child—a closer relationship than the social worker had. This reinforces the need for the workers assigned to a dual-status case to regularly meet and confer, as well as the need for flexibility in the workers' roles and responsibilities according to the individual circumstances of the case.

The agencies' lack of familiarity with one another's systems has meant, from the judicial officer perspective, that court reports are not as thorough as they could be. Child welfare has no history of writing sentencing reports, and probation has only a limited history addressing family reunification. Overall, it was thought that reports needed to be more comprehensive, more fully addressing both the dependency and delinquency issues. Reports prepared by probation officers may not adequately address parent issues, while reports prepared by social workers may not sufficiently address child issues. The judicial officer noted that having a template for court reports would help ensure that the appropriate information would appear in reports more consistently.

Other operational problems experienced by dual-status system players in Placer County include attorneys in one system not receiving reports from the other system and the lack of a systematic method of providing notice of hearing to all involved attorneys, thereby possibly precluding an opportunity to provide information or input on the case.

A structural issue that has limited the court's and agencies' ability to address dual-status cases is the prohibition on placing a delinquent child in a receiving home, which a social worker would normally do if a dependent child failed a placement. Dual status means that child welfare has to learn a new way of working with these types of cases. Similarly, a probation officer reported that a dual-status child on her caseload was having difficulties in her relative foster care placement. She would have liked to temporarily place the child in the crisis resolution center, but it was not available to wards. Probation's next resort was to find emergency foster care for the child, but child welfare was hesitant to do so and suggested that the probation officer put the child in juvenile hall, which the probation officer felt was not an option because the child's behavior did not warrant such a placement. These constraints forced the agency workers to develop a more creative solution to deal with the situation.

Lessons Learned and Future Directions

After a year and a half of implementation, the Placer County team has had an opportunity to reflect on what has contributed to its progress so far and what new tools or solutions will ensure the ongoing success of the dual-status protocol. Perhaps one of the biggest lessons the Placer County team has learned—and would reinforce to other counties that may be considering developing a protocol—is not to expect things to run smoothly right away; it’s important to build some flexibility into the process and to recognize that the protocol and procedures will likely change. Another key to both developing and maintaining a successful protocol is having a dynamic leader who can convene meetings and ensure the attendance of key players. It could be a person from any one of the agencies, but it’s especially helpful if that individual is a judge.

Something that the Placer County team thought was lacking, and that would have greatly helped them with protocol development, was more direction at the state level. One team member noted that it would have been helpful to take more of a “state organizational approach” to dual status and for the counties to have more of a road map to follow in developing and implementing their protocols. He surmised that some counties may have given up on adopting a dual-status protocol because some of the issues they were facing were prohibitive, and he felt that counties might have “made more noise” around those issues if dual status had been mandatory statewide. In particular, the team thought that the counties needed more direction from the CDSS with respect to funding and visitation issues and that the All County Information Notice might have better addressed those issues had the counties been consulted about their concerns.

As previously mentioned, team members believed that communication, information sharing, and coordination between the agencies was more effective at the management or supervisory level than at the line staff level. This may be in part because the management and supervisory staff have more regular forums for discussing dual-status issues (for example, through the SMART policy board meetings that occur every other week), whereas line staff meet on dual status more at the individual case level than to address big-picture issues. The county team is attempting to address the collaboration issue by both building out their policies and procedures and providing more training to agency staff. In addition, the training will meet another goal of further educating workers about one another’s agencies and systems.

County team members thought that regular family team meetings (FTMs), convened by the lead agency worker, would help reinforce collaboration among agency workers, as well as give youth and families an opportunity to address their concerns. “. . . what happens with the . . . family team meetings is child welfare services is in the room with probation, in the room with the parents and [child], at the same time. So everybody’s on the same page as to where we are in the case, what we expect in court .” A social worker interviewed for the evaluation noted that the team members on one of her dual-status cases initially had difficulty working together, but after establishing regular team meetings, things went much more smoothly. The county team is considering making the FTMs a mandatory piece of its protocol; at the very least the team would make it a strong directive. Anything that would provide more direction for the agency workers would be

helpful; as one team member noted, they are “hungry for structure,” something that is lacking in the new frontier of working a dual-status case.

The county team also has recognized a need for, and has been in the process of developing and refining, additional training for line staff in probation and child welfare. It instituted an initial training but realized it might not have covered the subject matter in enough depth or reached as many workers as needed. The training will be expanded to include what one team member referred to as a “development program chart,” a sort of flowchart that gives workers more specific directions about what to do in particular circumstances. From the line staff perspective, it is important that the training also address the expectations and limitations of each agency. Since it was initially developed, the county team also found a need to retool the training based on new experiences in the field; for example, it has been seeing more delinquents becoming dual status (or at least presenting with child welfare issues) than initially anticipated, so it had to add a component to the training to address those types of cases. Recognizing the importance of judicial leadership, the team is planning to have a judge be the keynote speaker at the training. It also plans to assign workers to training, rather than having them volunteer.

Riverside County

As in Placer County, the Riverside County team built on existing relationships in developing its dual-status protocol. A committee that had been assembled to address 241.1(c) was about to disband around the time AB 129 went into effect. The presiding judge of the juvenile court requested that the committee stay together for the purpose of exploring a dual-status protocol. The fact that the court was already invested in trying to improve communication between probation and child welfare laid a solid foundation for development of the protocol.

One of the issues that led the Riverside County team to consider adopting a protocol was the fact that although the juvenile court, under 727(c), could order counseling and treatment for the parents of a delinquent minor, such services were not being ordered, in part because there was no funding attached to the legislation and because normally, the delinquency court is geared toward the child and the crime, not the parents. In addition, the county team had been seeing cases where the oldest child in a dependency family was becoming a delinquent. It saw the dual-status model as a way to address the whole family in an effort to prevent younger siblings from moving into the delinquency system as well.

Protocol Development

The Riverside County team involved a wider range of stakeholders than statutorily mandated in the development of its protocol, including education, mental health, the office of the district attorney, the office of the public defender, county counsel, the juvenile attorney panels (in both dependency and delinquency), and Court Appointed Special Advocates (CASAs). As one team member noted, “. . . we wanted people to be invested in it because we knew once we got past the actual creation [of the protocol], everybody has to cooperate making this work; everybody does. It’s not just the three

agencies. If you want to make something work for [children], all of us have to be involved. We're all a picket fence around the [children]. If one part of the picket fence falls down, that [child] is out the door there. So they have to look at it that way."

Because the team saw one of the major goals of dual status as services, it was important to involve agencies like mental health and education, as they would be actually delivering services to dual-status youth and families. Additionally, the presiding judge of the superior court and the court executive officer were required to approve and sign the protocol.

Although the Riverside County team involved a number of different stakeholders in its process, a much smaller group actually drafted the protocol—an approach similar to that taken by the Placer County team. Stakeholders outside of that core group expressed concern about who would be responsible for paying for services and the possibility of net widening in delinquency, but overall they were amenable to the concept of dual status and thought it was a good idea. As one county team member from probation noted, "We see ourselves as officers of the court and hopefully so does the chief probation officer and the [child welfare] director, and if this is the direction the court wants to head, then we should do our best to make it happen . . . at least that's how we kind of get along in Riverside County." Probation in particular was supportive because it had been having problems with title IV-E audits, particularly with respect to case plans. The team that drafted the protocol reports that it met more with indifference than resistance to the protocol; external stakeholders seem to have taken more of a wait-and-see approach.

The team estimates that developing the protocol, from the time initial discussions began to the time the protocol was adopted and formally signed, took three to four months—half of that time to actually draft the protocol and the other half to secure the requisite signatures. Riverside County's dual-status protocol built on an existing 241.1(a) protocol, which team members believe may have saved them some time in the drafting process.

Dual-Status Process

Riverside County officially adopted its dual-status protocol in October 2005. From that time through June 2007, 389 youth have been considered for dual status, 18 with active dependency cases and 371 with active delinquency cases. As noted with respect to the statewide statistics, the Riverside County team feels that its numbers seem skewed toward delinquency because the statistics capture only the child's status immediately prior to the 241.1 hearing; many, if not most, of the delinquent youth considered for dual status have a prior dependency history. Consistent with the statewide trend, youth with active delinquency cases tended to be in the system for a relatively short period of time, but among youth with active dependency cases, time in the system was more evenly distributed.²⁴

²⁴ For a more complete description of the dual-status process, see Riverside County's protocol in appendix E.

Of the 389 cases considered, 62 were declared dual status. Although most dual-status youth had active delinquency cases, youth with active dependency cases appeared somewhat more likely to be declared dual status (more than 8 in 10 youth with active delinquency cases remained under delinquency jurisdiction only). Dependency/child welfare was the most common lead court/lead agency combination (more than half of cases), followed closely by delinquency/child welfare (roughly 4 in 10 cases). Approximately two-thirds of dual-status youth were male. The majority (slightly less than two-thirds) had been placed in a county juvenile detention facility. Social workers believed that most of the dual-status youth to whom they were assigned were in permanency planning, and many group home social workers had experience with dual-status youth.

County team members reported that in the early stages of implementation of the dual-status protocol, there seemed to be a tendency to make “problem children” dual status without really considering the benefit of involvement in both systems. As a result, teams are now more carefully assessing what a child or family stands to gain from one system that they cannot get from the other. As one judicial officer noted, his understanding is that he should not be actively looking to declare children dual status. A county team member from probation said that probation tries to handle dependency or potentially dual-status cases like any other delinquency case, in that wardship should be a last resort.

Some social workers anticipated having more dual-status cases than there have been in Riverside County, especially given what appears to be a tendency for the dependent population to become involved in criminal activity at a younger age. Overall, probation officers did not have expectations about the number of youth who would be declared dual status. Regardless of expectations, the general consensus was that the county should not take on more cases until the team has an opportunity to refine policies and procedures around dual status.

In Riverside County, when a child appears to come within the jurisdiction of both the dependency and delinquency courts, a 241.1 joint assessment hearing is scheduled to clarify which agency will assume responsibility for the joint assessment report. The report addresses the appropriateness of filing a petition for child welfare system intervention or a dependency case; offering diversion services, probation, or wardship; or, if dual status is recommended, which agency should be lead in supervising the case.

In terms of the initial assessment investigation, the lead agency—in this instance, the agency that the court orders to take the lead in conducting the 241.1 assessment—assumes responsibility for the assessment, contacts the youth’s existing probation officer or social worker to obtain placement history and all available information from his or her file, and schedules a joint meeting with the secondary agency to meet with the youth and to determine which agency is best suited to provide services and supervision. The protocol directs workers participating in the joint assessment to determine the appropriate status before filing any petitions concerning the youth. The following factors are considered in completing the joint assessment: the seriousness of the current offense or the youth’s delinquency history, the youth’s ability to be rehabilitated prior to turning 18,

family reunification issues, incorrigible or delinquency history while under probation or child welfare supervision, ability of the agency to provide adequate services, history of substance abuse, medical and mental health needs, conflicting or problematic dependency or delinquency court orders, necessity of independent living skills and emancipation, youth and community safety, and Indian Child Welfare Act (ICWA) status. If the workers conducting the assessment cannot agree on a recommendation for the youth, the protocol contains provisions to refer the matter to immediate supervisors, then—if necessary—second-level supervisors from each agency.

After conducting the assessment, the agencies make a recommendation to the court in which the new petition is filed, and the court decides on the appropriate status for the youth. In addition to those listed in the statute, factors the departments must consider in making their recommendations to the court include the parents' cooperation, not just with school, but with other relevant agency providers; the youth's history of prior out-of-home placements, the youth's progress in placement, and the parents' level of involvement with the treatment program; services available in the community to assist the youth and family; statements of any counsel currently representing the youth and any CASA volunteer appointed to the youth; ICWA status; and any other factor indicating the youth's need for a dual-status designation.

Probation officers felt that social workers leaned toward recommending dual status as opposed to wardship only if other family members were involved in the case, particularly if the youth has dependent siblings. Social workers believed dual status to be appropriate when a dependent youth has exhausted placement resources because of his or her behavior, as well as when the youth has had a prior 241.1 assessment or has failed under deferred entry of judgment. When family reunification services have been terminated, the team may also consider the child's age in light of the length of his or her commitment to a delinquency placement; child welfare may not have a real opportunity to work with a youth who will be in a juvenile facility until he or she turns 18, so the benefits of declaring the youth dual status may be limited. In terms of lead agency responsibilities (if dual status is recommended), social workers preferred to have child welfare as lead if family reunification services are offered.

It is ultimately the court's responsibility to determine the lead court and lead agency, and the protocol directs the judicial officer presiding over the joint assessment hearing to confer with the judicial officer in the other court, where appropriate. If probation is designated as the lead agency, the delinquency court becomes lead court and the delinquency judge hears the case and all related matters; if child welfare is designated lead agency, the dependency court becomes the lead court and the dependency judge hears the case and all related matters. Appointment of counsel depends on the lead agency. The protocol directs the lead court to recognize attorneys from the nonlead court. In addition, the attorneys must agree to cooperate in communicating their respective clients' needs and concerns. Termination or modification of dual status requires consultation among the attorneys and agencies, with the lead court having the final decision about the youth's status.

Like Placer County's protocol, Riverside County's protocol incorporates an MOU among the court, probation, and social services. When a child is declared dual status, the agencies are directed to provide one another with specific information concerning the case. The lead agency is to make monthly contact with the nonlead agency to obtain information on case contacts and services for entry into their respective data systems, since they don't have access to one another's systems. Agency workers note that they share information mostly through e-mail and phone contact and that e-mail is a particularly good way to share case plans and logs. The protocol directs probation and child welfare to use the least restrictive options to ensure the best interests of the child and the community. Child welfare is prohibited from placing the child in a locked detention facility without the review of a probation supervisor. Case plans and reports must conform to the style of the lead agency on the case.

In late 2006, the Riverside County team began holding periodic joint meetings and trainings with probation officers and social workers in order to identify issues in implementing the dual-status protocol, educate workers on one another's systems, and clarify procedures on dual-status cases. The team developed a formal training manual that they distribute to all participants. Each segment of the training includes instructors who are directors or supervisors from both the probation and child welfare departments. The training covers the 241.1 joint assessment report, the dual-status protocol itself, and permanency planning reviews. It also incorporates a group exercise involving a case scenario in which a team of probation officers and social workers assess the issues in the case and the recommendations they would make.

Successes, Challenges, and Effects of Implementing the Protocol

Probation officers believe that relative to handling a regular delinquency case, handling a dual-status case has increased their workloads. Coordinating schedules with the social worker assigned to the case sometimes can be difficult. Probation court officers, because they are assigned to specific courtrooms, may need to attend to matters concerning a dual-status child either early in the morning or after their regular calendars. It also takes court officers additional time to provide notice of hearing to the district attorney's office because it does not generally know when matters are on calendar in the dependency court.

Social workers also believe that dual-status cases have increased their workloads. It takes more time to get everyone's input on court reports, which can sometimes go through a few cycles of editing, as well as to get all of the requisite signatures on the report. It also can be difficult to find a time to meet together with the probation officer and the child, as there are more schedules to balance.

A judicial officer interviewed for the evaluation noted that a dual-status case would involve reading an extra report but would not add a significant amount of time at the hearing, amounting to a negligible effect on workload. However, the court may occasionally slow down slightly when a court officer needs to be in a different department on another matter. There may be more continuances in dual-status cases

simply because the protocol is so new to everyone involved in the juvenile court that policy or procedural questions may need to be addressed before the case can proceed.

In spite of the increased workload, stakeholders in Riverside County found the adoption of a dual-status protocol to be beneficial in several ways. One important way is in expanding placements and services available to dual-status youth and their families. A probation officer related a story about a dual-status child on his caseload who had failed several placements; the court transferred lead agency responsibility on the case to child welfare, which got him into a facility he wouldn't have had access to through probation. A judicial officer noted that he generally uses the same placement for dual-status children as for other children on his calendar, but that dual status opens up services to the parents.

Although some may question the value of dual status for a child who is not reunifying with his her or parents, one probation officer noted that having child welfare involved in the case can help get children into long-term placement and provide them with life skills. Social workers appreciated being able to call on their counterparts in probation to test a child they suspect of using drugs; prior to dual status, the social worker would have had to obtain a court order to drug-test a child. One social worker noted a unique benefit of dual status: she thought that a child's ability to complete his or her own case plan (through probation), especially if his or her parents are not likely to follow through on theirs (through child welfare), can be empowering.

On a broader level, the education that has occurred between probation and child welfare through dual status has helped sensitize probation to child protective issues. As one probation officer remarked, ". . . the 241 protocol helps also because . . . if you have a minor that's taken into custody for maybe something not too serious, but you hear mom and dad might be doing [something that compromises the children's welfare] . . . our judge . . . will, even though wardship doesn't look appropriate on the surface . . . still order [a 241.1 assessment] so DPSS can get involved and the child and family can receive services if need be. So having that joint relationship really helps open some doors." Another probation officer related the story of a dual-status child who was removed from the home because of domestic violence issues. The mother was following through with her program, but the stepfather was not; a condition of the mother's reunification with the children was the stepfather not being allowed at the house. The probation officer's role as the nonlead agency worker was to notify the social worker if it appeared from her visits that the mother or stepfather were violating those conditions. In addition to being an example of effective collaboration between the probation officer and social workers, this example reflects the importance of sharing court orders and case plans.

More generally, the availability of information from both agencies has helped judicial officers make better decisions in dual-status cases. For example, a judicial officer who normally presides over a delinquency calendar noted that he appreciates getting more of the family history from child welfare. To echo the sentiments of the Placer County team, Riverside County team members found one of the greatest benefits of dual status to be opening a dialogue between probation and social services and the agencies learning more

about one another's mandates, resources, and limitations. In addition, one team member noted that dual status is "another tool in the juvenile court's toolbox to help the families."

Also like in Placer County, despite seeing the wider benefits of dual status, stakeholders in Riverside County experienced challenges in implementing the protocol. Many of the challenges were related to interagency issues, such as communication problems, role confusion, and misunderstandings about one another's systems. Many also involved logistical issues related to roles and responsibilities once a youth has been declared dual status.

Communication between probation and child welfare, particularly at the line staff level, has been a problematic—and may become even more so because of staff turnover in the agencies and the sheer size of the departments. The work styles of specific staff assigned to the case may factor into the degree of communication as well. Probation officers and social workers provided several examples of issues that have arisen because of a lack of communication and information sharing among the workers. Some probation officers have not been informed when a child has run away from a group home; another did not find out that a child was removed from placement until after he received a phone call from the grandmother who went to pick up the child from school and found out that child welfare had taken her. This notion was reinforced by a delinquency judicial officer, who believed that probation was not kept informed when a child was in a dependency placement. A probation officer ended up finding out from a child's parent that there was a dependency hearing; he did not receive the minute order from that hearing and had to take the initiative to obtain it on his own. One probation officer noted that it has been helpful for him to check with the child to confirm the assigned social worker—not an ideal way to obtain the information.

Social workers mentioned that they, as well as the dependency attorneys, often did not receive court reports from the probation officer. Some also mentioned that rather than accompanying them on initial visits, probation officers would fax them a list of questions to ask the child, which goes against the spirit of joint assessment and working collaboratively on a case. One social worker shared a story that serves to emphasize the importance of communication on dual-status cases:

We had a case one time where they were looking at dual status. Probation [and] the 602 judge [were] talking about releasing the child to the father. This is a case that had been in permanency status for five years. The child, who is now 16, had originally been removed from her father because he sexually abused her. The court did not have that information. So with them calling us into the courtroom, I was able to let the court know (a) you can't do this, and (b) you're going to violate an order from a previous judge. So that's why the communication piece is so important.

One strategy the Riverside County team has adopted to improve communication, at least at a basic level, was the creation of a dual-status log, which contains the name of the child, the dependency and delinquency case numbers, the lead court and lead agency, the

date the child was declared dual status, the judicial officer who made the dual-status determination; the names and contact information of the assigned social worker, his or her supervisor, and the assigned probation officer; the youth's program status; and the next hearing date. The log is circulated to the case-carrying social workers via e-mail and maintained by a single person, intended to be a central point of contact, at each agency or within each agency region.

The agencies and the court also experienced communication problems with respect to the initial dual-status designation. One social worker reported that she found out she had a dual-status case from a colleague who noticed it on the dual-status log. Others reported finding out about the dual-status designation from court officers or, where the judicial officer does not request the presence of a court officer in the courtroom, from minute orders. Similarly, probation officers noted that their supervisors receive the minute orders and pass the information along to them. Overall, the way workers found out about dual-status cases was not consistent from court to court. This also seemed to be the case with respect to awareness of court hearings and subsequent minute orders.

Other interagency issues arise more from misunderstanding one another's specific roles or systems in general than from communication problems. One issue that both probation officers and social workers are struggling with is what it means to be lead agency and the lead and nonlead agencies' respective responsibilities. For example, a probation officer was unclear on who was responsible for family reunification, probation as the lead agency or the child welfare agency that has more proficiency in providing such services. "I thought that was part of the purpose, really, of dual status. I thought that the social worker would be able to continue to work with the parents . . . so the minor could reunite while we were dealing with the behavioral issues that caused the minor to end up in the 602 part of the system."

Probation officers were also concerned that social workers may be more inclined to want to send a child to juvenile hall, so it feared becoming the "strong-arm" of child welfare. Probation would like the opportunity to intervene with the child before removing him or her from placement. They also thought that at the point of the joint assessment, social workers may be more inclined to recommend wardship only (not dual status) for the child because they do not want to take on the case.

Another source of confusion related to roles and responsibilities may stem from the fact that child welfare has offered to pay for services for dependent youth who are deemed dual status. However, if probation is the lead agency, child welfare thinks that probation should make referrals to the services and ensure that the family actually receives them. Social workers believed that they are being asked to take on too much of a role in implementing services. Other social workers expressed concern that they may recommend services that probation officers may not have knowledge of, so the services ultimately may not be provided.

Also an issue among social workers was the sense that probation was not seeking to have offenses petitioned for some dependents in the same way they would for some

nondependents who committed similar delinquent offenses; they thought the offense was minimized so the case could stay with child welfare and not become dual status. They were concerned about this practice because without earlier intervention, some children's behavior could escalate to the point that social workers could no longer effectively intervene. Social workers also believed they needed more support from probation overall when they are the lead agency, but especially when youth violate their conditions of probation. However, some social workers realized that high caseloads and limited bed space in juvenile detention facilities may limit what probation can do for some dual status cases.

Still other issues between probation and social services arose as a product of working in agencies that use a different language and have different work styles; these issues underscore the extent to which dual status represents a real culture shift and a change in the way the agencies normally do business:

I think one of the things that the 241 report really helps is bridge those relationships because there's a fundamental difference in the approach that [child welfare] takes. . . . The fundamental difference [is] looking at the risk assessment and the parents' ability to supervise and protect versus the individual child's behavior, and I think that's fundamentally the reason why [child welfare] tends to want to push that one individual child into probation's lap, because their primary focus is to assess the risk of the family based on the parents' behavior.

Probation officers and social workers provided examples of the importance of learning one another's agency cultures and operations. Probation officers noted that their warrants need to be issued much more quickly than those issued by child welfare; in some cases child welfare has been slow to issue a warrant because of a desire to hold the child's bed in placement.

Review hearings are defined differently by probation officers and social workers. Although probation and child welfare have the same review requirements, the two systems use different terminology for the different types of review hearings, causing confusion. Child welfare writes its reports in the first person, while probation does not. One social worker even mentioned that she had trouble getting a report signed by probation because probation thought it was not written correctly. Social workers and probation officers also may have difficulty interpreting one another's reports; for example, a probation officer may think that a family has an open child welfare case when there has only been a referral to child welfare services. Complicating the preparation of reports is the fact that the agencies do not yet have a full set of report templates for dual status.

Along with the variations in how agency workers learn about the dual-status determination and subsequent court hearings, there is also location-to-location variation in terms of who will appear in court. In some court locations, a representative of both probation and child welfare appear in court. Social workers from another court location

noted challenges in getting the various delinquency system players to appear. For example, delinquency attorneys rarely appear in dependency court unless ordered to do so. Similarly, dependency attorneys may not always appear in delinquency court; a judicial officer in the delinquency court noted that the children's attorneys appear more commonly than the parents' attorneys. Social workers reported that when dependency attorneys do appear in delinquency court, the judicial officer may not know how to involve them in the hearing.

Judges also have experienced challenges making the appropriate findings in a case. Social workers reported that delinquency judges may not know what dependency findings to make. A judicial officer noted that he gets differing opinions from the players in his courtroom about what findings he is required to make at a given point in a case. Other confusions for him included whether, when a dual-status child has dependent siblings, he should hear only the case of the dual-status child or the cases of all the children in the family, and where and when to set review hearings. He thought that the protocol was sufficient for dual-status adjudication but lacked direction for handling cases moving forward. Also, social workers noted that the language in an order declaring a child dual status may be unclear or indirect, which may affect whether the courtroom clerk uses the right minute codes to record the status of the case.

Social workers thought that 241.1 joint assessments were requested when either the child welfare or the criminal behavior did not rise to the level of dependency or wardship. They emphasized the importance of the social worker appearing in court in such cases in order to prevent unnecessary assessments. The team in one court location went a step further in these efforts, instituting what one social worker referred to as a pseudo-family team meeting, in which the court officers from probation and child welfare are called to the court to review reports and discuss the appropriateness of dual status and what its benefits would be.

As in Placer County, Riverside County probation and child welfare have been struggling with the prohibition on placing dependent and delinquent children together. If a social worker needs to remove all of the children from the home and has difficulty placing a sibling who is dual status (when his or her siblings are solely dependents), there may be a negative unintended consequence: having to file a violation of probation on the dual-status child in order to get him or her placed in juvenile hall.

Perhaps the biggest structural issue that has challenged the Riverside County team, however, is the lack of clarity in the All County Information Notice (ACIN) from CDSS about whether the social worker needs to continue visiting the child when probation is the lead agency. Because of concerns about eligibility for title IV-E funding, social workers are continuing to make the mandated monthly visits. However, they think that it goes against the legislation's mandate not to duplicate efforts. On the other hand, probation has found it sufficient to count the social worker's visits toward their monthly contact requirements, which could result in an inequitable distribution of work between the agencies. Social services has interpreted the ACIN to mean that monthly visits are distinct from services and that the legislation was more related to service provision than

to visitation. The team felt frustration that the counties were essentially left on their own to deal with the funding and service issues—which is in part why the team decided to have child welfare pay for services—but they ultimately believe that the real point of dual status is not to avoid duplication of services but to have two agencies use their independent judgment and make unique contributions to a case.

Along similar lines, the county team thought that while the legislation provided for on-hold and lead court/lead agency models, it didn't really specify the methods to be used under each model. Furthermore, offering those limited models precluded the court from using other models that may have served the families and the court better. For example, the team would like to have the ability to allow a case to flow back and forth between the dependency and delinquency courts more easily.

Lessons Learned and Future Directions

In spite of the obstacles and challenges, the Riverside County team is committed to moving forward with dual status. As one team member noted, “We knew it was a brave new world. We knew we'd have a lot of glitches. And we thought, let's get started. We'll work on the glitches. Let's not let the fear of those stop us.” The team has learned much from its early stages of implementation and is enthusiastic about moving forward with the next stages of the dual-status protocol.

A theme common to both Placer and Riverside Counties was the significance of judicial leadership in getting and keeping the momentum around developing the dual-status protocol. The presiding judge of the juvenile court set dates by which tasks needed to be completed and was able to do what was needed to keep the process moving when things got stuck, something that individuals in lateral positions in agencies would not likely have the ability to do. Judicial leadership is also important on an ongoing basis, in that county team members may need to call on the presiding judge of the juvenile court to resolve issues, particularly those beyond the scope of management in probation and child welfare.

A major challenge in implementing dual status is having players from the dependency and delinquency systems—agency workers, judicial officers, and attorneys alike—learn about one another's legal mandates, roles and responsibilities, resources and limitations, and general operations. The county team has recognized the vital importance of training in this respect. In retrospect, it would have conducted more training in the early stages of protocol development and implementation, especially for line staff in probation and child welfare and judicial officers. Although it may be difficult to anticipate specific training needs based solely on the protocol, especially with respect to procedural issues, the team thought it would have been beneficial to have a basic training on the protocol before it became effective. For those stakeholders who were less engaged at the beginning and began asking questions a year down the road, such a training opportunity may have brought home the reality that the protocol was going into effect.

Agency workers believed the training they had received to date had been helpful, particularly in creating an open exchange between the agencies. They also noted that training needs to be offered on an ongoing basis in light of staff turnover in the agencies. In addition, because there are relatively few dual-status children overall, time may lapse between an initial training and the time the worker is actually assigned to a dual-status case, so a refresher course may be beneficial. In terms of training content, social workers indicated it would be helpful to have more information on code sections and how probation officers decide on the different levels of probation. One social worker even suggested that the training include having probation officers and social workers spend a day in the field with each other to understand the true nature of their jobs. Training for judicial officers should include understanding the service needs of the child and family, including an overview of services available in the community from each agency, and developing appropriate case plans, as well as procedures for review hearings. One team member thought that training for judicial officers was particularly important because the agencies in large part follow the court's lead in terms of service delivery.

Individuals with the court, probation, and social services also believed it was important to provide further training to attorneys on both conceptual and procedural issues related to dual status. They thought that attorneys should take a more active role, being present at all the hearings and more involved at the front end in the recommendations about dual status (i.e., not just agreeing or disagreeing with recommendations made by the agencies). One county team member noted that attorneys have as much of a right and an obligation to ask for dual status as anyone else. In one case, a child's attorney had an important role in getting his client to realize how close he was to being placed in juvenile hall, at which point the child changed his behavior. The county team thought it was important for attorneys to realize they could have that kind of impact.

The county team plans to revise the protocol in order to more clearly delineate roles and responsibilities, an issue with which agency workers in particular were struggling. One county team member from child welfare remarked:

. . . we do need to talk about operationalizing the protocol. That means defining our roles. The struggle with that [is that there] is no template from which to derive those definitions. We'd have to do it for ourselves because it doesn't exist. And that's going to be more of a collaborative effort with our probation counterparts and more and more meetings to do so. We're not going to start creating these edicts of who does what just because we *think* it's the way it should be. It needs to be a collaborative effort that everybody buys into. So it's going to require folks sitting at the table and talking about what makes sense. And then creating probably another phase to our joint protocol so that it is more operationalized.

Another component of operationalizing the protocol is creating tools to assist probation officers and social workers, such as developing a joint review report template. The team wants to incorporate "we" language into the template to further reinforce the notion that the probation officer and social worker should work collaboratively on the case.

On a related note, the county team also plans to have more collaborative meetings between the court and the agencies to resolve misunderstandings and troubleshoot problems, something that it would like to have done more at the beginning of the process. Some workers have set up their own informal meetings to address dual-status issues, but overall the frequency and regularity with which they meet tends to vary. Judicial officers have a forum to discuss dual status at the juvenile judges' meetings, but there are otherwise not regular, dedicated opportunities to discuss dual-status issues.

Because of the complexity and confusion surrounding dual-status cases, the Riverside County team has been considering ways to develop specialized expertise around dual status. It expressed the need to have seasoned agency supervisors who are dedicated to dual status, as those supervisors can then transfer their knowledge to their respective staffs. Even more ideal would be developing dedicated dual-status units within probation and child welfare (as child welfare has done for ICWA cases), or even a combined and jointly supervised unit of probation officers and social workers. Similarly, it has been suggested that the court designate specific judicial officers to hear dual-status cases.

Chapter 4: Conclusion

After one to two years of handling dual-status cases, the seven counties involved have hit some stumbling blocks but otherwise believe that dual status has been a beneficial addition to the juvenile court, and they are committed to making dual status work better and become more institutionalized in their counties. The counties found it important to involve a wide range of stakeholders in developing their dual-status protocols and were successful in securing the buy-in necessary to proceed.

Dual status has allowed the dependency and delinquency systems to combine their strengths to treat family issues more holistically. Judicial officers report that they no longer experience the frustration of having to choose between two systems when a family has needs that can best be met by both. Through child welfare, parents can continue to receive services and address the structure they need to provide for their children, while probation works with the children to address their criminal behavior. By having two sets of eyes and ears on the case that are in tune to different types of issues, the court receives more complete information about the youth and family and can therefore make better decisions. Dual status has expanded the ranges of services and placements available to probation officers and social workers to address the needs of youth and families. Perhaps more importantly, dual status has created a dialogue among probation, child welfare, and the court which has resulted in a greater understanding of one another's systems and additional partnerships outside the context of dual-status cases.

The difficulties in implementing dual-status protocols center around a few major themes: a lack of clarity about the specific responsibilities of and procedures to be followed by agency workers, judicial officers, attorneys, and other key players; a lack of knowledge or a misunderstanding among delinquency stakeholders about the dependency system and vice versa; and a lack of guidance at the state level about how dual status should be implemented. In particular, the issues of responsibilities for visitation, payment for services, and eligibility for title IV-E funding have been obstacles for the counties. The county teams believe that given additional time and training, an opportunity to build on their protocols, and further direction at the state level, their dual-status protocols can work more effectively and achieve more successful outcomes for youth and families. A common thread among the counties that have adopted a dual-status protocol is the ability of the court and agencies to work together and their willingness to proceed in the face of uncertainty. Dual status is somewhat of a new frontier for all involved, yet the counties with protocols were confident enough of its benefits to move forward.

Aside from funding and logistical issues, one major priority for the counties moving forward is ensuring the sustainability of their protocols. Many county teams already have experienced or will experience leadership changes in probation, child welfare, and the court. The teams are concerned about the protocol's ability to survive changes in leadership, and as a result are pushing to institutionalize dual status at the line staff level, which also can be difficult, given the degree of turnover. The county teams have worked

hard to get dual status off the ground and would like to see their efforts bear fruit by continuing to be supported as they implement and refine the protocols.

The county teams have been developing solutions to both ensure more effective collaboration and further institutionalize dual status. If the right tools and templates are developed and stakeholders receive more direction on their roles and responsibilities, they are less likely to give up because they are unsure of what to do. Dedicating agency workers, judicial officers, or court calendars to dual status also will be helpful in centralizing the specialized knowledge required to handle dual-status cases and will generally provide more visibility for dual status.

Finally, the county teams are interested in taking a closer look—beyond what anecdotal information seems to indicate—at whether and how dual status has benefited children and families. One team would like to conduct surveys with youth and families. There also has been interest in looking at whether case outcomes are qualitatively different for dual-status youth, in terms of recidivism, subsequent child welfare contacts, length of time in the system, and so on. Because county teams are still in the process of refining policies and procedures for dual-status cases, however, they believe it is too early to start examining these types of outcomes in any depth. Once their service delivery systems are optimized, they expect to see even better outcomes.

Next Steps

Because counties may still opt into developing a dual-status protocol at any time (i.e., the legislation does not sunset), CFCC staff will continue to support county teams in developing and implementing their protocols. Quarterly conference calls of county team members will continue, as will informal gatherings at conferences like *Beyond the Bench*, in order to identify new or ongoing issues, troubleshoot problems, and allow county teams to share information. Another possibility would be establishing a county team working group, facilitated by CFCC staff, to jointly develop templates and other useful tools. A Web-based application that allows county teams to post and share training materials, templates, and other relevant documents would be beneficial as well.

CFCC staff will also review its publications library for materials that may provide guidance to the county teams—such as the *Every Child, Every Hearing* booklet, which offers a comprehensive set of questions that helps courts and agencies gather information to ensure that the rights of foster children are enforced at every hearing, and title IV-E resources developed by the Judicial Review and Technical Assistance team—and distribute them as appropriate. Opportunities will be sought to integrate dual-status issues into existing dependency and delinquency training programs or to invite AB 129 county team members to those programs.

As the counties' dual-status protocols further develop and mature, they and other stakeholders will have an increasing interest in examining case outcomes and how youth and families are affected by dual status. CFCC staff will monitor the academic research currently being conducted on dual-status or crossover youth in order to understand the

most effective indicators for measuring the impact of dual status, find ways to integrate dual-status-related issues into existing CFCC research programs, and seek grant opportunities to carry out more in-depth research on dual status.

Appendix A

Assembly Bill 129, Chaptered

Assembly Bill No. 129

CHAPTER 468

An act to amend Sections 241.1, 387, and 11401 of, and to add Sections 241.2 and 366.5 to, the Welfare and Institutions Code, relating to the juvenile court.

[Approved by Governor September 10, 2004. Filed with Secretary of State September 10, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

AB 129, Cohn. Juvenile court: dual status children.

Existing law provides that whenever a minor appears to come within the descriptions of both a dependent child and a ward of the juvenile court, the county probation department and the child protective services department shall, pursuant to a jointly developed written protocol, initially determine which status will serve the best interests of the minor and the protection of society.

This bill would authorize the probation department and the child welfare services department in any county to create a protocol which would permit a minor who meets specified 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.

This bill would also require the Judicial Council to collect and compile data, to evaluate the results of implementing the protocol, and to report its findings and any resulting recommendations to the Legislature within 2 years of the date participating counties first deem a child to be a dual status child.

The people of the State of California do enact as follows:

SECTION 1. Section 241.1 of the Welfare and Institutions Code is amended to read:

241.1. (a) Whenever a minor appears to come within the description of both Section 300 and Section 601 or 602, the county probation department and the child welfare services department shall, pursuant to a jointly developed written protocol described in subdivision (b), initially determine which status will serve the best interests of the minor and the protection of society. The recommendations of both departments shall be presented to the juvenile court with the petition that is filed on behalf of the minor, and the court shall determine which status

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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 recommendations of the departments. The notice shall include the name of the judge to whom, or the courtroom to which, the recommendations were presented.

(b) The probation department and the child welfare services department in each county shall jointly develop a written protocol to ensure appropriate local coordination in the assessment of a minor described in subdivision (a), and the development of recommendations by these departments for consideration by the juvenile court. These protocols shall require, which requirements shall not be limited to, consideration of the nature of the referral, the age of the minor, the prior record of the minor's parents for child abuse, the prior record of the minor for out-of-control or delinquent behavior, the parents' cooperation with the minor's school, the minor's functioning at school, the nature of the minor's home environment, and the records of other agencies which have been involved with the minor and his or her family. The protocols also shall contain provisions for resolution of disagreements between the probation and child welfare services departments regarding the need for dependency or ward status and provisions for determining the circumstances under which a new petition should be filed to change the minor's status.

(c) Whenever a minor who is under the jurisdiction of the juvenile court of a county pursuant to Section 300, 601, or 602 is alleged to come within the description of Section 300, 601, or 602 by another county, the county probation department or child welfare services department in the county that has jurisdiction under Section 300, 601, or 602 and the county probation department or child welfare services department of the county alleging the minor to be within one of those sections shall initially determine which status will best serve the best interests of the minor and the protection of society. The recommendations of both departments shall be presented to the juvenile court in which the petition is filed on behalf of the minor, and the court shall determine which status is appropriate for the minor. In making their recommendation to the juvenile court, the departments shall conduct an assessment consistent with the requirements of subdivision (b). Any other juvenile court having jurisdiction over the minor shall receive notice from the court in which the petition is filed within five calendar days of the presentation of the recommendations of the departments. The notice shall include the name of the judge to whom, or the courtroom to which, the recommendations were presented.

(d) Except as provided in subdivision (e), nothing in this section shall be construed to authorize the filing of a petition or petitions, or the entry



of an order by the juvenile court, to make a minor simultaneously both a dependent child and a ward of the court.

(e) Notwithstanding the provisions of subdivision (d), the probation department and the child welfare services department, in consultation with the presiding judge of the juvenile court, in any county may create a jointly written protocol to allow the county probation department and the child welfare services department 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. This protocol shall be signed by the chief probation officer, the director of the county social services agency, and the presiding judge of the juvenile court prior to its implementation. No juvenile court may order that a child is simultaneously a dependent child and a ward of the court pursuant to this subdivision unless and until the required protocol has been created and entered into. This protocol shall include:

(1) A description of the process to be used to determine whether the child is eligible to be designated as a dual status child.

(2) A description of the procedure by which the probation department and the child welfare services department will assess the necessity for dual status for specified children and the process to make joint recommendations for the court's consideration prior to making a determination under this section. These recommendations shall ensure a seamless transition from wardship to dependency jurisdiction, as appropriate, so that services to the child are not disrupted upon termination of the wardship.

(3) A provision for ensuring communication between the judges who hear petitions concerning children for whom dependency jurisdiction has been suspended while they are within the jurisdiction of the juvenile court pursuant to Section 601 or 602. A judge may communicate by providing a copy of any reports filed pursuant to Section 727.2 concerning a ward to a court that has jurisdiction over dependency proceedings concerning the child.

(4) A plan to collect data in order to evaluate the protocol pursuant to Section 241.2.

(5) Counties that exercise the option provided for in this subdivision shall adopt either an "on-hold" system as described in subparagraph (A) or a "lead court/lead agency" system as described in subparagraph (B). In no case shall there be any simultaneous or duplicative case management or services provided by both the county probation department and the child welfare services department. It is the intent of the Legislature that judges, in cases in which more than one judge is involved, shall not issue conflicting orders.



(A) In counties in which an on-hold system is adopted, the dependency jurisdiction shall be suspended or put on hold while the child is subject to jurisdiction as a ward of the court. When it appears that termination of the court's jurisdiction, as established pursuant to Section 601 or 602, is likely and that reunification of the child with his or her parent or guardian would be detrimental to the child, the county probation department and the child welfare services department shall jointly assess and produce a recommendation for the court regarding whether the court's dependency jurisdiction shall be resumed.

(B) In counties in which a lead court/lead agency system is adopted, the protocol shall include a method for identifying which court or agency will be the lead court/lead agency. That court or agency shall be responsible for case management, conducting statutorily mandated court hearings, and submitting court reports.

SEC. 2. Section 241.2 is added to the Welfare and Institutions Code, to read:

241.2. The Judicial Council shall collect and compile all of the data to be collected pursuant to paragraph (4) of subdivision (e) of Section 241.1 and shall prepare an evaluation of the results of the implementation of the protocol authorized in that subdivision for a representative sample of the counties that create a protocol pursuant to that provision. The Judicial Council shall report its findings and any resulting recommendations to the Legislature within two years of the date those counties first deem a child to be a dual status child. The Judicial Council shall review all proposed protocols to ensure that they provide for the collection of adequate, standardized data to perform these evaluations. In order to assist counties with data collection and evaluation, the Judicial Council may prepare model data collection and evaluation provisions that a county must include in their protocol.

SEC. 3. Section 366.5 is added to the Welfare and Institutions Code, to read:

366.5. The dependency jurisdiction shall be suspended for a child whom the juvenile court declares to be a dual status child based on the joint assessment and recommendation of the county probation department and the child welfare services department pursuant to subparagraph (A) of paragraph (5) of subdivision (e) of Section 241.1. The suspension shall be in effect while the child is a ward of the court. If the jurisdiction established pursuant to Section 601 or 602 is terminated without the need for continued dependency proceedings concerning the child, the juvenile court shall terminate the child's dual status. If the termination of the Section 601 or 602 jurisdiction is likely and reunification of the child with his or her parent or guardian would be detrimental to the child, the county probation department and child

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welfare services department shall jointly assess and produce a recommendation regarding whether the court's dependency jurisdiction shall be resumed.

SEC. 4. Section 387 of the Welfare and Institutions Code is amended to read:

387. (a) An order changing or modifying a previous order by removing a child from the physical custody of a parent, guardian, relative, or friend and directing placement in a foster home, or commitment to a private or county institution, shall be made only after noticed hearing upon a supplemental petition.

(b) The supplemental petition shall be filed by the social worker in the original matter and shall contain a concise statement of facts sufficient to support the conclusion that the previous disposition has not been effective in the rehabilitation or protection of the child or, in the case of a placement with a relative, sufficient to show that the placement is not appropriate in view of the criteria in Section 361.3.

(c) Notwithstanding subdivision (a), dependency jurisdiction shall be resumed for a child as to whom dependency jurisdiction has been suspended pursuant to Section 366.5 if the jurisdiction established pursuant to Section 601 or 602 is terminated and if, after the issuance of a joint assessment pursuant to Section 366.5, the court determines that the child's dependency jurisdiction should be resumed.

(d) Upon the filing of the supplemental petition, the clerk of the juvenile court shall immediately set the same for hearing within 30 days, and the social worker shall cause notice thereof to be served upon the persons and in the manner prescribed by Sections 290.1 and 291.

(e) An order for the detention of the child pending adjudication of the petition may be made only after a hearing is conducted pursuant to Article 7 (commencing with Section 305).

SEC. 5. Section 11401 of the Welfare and Institutions Code is amended to read:

11401. Aid in the form of AFDC-FC shall be provided under this chapter on behalf of any child under the age of 18 years, except as provided in Section 11403, who meets the conditions of subdivision (a), (b), (c), (d), (e), or (f):

(a) The child has been relinquished, for purposes of adoption, to a licensed adoption agency, or the department, or the parental rights of either or both of his or her parents have been terminated after an action under the Family Code has been brought by a licensed adoption agency or the department, provided that the licensed adoption agency or the department, if responsible for placement and care, provides to those children all services as required by the department to children in foster care.



(b) The child has been removed from the physical custody of his or her parent, relative, or guardian as a result of a voluntary placement agreement or a judicial determination that continuance in the home would be contrary to the child's welfare and that, if the child was placed in foster care, reasonable efforts were made, consistent with Chapter 5 (commencing with Section 16500) of Part 4, to prevent or eliminate the need for removal of the child from his or her home and to make it possible for the child to return to his or her home, and any of the following applies:

(1) The child has been adjudged a dependent child of the court on the grounds that he or she is a person described by Section 300.

(2) The child has been adjudged a ward of the court on the grounds that he or she is a person described by Sections 601 and 602.

(3) The child has been detained under a court order, pursuant to Section 319 or 636, that remains in effect.

(4) The child's dependency jurisdiction has resumed pursuant to Section 387.

(c) The child has been voluntarily placed by his or her parent or guardian pursuant to Section 11401.1.

(d) The child is living in the home of a nonrelated legal guardian.

(e) The child has been placed in foster care under the federal Indian Child Welfare Act. Sections 11402, 11404, and 11405 shall not be construed as limiting payments to Indian children, as defined in the federal Indian Child Welfare Act, placed in accordance with that act.

(f) To be eligible for federal financial participation, all of the following conditions shall exist:

(1) The child meets the conditions of subdivision (b).

(2) The child has been deprived of parental support or care for any of the reasons set forth in Section 11250.

(3) The child has been removed from the home of a relative as defined in Section 233.90(c)(1) of Title 45 of the Code of Federal Regulations, as amended.

(4) The requirements of Sections 671 and 672 of Title 42 of the United States Code, as amended, have been met.



Appendix B

Department of Social Services All County Information Notice

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



May 12, 2006

ALL COUNTY INFORMATION NOTICE NO. I-05-06

TO: ALL COUNTY WELFARE DIRECTORS
 ALL CHIEF PROBATION OFFICERS
 ALL CHIEF FISCAL OFFICERS
 ALL CHILD WELFARE SERVICE PROGRAM MANAGERS

REASON FOR THIS TRANSMITTAL

- State Law Change
 Federal Law or Regulation Change
 Court Order
 Clarification Requested by
 One or More Counties
 Initiated by CDSS

SUBJECT: **IMPLEMENTATION OF ASSEMBLY BILL (AB) 129, DUAL STATUS CHILDREN**

REFERENCE: AB 129 (CHAPTER 468, STATUTES OF 2004)

The purpose of this All County Information Notice (ACIN) is to provide County Welfare Departments (CWDs) and County Probation Departments (CPDs) with information and guidance on implementing the provisions of AB 129. The California Department of Social Services (CDSS) has included responses to questions it has received from CWDs and CPDs regarding AB 129.

BACKGROUND

A child may be placed in foster care as either a dependent in the placement and care of the CWD under Welfare and Institutions Code (W&IC) Section 300, or as a delinquent in the placement and care of the CPD under W&IC Section 600 et. seq. The receipt of Title IV-E funding by the agency with placement and care responsibility to pay for the foster care placement and related administrative costs is conditioned upon the agency's compliance with the service requirements specified in federal statute. For the CWD, these service requirements are set forth in State statute and the Division 31 regulations. For the CPD, Section 472 of the Social Security Act and W&IC Section 11404 require that a written agreement be in effect between the CWDs and CPDs in order to claim Aid to Families with Dependent Children-Foster Care (AFDC-FC) funding for foster children supervised by a probation department. The agreement, which incorporates the Division 31 regulations, sets forth the service requirements that probation departments must comply with in order to receive Title IV-E funding for probation supervised placements. These services may include but are not limited to the following: preplacement preventive services, relative home approvals, preparation of a written assessment and case plan, family reunification, regular visits with the child, periodic status reviews, concurrent planning, appointment of guardians for wards, Independent Living Program (ILP) services, and permanency planning hearings.

Additionally, California law requires that the same judicial oversight and legal requirements provided to dependents are also provided to delinquents placed in foster care.

AB 129 – GENERAL PROVISIONS

AB 129 is a statute intended to improve the management of delinquency and dependency cases. Under existing law, the juvenile court may establish jurisdiction over a child because the child is the subject of abuse and neglect, i.e., dependency status under W&IC Section 300, or because a child has committed acts that warrant delinquency jurisdiction, i.e., delinquency status under W&IC Sections 601 or 602. There are situations in which a child may, because of unique circumstances, come within both types of jurisdiction. Prior to the passage of AB 129, establishment of concurrent jurisdiction under both 300 and 601 or 602, i.e. dual status as a dependent and a delinquent, was prohibited; counties were required to establish a protocol for joint assessments by the probation and child welfare services department to determine which status to recommend to the juvenile court for a particular child. AB 129 now allows the establishment of dual status in counties which have established ahead of time a protocol to be followed in making a recommendation to the juvenile court for a particular child. Requirements for this protocol are set forth in W&IC Section 241.1(e) which was added by AB 129. The provisions of AB 129 are intended to create a comprehensive approach to meeting the needs of at risk youth by improving coordination among CWDs, CPDs, and the courts in conducting joint assessments to determine which services and/or resources can best suit the needs of each child.

AB 129 allows counties the flexibility to develop an approach allowing concurrent dependency and delinquency jurisdiction by adopting either an “on hold” system or a “lead court/lead agency” system, to determine which agency has primary placement and care responsibility at particular points in the proceeding. Under a “lead court/lead agency” system, either the CWD or the CPD will be designated as responsible for case management, court hearings, and submitting court reports. Under an “on hold” system, the child’s delinquency status remains “active” while the dependency is suspended. At the point when it appears likely that delinquency jurisdiction will be terminated and reunification would be detrimental to the child, the child welfare and probation departments jointly assess whether to recommend resumption of the child’s dependency status. Regardless of which system a county chooses, the county protocol may specify the respective functions and duties of the lead (i.e., agency with primary placement and care responsibility) and the non-lead agency.

The questions and answers which follow are categorized according to subject and are intended as information and or guidance to counties choosing to implement a dual status protocol. The CDSS will not require counties to submit plans for review and/or approval should they decide to implement AB 129.

FUNDING AND ELIGIBILITY QUESTIONS:

Counties choosing to implement a protocol allowing dual status are reminded that it does not change existing federal funding and eligibility requirements for a Title IV-E foster care payment and that the federal Adoption and Safe Families Act (ASFA) procedures and timelines still apply. All regulations found in Division 31 and 45 still apply to counties who choose to utilize a dual status designation for children in out-of-home care. Additionally, counties should be reminded that all county claiming procedures remain the same.

1. Q. Under the “lead agency” option, AB 129 requires the “lead agency” to be responsible for case management, conducting statutorily mandated court hearings, and submitting court reports. What then are the responsibilities of the non-lead agency and which agency would bear those costs?

A. The CDSS will defer to county agencies to establish what role and responsibility the non-lead agency will have when a child is designated as a dual status child. Program funding for Title IV-E will remain the same; all related program funding from CDSS is transmitted directly through county welfare agencies (child protective services), who then establish memoranda-of-understanding with county probation agencies for the pass through of Title IV-E funds, reference All County Letter (ACL) No. 99-96. The CWD and CPD would be permitted to claim costs as long as there is no duplication of cost for the same activity or service.

2. Q. If both agencies provide services, can Social Workers (SWs) from both agencies time study their work involving the same child to Title IV-E?

A. SWs and/or Probation Officers (POs) from both agencies can provide services and time study to an administrative activity involving a dual status child. As an example, in a multi-disciplinary team setting, the SW and PO will be meeting to discuss the same child, each providing unique information and expertise related to the case. If a SW and PO are both making a referral to services, i.e., counseling, the SW and PO can time study to the appropriate program code. County Fiscal Letter (CFL) No. 05/06-26, page two, addresses allowable Title IV-E administrative activities. As a reminder, Title IV-E funds do not pay for direct services.

It is paramount that county agencies establish appropriate procedures and methods and agree that each party: (1) perform its duties and functions under the established protocol; (2) ensure no duplication of activities or services occurs; (3) ensure the services are indeed distinct and different; and (4) ensure the cost associated with each is not duplicated.

3. Q. Can two agencies simultaneously provide services to children and families under the “lead agency” option or would this constitute duplication of services?

A. Under the “lead agency” option one agency would assume primary management over the case file, court hearings, and court reports but both agencies could provide services to the child so long as those services are different and are warranted and/or required. County agencies shall work cooperatively to assess and assign services to meet the needs of the child. County agencies would be prohibited from claiming funds twice for the same service or activity.

4. Q. Under the “lead agency” option, which agency is responsible for eligibility documentation/determinations?

A. Regardless of whether a county employs a “lead agency” or an “on hold” system, the CWD will remain the sole agency at the county level, responsible for making AFDC-FC eligibility determinations.

5. Q. What funds can be used to provide services to children and families?

A. CWD’s are allocated the following funding: Child Abuse Prevention, Intervention and Treatment (CAPIT), Promoting Safe and Stable Families (PSSF), and Community Based Child Abuse Prevention (CBCAP). Although counties have flexibility in the use of these funds, each fund is subject to certain statutory/regulatory requirements, including restrictions on agencies eligible to receive these funds to provide services and the types of services that can be provided.

The CAPIT funds are comprised of capped State General Funds, and State law requires that priority be given to prevention programs provided through nonprofit agencies. The PSSF and CBCAP are entirely funded through the federal Title IV-B allocation, subject to the annual federal budget process, and are therefore limited. Both CAPIT and CBCAP can be used to provide some level of intervention and treatment services, although the service priority for these funds is primary prevention. The PSSF funds must be expended according to federal guidelines with 20 percent in each of four service categories: family preservation, family support, time-limited family reunification, and adoption promotion and support.

Together, these programs generally support local prevention and early intervention efforts and can be used for child welfare services programs. Counties must apply for these funds and provide services based on a three-year county plan approved by CDSS. These plans are developed by county child welfare agencies based on priorities developed through a community input process and approved by the Board of Supervisors. Also, in some counties, county general funds may be available to support

the provision of services for children and families, so long as these funds are not used as a match to draw down additional Title IV-E funding, as Title IV-E funds cannot be used to pay for direct services.

PROGRAM QUESTIONS:

Counties choosing to implement a protocol allowing dual status are reminded that it does not change existing regulatory and statutory guidelines related to children adjudged wards of the delinquency court or dependents of the juvenile court. Statutory guidelines pertaining to the care, custody and control; placement; family reunification; periodic review; permanency planning hearings and termination of parental rights proceedings for a minor adjudged a ward of the delinquency court is outlined in W&IC Section 727, et. seq. and for dependents of the juvenile court in W&IC Sections 360 et. seq., 361 et. seq., 362 et. seq., 364 et. seq., and 366 et. seq. Regulatory requirements related to minors adjudged wards of the delinquency court or dependents of the juvenile court are outlined in Division 31 Regulations. County probation and child welfare departments are encouraged to review these statutes and regulations as part of their process when developing their dual jurisdiction protocols.

6. Q. How will child welfare family maintenance and family reunification time frames be affected under the “lead agency” or “on hold” options of AB 129?

A. Under the “lead agency” and/or “on hold” options of AB 129, time frames and requirements for family maintenance and family reunification will remain the same. *If a dual jurisdiction child is placed in a foster care facility and then the child is placed in a juvenile detention facility or medical facility and then returns to a foster care facility, family maintenance and family reunification time frames remain the same and are not interrupted. In addition, the timelines for the 12th month permanency hearing and all subsequent 12-month permanent placement hearings remain the same and cannot be interrupted.* Services, activities and time frames related to family maintenance and family reunification requirements as specified by regulatory and statutory guidelines must be complied with regardless of how counties choose to implement AB 129.

7. Q. How should counties address monthly home visits? Can both the probation officer and a social worker conduct the required monthly visit in order to meet State requirements?

A. All visit requirements as defined in Division 31 regulations must be complied with regardless of how counties choose to implement AB 129. Flexibility is given to child welfare and probation departments to address how these visiting requirements will be fulfilled by the two agencies in their protocols. For example: either an “on hold” or a “lead agency” county protocol could specify that the child welfare services and probation

departments could jointly fulfill visit requirements to child(ren), parent(s) and caregiver(s) based on the needs of the individual client(s) and based on which department representative would be available to visit the clients as long as there is no duplication of services by the two departments.

Alternatively, under a lead agency model, the protocol may call for both the social worker and probation officer to conduct monthly visits, but for different purposes, and each agency in this case may conduct such visits so long as it is consistent with the existing claiming instructions and requirements.

Claiming instructions regarding monthly visits for foster children in Group Homes remain unchanged. See CFL No. 98/99-18, dated September 25, 1998, and CFL No. 98/99-52, dated December 17, 1998.

8. Q. The “on hold” option provides for suspending the dependency jurisdiction pending termination of the probation case. Can the “lead agency” option be used to provide for suspended probation jurisdiction while the child welfare services department is the “lead agency”?

A. AB 129 only provides for suspension of dependency jurisdiction under the “on hold” option and does not provide for suspension of delinquency jurisdiction. The protocols developed by the county child welfare services agency and the probation departments will indicate whether the county has chosen a “lead agency” or “on hold” option.

9. Q. On a case by case basis, can counties choose to implement AB 129 for certain children and not others, for example, children in permanent placement, where times for reunification are not an issue?

A. AB 129 does not specify which programs (i.e. permanent placement, family maintenance, etc.) must be considered for dual status. AB 129 mandates that the protocol describe (a) the process to be used to determine whether the child is eligible to be designated as a dual status child, (b) the procedures to assess the necessity for dual status and process to make joint recommendations to the court, including a seamless transition to minimize service disruption, and (c) a provision for communication between judges who hear dependency and delinquency petitions.

Therefore, CDSS will defer to the child welfare services and probation department protocols to specify how children will be assessed and designated dual status children. County child welfare and probation departments can make a determination on a case by case basis as described in their protocols whether a child would best benefit by being considered a dual jurisdiction child or whether the child would best benefit by being considered a child that comes within the description of either a dependent of the juvenile court or a ward of the delinquency court.

10. Q. Current State statute precludes minors with 602 adjudication from being placed in an emergency shelter. Under the “lead agency” model, would minors with concurrent 300/602 adjudication be precluded from placement in an emergency shelter?
- A. The prohibition against placing children who are dependents of the juvenile court with children who are 602 wards of the delinquency court in the same emergency facility is set forth in W&IC Section 16514(b). A county’s decision to implement AB 129 does not change this existing statute.
11. Q. Once a “lead court” and “lead agency” have been determined; can the “lead court” and “lead agency” subsequently be changed?
- A. The CDSS will defer to the protocols developed between the child welfare services and probation departments as to whether the “lead court” or “lead agency” can be changed once initially chosen.
12. Q. Are there any examples of model “lead court/lead agency” systems that would comply with California law (and federal law/regulations)?
- A. Examples of the dual jurisdiction systems of other states can be researched utilizing the internet. In addition, the Judicial Council may be a good contact for such questions regarding other states that implement dual jurisdiction systems. An article distributed by the National Center for Juvenile Justice titled “When Systems Collide: Improving Court Practices and Programs in Dual Jurisdiction Cases” is available on their internet site at www.ncjj.org.
13. Q. Is it ever necessary to file a new 300 W&IC petition after termination of delinquency status in an “on hold” county? What if there are no new grounds for one, just that the delinquency sentence is finished?
- A. By definition, a dual status child is a child who could be considered to be a dependent child or a ward of the juvenile court. Unless there are new dependency allegations filed or the dependency case has been dismissed, a new 300 W&IC petition is not necessary. The “on hold” option of AB 129 allows for a joint assessment to be conducted by the child welfare services and probation departments in order to produce a recommendation for the court regarding whether the court’s dependency jurisdiction shall be resumed if the termination of the court’s jurisdiction, pursuant to Section 601 or 602 is likely, and reunification of the child with his/her parent(s) or guardian(s) would be detrimental to the child. AB 129 does not specify a particular court procedure to be used by a county seeking to resume a “dual status” child’s dependency status, when delinquency has been terminated. The bill does not specify that a 388 petition must be filed to continue or resume a child’s dependency status, nor does the bill preclude it.

The CDSS will defer to any court procedures or to county protocols as determined by individual county child welfare and probation departments and the county juvenile courts as to how to notify the court of any recommendation for resumption of the child's dependency status.

AUTOMATION QUESTION:

14. Q. How will dual jurisdiction cases be documented in CWS/CMS?

A. The implementation of AB 129 in CWS/CMS will require at least three developmental phases. The first and current phase may involve manual or non-automatic interim methods of marking, documenting, and tracking dual involvement cases until additional system changes are available in the subsequent phases. Methods and procedures for marking and documenting dual status cases in CWS/CMS will be conveyed to counties in a future CWS/CMS bulletin and/or an ACIN.

The second phase will involve a formal software and database upgrade that is planned for Release Version 6.1. The exact date for its implementation is uncertain, but it is currently planned for 2007. Release 6.1 will contain only some of the initial changes needed to fully implement AB 129. Workers will be able to provide a means of documenting cases that begin as a W&IC Section 300 dependency and then shift to Probation as the lead agency when the child is adjudicated as a W&IC Section 601/602. The system will also be able to accommodate the child returning from Probation where CWS resumes as the lead agency. CWS/CMS functionality should reflect county practices as well as social work practices in the State. Because county protocols are still being developed around the State, it is not yet possible to know how to best capture relevant information. Therefore, it is necessary to defer additional changes until an undetermined future date.

The current CWS/CMS functionality cannot support simultaneous Probation and CWS placements. Under the "on-hold" option, Release 6.1 will provide child welfare workers with the ability to suspend and close a case to enable Probation to service the case. If the dependency status is later reinstated, the Probation case would be closed and the CWS placement would again be reopened. In "lead agency" models, the CWS agency could provide and document concurrent services when Probation is the lead agency using time study documentation. However, the CWS agency would have to suspend and close their case on CWS/CMS. When cases are in a suspended status, all reminders and other application requirements for the case will also be suspended. A suspended case will be excluded from the SOC 291 report. More information about this functionality will be provided to counties as Release 6.1 is prepared and released.

The third phase of implementation will provide additional changes. These future enhancements may include the capability of keeping both the CWS and the Probation's SOC 158 placement concurrently open on the system. Workers may be able to document more aspects of the complimentary but non-duplicative services. The date for implementing this third phase has not yet been determined.

If counties should need additional information regarding Title IV-E funding and eligibility requirements, please contact the Foster Care Audits and Rates Branch at (916) 651-9152; for questions pertaining to program policy, contact the Child and Youth Permanency Branch at (916) 651-7464; and for CWS/CMS automation questions, contact the CMS Support Branch at (916) 651-7884.

Sincerely,

Original Document Signed By:

MARY L. AULT
Deputy Director
Children and Family Services Division

c: CWDA
CPOC

Appendix C

Data Collection Instruments

AB 129 General Interview/Focus Group Topic Guide

Implementation Process

- 1) What was the impetus for developing a protocol? Were there any issues with your 241.1(a) protocol you were seeking to address? What were the crossover issues that you were seeing in your court?
- 2) In developing the protocol, did your team build on any existing any systems or relationships in your county? If so, please describe. What were the benefits or drawbacks of building on that relationship?
- 3) Other than the agencies required by statute to sign off on the protocol, who else (if anyone) was involved in developing the protocol? Why were they involved? What was the benefit of their involvement?
- 4) Was a formal committee formed to develop the protocol? If so, who were the members of the committee (positions are fine, don't need names)? Is the committee still meeting?
- 5) How much time elapsed between initial discussions and finalization/approval of protocol?
- 6) Did the statute provide clear and sufficient guidelines for developing/implementing the protocols? If not, please explain.

Was the AB 129 symposium or other technical assistance provided by the AOC helpful in addressing any of these issues? Why or why not?

- 7) Was there resistance to implementing a protocol? What were the reasons for resistance? How was this resistance overcome?
- 8) What were the most significant challenges in developing the protocol? What aspects of developing the protocol, if any, were not particularly challenging?
- 9) What advice would you give to other counties considering implementing a dual status protocol? If you could change anything in terms of the development or implementation of your protocol, what would it be?

Mechanics of Protocol

- 10) Do probation officers and social workers who work with dual status youth receive any type of cross-training in dual status issues? If so, please explain.
- 11) Does your county have dedicated dual status probation officers and/or social workers?
- 12) When a child is declared dual status, how is that communicated to the appropriate agency staff and other key stakeholders?
- 13) How is information shared on an ongoing basis among the court, probation, and social services? How is confidentiality addressed? Are there MOUs in place? Shared data systems?
- 14) Are there regular meetings of the court, probation, social services, and other stakeholders to discuss how the protocol is working (not for the purpose of discussing specific cases)?
- Are there regular meetings to discuss individual cases? If so, who is involved in those meetings and how often do they take place?
- 15) How does supervision/oversight work in light of the fact that multiple agencies are involved?
- 16) To what extent are informal probation or voluntary contracts with CPS being used to avoid the need to declare a child dual status?
- 17) Describe your assessment process for determining whether dual status is appropriate.
- What factors/characteristics influence the decision to declare a child dual status? What might make them more likely to be just in dependency or just in delinquency?
- Are you using any assessment tools? If so, how are you using them? Who developed the assessment tools?
- 18) Do most of your dual status cases originate in dependency or delinquency, or are they fairly evenly distributed? If most originate in one department, why is this the case?
- 19) How do case plans for dual status youth compare to “typical” case plans for dependents and delinquents? [ask a dependent-specific question for social services and a delinquent-specific question for probation]
- For the dependents who become dual status, do they tend to have a particular type (or types) of permanent plan? If so, what is the permanent plan for most youth?

- 20) If a child is dual status, will the dependency attorney appear on delinquency matters? Will the delinquency attorney appear on dependency matters? Does the child have the same attorney for both?
- 21) Has there been a case in your county in which dual status was terminated? If so, under what circumstances? If not, under what circumstances might dual status be terminated?
- 22) Please describe your filing system for dual status cases.

Is information contained in two separate files (i.e. one for dependency and one for delinquency) or in one?

Whose responsibility is it to get information from file to file?

How are dual status cases prepared for the calendar?

Do clerks in dependency and delinquency have access to each other's data systems?

Assessment of Protocol

- 23) What, if any, issues with your 241.1(a) process—or with crossover issues in general—was your dual status protocol able to address? If there were no issues with your existing 241.1(a) process, what else did you think the dual status protocol could accomplish? Was it accomplished?
- 24) What, if anything, has the dual status protocol not been able to address? How might those issues best be resolved?
- 25) Are you satisfied with the number of children being adjudicated dual status? Why or why not? *[REFER TO COUNTY'S ACTUAL NUMBERS IF POSSIBLE]*
- 26) In terms of working on an individual dual status case, would you say that you have experienced an increase, a decrease, or no change in your workload? Please explain.
- 27) Have there been any unintended consequences—positive or negative—of implementing a protocol?
- Has the implementation of your protocol had any impact on non-dual status youth? If so, please explain.
- 28) Are there any stakeholders who weren't at the table, but who should have been, when the protocol was developed (or now)?

- 29) Is the information provided in the court reports sufficient to make an informed ruling on the appropriate jurisdiction for the child? Do you have any suggestions for what the reports should contain or address? [judicial officers only]
- 30) In deciding whether to adjudicate a child dual status, what, are the benefits of receiving input from both probation and social services? [judicial officers only]
- 31) What, if any, are your concerns related to dual status? Why do you think it is or is not a good option?
- 32) Is ongoing information sharing sufficient to effectively manage cases? If not, what kind of information is needed?
- 33) Has the protocol changed since it was initially signed? If so, what prompted the change?
- 34) Have there been any staffing changes or other staffing issues since the initial implementation of the protocol? Has anyone stopped participating in or supporting the team's efforts? Have you found the need to provide additional staff training?

Impact on Service Delivery/Children and Families

- 35) What has been the impact of dual jurisdiction on services for children and families, in terms of the availability of services and types of services utilized? Please provide any case examples you feel would illustrate the impact of dual jurisdiction.

Service gaps filled? Examples?

How has mental health been involved in dual status cases?

More transitional services (especially for older children)?

More/different services for parents?

- 36) What has been the impact of dual jurisdiction on the number, type, and length of placements for dual status children? Please provide any case examples you feel would illustrate the impact of dual jurisdiction.

Fewer placements in general? Less restrictive placements? Decreased used of emergency placements? Longer-term placements?

More flexibility with mental health placements?

Fewer AWOLS?

Has this resulted in any cost savings?

- 37) How has Title IV-E funding been used in dual status cases? How has the funding followed the children between systems? Have you encountered any difficulties regarding the use of IV-E funding? If so, how were those difficulties resolved?
- 38) What has been the impact of dual jurisdiction on case outcomes for dual status children? Please provide any case examples you feel would illustrate the impact of dual jurisdiction.

Impact on dependency or delinquency timelines?

Impact on return to dependency after successful completion of probation?

Impact on reunification?

Impact on number of detention episodes and length of time in detention?

Impact on successful completion of probation, in terms of probation violations, new offenses, and time on probation?

- 39) Have you noted any impacts of dual jurisdiction on children and families other than those previously discussed? If so, please describe.

More stability in child's relationships with social workers, probation officers, counsel, other interested parties?

Improved child well-being in terms of education, mental health, substance abuse, etc.?

AB129: Required Data Collection

AB129 requires the Judicial Council to evaluate the results of implementing the protocols and to report its findings and any recommendations to the Legislature within two years of the date participating counties first deem a child to be a dual status child. Because the first child was deemed dual status in October 2005, the final report will be due in October 2007. All counties that implement a protocol are required to collect basic descriptive data about the cases. Two counties have also been selected to be part of a more in-depth study that will evaluate dual jurisdiction processes and, to the extent possible, case outcomes.

CFCC staff has developed two data collection tools to assist counties in collecting the basic descriptive data. The *Summary Form* is a mandatory form that every county with a protocol will need to complete and submit to the AOC on a quarterly basis. The *Individual Form* is an optional form that is being offered to counties to assist in completing the summary form. The required data will provide basic case counts as well as a general description of the cases that are considered for and deemed dual status.

Directions for Responding

1. A designated court contact will be responsible for completing the *Summary Form* and submitting it to the AOC each quarter. However, it will likely be necessary for the court to coordinate with probation, social services, or both to gather all the required information.
2. Every case considered for dual status each quarter should be included in the responses to questions 1–7 on the *Summary Form*. All cases with a dual status finding should be included in the responses to questions 8–17 on the *Summary Form*.
3. Only new cases for each quarter should be included. If the status of a case is pending at the end of the quarter (e.g. because there have been continuances or the minor is on warrant status), the case should not be included in that quarter's report; instead, it should be included in the reporting period when the final determination has been made.
4. The case level information (see *Individual Form*) should be collected immediately after the hearing that determines whether a dual status designation will be made.
5. The due dates for submission of the *Summary form* are as follows.

Due date	Covers new cases for the period...
October 16, 2006	July 1, 2006 – September 30, 2006
January 15, 2007	October 1, 2006 – December 31, 2006
April 16, 2007	January 1, 2007 – March 31, 2007
July 16, 2007	April 1, 2007 – June 30, 2007

6. If you have any questions about the survey, or if you anticipate challenges in accessing any of the requested information, please contact Deana Piazza, Senior Research Analyst, at deana.piazza@jud.ca.gov or 415.865.8997 as soon as possible.

Tips on Specific Questions

- **Question 1:** The number of cases should equal the number in Question 2 plus the number in Question 3.
- **Question 4:** The total number of cases in all categories should equal the number in Question 2.
- **Question 5:** The total number of cases in all categories should equal the number in Question 3.
- **Question 6:** The total number of cases in all categories should equal the number in Question 2.
- **Question 7:** The total number of cases in all categories should equal the number in Question 3.
- **Question 15:** For minors who were placed in a group home or residential treatment, the number at each level of care should be indicated. For minors who were placed in county juvenile detention, the number in juvenile hall and in a camp or ranch should be indicated. The total number across all levels of care should equal the number in a group home or residential treatment.
- **Question 16:** Indicate the reason for the new delinquency referral/petition for cases of dual status minors who started out in dependency—i.e. those designated dual status under Question 6. For minors who were referred for a felony or misdemeanor (i.e. anything but a status offense), the number who committed each specific type of offense should be indicated in the second column. The total number across all offense types should equal the number with a felony or misdemeanor.
- **Question 17:** Indicate the reason for the new dependency referral/petition for cases of dual status minors who started out in delinquency—i.e. those designated dual status under Question 7. For minors whose dependency referral/petition was for child abuse, the number with allegations of physical abuse and sexual abuse should be indicated. The number of cases with allegations of physical abuse plus the number with allegations of sexual abuse should equal the number with child abuse allegations.

INITIAL ENTRY SUMMARY FORM

Please submit this form by email or fax to:

Deana Piazza, Senior Research Analyst

Center for Families, Children & the Courts – Administrative Office of the Courts

Phone: 415.865.8997

Fax: 415.865.7217

Email: deana.piazza@jud.ca.gov

Submission due dates: July 14, 2006; October 16, 2006; January 15, 2007; April 16, 2007; July 16, 2007.

Only new cases for each quarter should be included.

County:

County contact:

Contact information:

Date: / /

Since the date of the last report, what was the...

1. Total number of cases before the court that were candidates for dual status ____

2. Number of cases initially in dependency ____

3. Number of cases initially in delinquency ____

4. For cases that were initially in dependency (i.e. all cases in question 2), how long was the dependency case active, based on the date of the initial petition? Indicate the number of cases in each category.
____ Less than 3 months
____ 3 to 6 months
____ 6 to 9 months
____ 9 months to 1 year
____ 1 to 2 years
____ 2 to 3 years
____ 3 to 4 years
____ More than 4 years

5. For cases that were initially in delinquency (i.e. all cases in question 3), how long was the delinquency case active, based on the date of the initial petition? Indicate the number of cases in each category.
____ Less than 3 months
____ 3 to 6 months
____ 6 to 9 months
____ 9 months to 1 year
____ 1 to 2 years
____ 2 to 3 years
____ 3 to 4 years
____ More than 4 years

6. For cases that were initially in dependency (i.e. all cases in question 2), what determination was made at the dual status hearing? Indicate the number of cases in each category.

- Kept in dependency
- Moved to delinquency
- Designated dual status

7. For cases that were initially in delinquency (i.e. all cases in question 3), what determination was made at the 241.1 hearing? Indicate the number of cases in each category.

- Kept in delinquency
- Moved to dependency
- Designated dual status

**** ANSWER QUESTIONS 8-17 ONLY FOR CASES WITH A DUAL STATUS FINDING ****

If lead court/lead agency model, what was the number of dual status cases where...

8. Probation is lead agency/ Delinquency court is lead court

9. Probation is lead agency/ Dependency court is lead court

10. Child welfare agency is lead agency/ Dependency court is lead court

11. Child welfare agency is lead agency/ Delinquency court is lead court

Demographics

12. Gender:

Number of dual status children who are:

- Male
- Female

13. Age at time of dual status hearing:

Number of dual status children who are:

- 8 years old or younger
- 9 to 10 years old
- 11 to 12 years old
- 13 to 15 years old
- 16 to 17 years old
- 18 years old or older

14. Race/ethnicity:

Number of dual status children who are:

- White, non-Hispanic
- Hispanic or Latino
- Black or African American
- Asian or Pacific Islander
- Native American
- More than one race/ethnicity
- Other

15. Living situation:

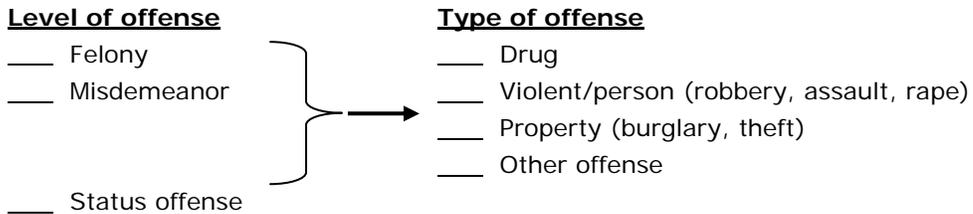
At the time of the arrest or referral, number of dual status children that were placed:

- In-home with parents
- Relative foster care
- Non-relative foster care
- Group home/residential treatment *(specify number at each level of care below)*
 - # at level:** 1 ___ 2 ___ 3 ___ 4 ___ 5 ___ 6 ___ 7 ___
 - 8 ___ 9 ___ 10 ___ 11 ___ 12 ___ 13 ___ 14 ___
- Shelter care
- Hospital – psychiatric
- County juvenile detention *(specify number at juvenile hall or camp/ ranch below)*
 - Juvenile hall
 - Juvenile camp/ranch
- Other

Arrest/Referral Information

****Answer question 16 for cases that were in dependency before the child was designated dual status.**

16. What was the reason for the new delinquency referral/petition? Indicate the number of dual status children whose most serious charge was a: *(specify number with each type of offense if felony or misdemeanor)*



****Answer question 17 for cases that were in delinquency before the child was designated dual status.**

17. What was the reason for the new dependency referral/petition? Indicate the number of dual status children with cases involving the following allegations:

- Child abuse allegations or history *(specify number that are physical or sexual abuse below)*
 - Physical abuse
 - Sexual abuse
- Emotional abuse allegations or history
- Child neglect allegations or history

Number of dual status children with the following other family issues:

- Parent substance abuse
- Housing problems
- Parent incarcerated
- Emotional/mental health issues
- Domestic violence allegations or history

Appendix D

County Protocol Overview Chart

	COLUSA	INYO	PLACER	STANISLAUS	SAN JOAQUIN	RIVERSIDE	SONOMA
Agency model	Lead agency model	Lead agency model	Either (1) On-hold model with subcomponents of lead agency OR (2) concurrent service and case plan model	No predetermination of which model to use; Both on-hold and lead agency are possibilities; Staff from both agencies examine the WIC, § 241.1 joint assessment information and determine which model to use	Lead court/lead agency model; The assisting agency's jurisdiction over the child is suspended so that at any one time only one agency has active jurisdiction (so as not to duplicate services)	Lead court/lead agency model	Lead court/lead agency model
Emphasis placed on collaborative efforts between probation and child protective services (CPS)	Joint recommendation for dual status must lay out specific goals for services and which court/agency should be lead; Lead agency really takes charge of the case, but is directed to communicate with nonlead agency concerning family's needs	Lead agency really takes charge of the case; However, the lead and assisting agencies are supposed to work together to create an appropriate case plan for the minor	Strong emphasis, e.g., joint reports, joint <u>in-person</u> conference	Each department must provide training to the other in regard to the agreement and its data system	Clear procedure outlined for cases where the minor's safety may be compromised by staying in juvenile hall or local children's shelter; Agencies are to work together to determine the least restrictive and most secure environment for the child in such a situation	The lead agency must conduct a joint assessment and work with staff from both CPS and probation to determine which is most appropriate to provide services to the child at that time	Decision to designate a minor dual status must be made jointly by CPS and probation.; Then CPS and probation will designate responsibility for case management; When child is dual status, probation officer and social worker must communicate at least monthly
How hearings for dual-status youth	Lead agency responsible for	Joint dependency/wardship hearings	Dependency lead cases are		The court will conduct joint	If probation is determined to be	The lead court will conduct

	COLUSA	INYO	PLACER	STANISLAUS	SAN JOAQUIN	RIVERSIDE	SONOMA
are calendared	submitting court reports and attending court hearings	are conducted for dual-status minors The lead agency is responsible for preparing a single report for the hearing, but both agencies must attend the hearing	calendared in the dependency court while delinquency lead cases are calendared in the delinquency court Concurrent jurisdiction cases are calendared in the dependency court		dependency / wardship hearings for dual-status minors The lead agency will be responsible for preparing a single report for the joint hearing; The assisting agency may prepare supplemental reports	the lead agency, then delinquency court will be the lead court; If CPS is determined to be the lead agency, then dependency court will be the lead court	hearings in its court; Lead agency will be responsible for case management and preparation of court reports and calendaring hearings
Requirements for dual-status eligibility		Minor must not have been removed from the home				Youth who are placed in Riverside County by other outside county agencies are NOT eligible	Primary reasons for dual status designation are: (1) No parent/guardian available; (2) Parent not able to adequately care for/supervise; (3) Other circumstances of a ward require protection under WIC, § 300; (4) A § 300 child needs control/containment for effective drug treatment or sex

	COLUSA	INYO	PLACER	STANISLAUS	SAN JOAQUIN	RIVERSIDE	SONOMA
							offender treatment; (5) Minor can't be safely housed at Valley of the Moon or a foster care setting due to being a danger to self or others
Process involved in declaring dual status OR switching lead agency	In making a recommendation for dual status, the agencies must address the specific goals for services and which court/ agency should be lead	<p>Agencies must agree that dual status is appropriate for the court to order dual status</p> <p>Only children who have not been removed are eligible for dual status</p> <p>Court may determine that a change in lead agency is appropriate if both agencies consult and present this to the juvenile court</p> <p>If one agency determines that</p>	<p>WIC, § 241.1 protocol continues to be the process of identification for dual jurisdiction; The Children's Research Center Model of Structured Decision Making or the Placer County Probation Risk Assessment is used in order to make decisions about the delivery of service and intervention</p> <p>When a child enters either system, the caseworker must contact the</p>	<p>Clear criteria given for principal guidelines both in filing a delinquency petition and in filing a dependency petition</p> <p>Allows CPS to immediately take custody of a child who is being held in juvenile hall without a WIC, § 602 petition being filed when the child is better suited for a community service agency</p>	<p>In order for the assisting agency to assume the lead role, a petition must be submitted to the court</p> <p>Protocol report may be done orally unless the court specifies otherwise; If required to be in writing, then both Probation and CPS must sign the report</p>	<p>The lead court will have the final say on the termination or modification of dual status; Statements of the DA, defense counsel, social worker, county counsel, and probation officer will all be submitted to the lead court to assist in this determination</p> <p>If the initial petition is based on a WIC, § 602 petition, then the PD's office will represent the minor; If a WIC,</p>	<p>Agencies must jointly agree to dual status</p> <p>Either agency can seek to change lead status if warranted</p> <p>County clerk is responsible for sending all notices, reports, and orders to CPS and probation</p> <p>If a WIC, § 300 case is suspended, four weeks prior to dismissal of a § 602 order or a return home the P.O. & S.W. will consult; If either the § 602 or § 300</p>

	COLUSA	INYO	PLACER	STANISLAUS	SAN JOAQUIN	RIVERSIDE	SONOMA
		the youth should be removed from their home, then they must file a petition with the court and the court will then terminate the jurisdiction of the nonfiling agency	alternate agency and determine if the minor has had a history with the alternate agency The detention report should include a recommendation to the court as to the length, level, and extent of the delinquent or child welfare involvement and the need for possible WIC, § 241.1 handling The court will make the final determination of whether dual jurisdiction should be granted			§ 602 case exists and a WIC, § 300 petition is filed to create dual status, then the juvenile defense panel will be appointed to represent the minor and the minor's family	case is to be transferred out-of-county, four weeks prior the social worker or probation officer will notify the other
Interagency conflict resolution process		If the heads of CPS and probation are unable to agree, then the dispute will be elevated to the Multi-Agency	If conflict arises as to which agency should be the lead and the managers cannot reach a resolution, the case will be	Interagency conflict should be solved by moving up the chain of command in both agencies	Interagency conflict should be solved by moving up chain of command and ultimately ending in filing separate	Interagency conflict should be resolved by moving up the chain of command	If line staff don't agree, managers will consult; If no agreement there, then matter will be referred to Case

	COLUSA	INYO	PLACER	STANISLAUS	SAN JOAQUIN	RIVERSIDE	SONOMA
		Policy Committee	referred to the System Management Advocacy Resource Team (SMART) for a WIC, § 241.1 formal SMART Management Team (SMT) review If conflict arises as to the services to be provided, the case should first be reviewed in a team conference with Children’s System of Care (CSOC) and the probation supervisor; If the supervisors cannot agree, the case should be referred to CSOC SMT for review	Emphasis is placed on solving issues at lowest staffing level possible	reports with the court		Management Council/mid-level managers; If still no agreement, case will be referred to dependency court judge
Confidentiality issues around information sharing between agencies	Not mentioned	Not mentioned	Not mentioned	Under WIC, § 241.1 the court, community service agency, and probation	Not mentioned	In accordance with WIC, § 827 the court authorizes release of information	Not mentioned

	COLUSA	INYO	PLACER	STANISLAUS	SAN JOAQUIN	RIVERSIDE	SONOMA
				shall exchange information about a 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		between DPSS and Probation	
One judge /one attorney – required?	Not mentioned	Aims to have one judge handle case; However, accepts that this may not be possible	Mandates one judge for each case Strives for single-attorney model	Strives for single-attorney model	If there is more than one judge handling a dual-status case, then they must communicate in regard to the case Single-attorney model should be used unless it would be detrimental to the minor or be inappropriate to do so	Details the legal responsibilities of attorneys representing dual-status youth; However, no mention of one judge/one attorney requirement	Not mentioned
Lead Agency/Case-worker Responsibilities	Lead agency is responsible for case management, attending court	The lead agency is responsible for case management, visiting the minor	Monthly in-person meetings are required of case-workers	Reports are prepared by one of the two agencies; The	Joint dependency/wardship hearings should be held for dual-status youth,	Clear criteria provided for the lead and assistant agencies	Lead agency is responsible for case management and reports

	COLUSA	INYO	PLACER	STANISLAUS	SAN JOAQUIN	RIVERSIDE	SONOMA
	<p>hearings, continuing contact with the child and parents, and submission of court reports</p> <p>Lead agency has primary title IV-E funding rights and responsibilities. Lead agency reimburses nonlead agency for any services it provides, upon receipt of accounting of time and services provided</p>	<p>monthly, scheduling court hearings, preparing court reports, and providing services to the minor and the minor's family</p>	<p>Clear outline of responsibilities for individual caseworkers with dual-jurisdiction youth</p>	<p>receiving agency must have reviewed and signed the report</p>	<p>and the lead agency should prepare a single court report for the hearing; The assisting agency may prepare supplemental reports</p>	<p>Clear procedures and responsibilities for persons preparing the WIC, § 241.1 Joint Assessment Report are provided</p> <p>Clear criteria provided for the notice (in and out of county) and distribution of the joint assessment report</p>	<p>for mandated hearings; CPS and probation will jointly decide who delivers family reunification services</p>
Provisions for reassessing the protocol	<p>Protocol may be terminated by court or either agency upon 30 days' written notice of termination</p>			<p>The parties shall conduct a joint evaluation of the protocol once every two years from the effective date of September 1, 2005</p>	<p>Any party may terminate the agreement for prospective cases by giving 30 days' written notice to other parties.</p>		<p>One year from date of protocol signing, either CPS or probation may give notice to opt out</p>
Other specifications	<p>All documents concerning the minor are to be filed in both case files so that when one case is</p>	<p>Distinguishes between (1) dual-status minors, (2) potential dual-status minors, (3) special-status</p>	<p>Emphasis on keeping dual-jurisdiction case planning family-centered</p>	<p>Emphasis placed on respecting the confidentiality of those receiving child welfare services</p>		<p>Most comprehensive protocol by far</p> <p>Specifies housing of dual-status</p>	

	COLUSA	INYO	PLACER	STANISLAUS	SAN JOAQUIN	RIVERSIDE	SONOMA
	dismissed (if appropriate) there will be a seamless transition between courts	minors				<p>youth shall be in compliance with WIC, § 16514(b) and §16514(c) (Emergency Shelter Statutes)</p> <p>Provides county liaisons for counties in southern California</p>	

Appendix E

Individual County Protocols

Colusa ▪ Inyo ▪ Placer ▪ Riverside ▪ San Joaquin ▪ Sonoma ▪ Stanislaus

COLUSA COUNTY PROTOCOL FOR WELFARE & INSTITUTIONS CODE SECTION 241.1 PROCEEDINGS

Welfare & Institutions Code §241.1 requires that when a minor appears to come within the description of both WIC §300 and §§601 or 602, the County Probation Department and the County Human Services Department shall jointly develop a written Protocol to ensure appropriate local coordination in the assessment of a minor and develop recommendations by the departments for consideration by the juvenile court.

Therefore, based upon the foregoing, the Colusa County Probation Department (hereinafter "Probation") and the Colusa County Department of Health and Human Services (hereinafter "DHHS") enter into the following understanding concerning the protocol for minors pursuant to WIC §241.1.

I. PRE-PETITION INVESTIGATION

Whenever a minor is taken into custody by law enforcement and turned over to either the County Probation Department or the County Department of Social Services, the assigned Probation Officer or Social Worker will immediately determine what they believe to be the appropriate status of the child, under either section 300, 601, or 602. In circumstances which are not clear-cut, the following procedures will be followed:

- A. Should the minor initially be placed in the custody of the Probation Department, the Probation Officer assigned will immediately determine if indications of abuse or neglect are present and cross-report to DHHS and/or the appropriate law enforcement agency for a concurrent investigation. A suspected child abuse report form will be submitted within 36 hours by Probation.

Reports to DHHS after normal working hours are to be made to (530) 458-0280. A Social Worker will take the referral and determine if an immediate response is required.

- B. Should the minor initially be placed in the custody of DHHS, the assigned Social Worker will immediately begin an investigation to determine if the minor comes within any of the provisions of WIC §300.

In circumstances where there is no applicable 300 subsection and out-of-control behavior is alleged by the parents, the Social Worker will immediately inform the Department Supervisor, who will contact the Probation Department Supervisor to determine the appropriate status of the minor.

- C. In determining the type of Petition to be filed, each Department shall give consideration, including but not limited, to the following:
 - 1) Nature of the referral.
 - 2) Age of the minor.

- 3) Prior record of minor's parents for child abuse.
 - 4) Prior record of the minor for out-of-control or delinquent behavior.
 - 5) The parent(s) cooperation with the minor's school.
 - 6) The minor's functioning at school.
 - 7) Nature of the minor's home environment.
 - 8) Records of other agencies which have been involved with the minor and/or the minor's family.
- D. When an agreement between the departments cannot be reached concerning the minor's status, the matter will be staffed with a member of the District Attorney's Office and a member of the County Counsel's office to determine which agency should file the Petition.
- E. A brief written assessment and recommendations shall be prepared by each Department concerning what is in the best interests of the minor and the protection of society and will be submitted to the Court at the time of the Detention Hearing or at the Jurisdictional Hearing if the minor is not detained, or at any other Hearing in which the dual status of the Minor shall be adjudicated.

II. POST-PETITION INVESTIGATION:

Once a Petition has been filed and new information comes to light which may have a bearing on the status of the minor, the department maintaining custody of the minor will immediately inform the other department of the new circumstances. The matter will then be set for a staffing by representatives of each department, the District Attorney's Office, and the County Counsel's office to determine whether or not a new Petition should be filed to change the minor's status.

- A. In determining which Department should maintain custody of the minor, each Department shall give consideration, including but not limited, to the following:
- 1) Nature of the referral.
 - 2) Age of the minor.
 - 3) Prior record of minor's parents for child abuse.
 - 4) Prior record of the minor for out-of-control or delinquent behavior.
 - 5) The parent(s) cooperation with the minor's school.
 - 6) The minor's functioning at school.
 - 7) Nature of the minor's home environment.
 - 8) Records of other agencies which have been involved with the minor and/or the minor's family.
- B. When an agreement between the departments cannot be reached concerning the minor's status, with the assistance of the District Attorney's Office and County Counsel's Office, if proper circumstances exist to file a concurrent Petition, the non-custodial agency shall file a petition, and both matters shall be set to be heard by the Court.

- C. A brief written assessment and recommendations shall be prepared by each Department concerning what is in the best interests of the minor and the protection of society and will be submitted to the Court at the time of the Hearing in which the dual status of the Minor shall be adjudicated.

III. DUAL STATUS DETERMINATION:

If it appears to both Departments that a minor is best served as a dual status minor, then the Departments shall jointly assess and produce a written recommendation to the Court that the child be designated as a dual status child. Such a determination shall be processed as follows:

- A. Within fifteen (15) court days following an order for detention of the minor, the Departments shall submit a jointly written recommendation to the Court which addressed the issues set forth in II.A. hereinabove, and the specific goals for services as well as which case upon which the matter shall be tracked, dependency or delinquency.
- B. The dual status of the minor and all documents concerning the minor shall be filed in both case files so that when the time comes that the dismissal of one of the proceedings is appropriate there will be a seamless transition from wardship to dependency, or vice-versa.
- C. All data collected in evaluating the requirements of this protocol on a case by case basis shall be attached to the jointly prepared recommendation to the Court.
- D. The Court shall designate a lead agency for each dual status child. Such designation shall be based upon the department that will provide services assessed to be those which will best serve the needs of the child, taking into consideration the joint recommendations by the Departments. Such lead agency shall be responsible for case management, conducting statutorily mandated court hearings, continuing contact with the minor, continuing contact with the minor's parents, communication with the other Department concerning needs of the family and how best to meet those need, and submission of court reports.

IV. TITLE IV-E FUNDING.

The lead agency designated by the Court shall have primary Title IV-E funding rights and responsibilities. In the event of rights to funding arising prior to designation of the lead agency, the lead agency shall reimburse the other Department in which services were provided prior to designation.

In the event that the lead agency does not provide services to the parent(s) as part of the overall plan of services provided to the family, the lead agency shall reimburse the other Department which does provide such services upon presentation to the lead agency of an accounting of time and services provided to the parent(s).

V. TERMINATION OF PROTOCOL

This Protocol may be terminated immediately by the Court or by either Department upon thirty (30) days' written notice of termination, subject to objection and noticed hearing by the Court.

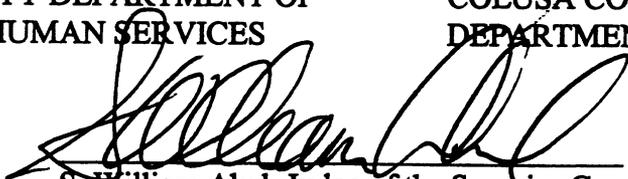
Wherefore, this document has been executed and becomes effective on the 23rd day of March, 2006.



Philip S. Reinheimer, Director
COLUSA COUNTY DEPARTMENT OF
HEALTH AND HUMAN SERVICES



Steven K. Bordin, Chief Probation Officer
COLUSA COUNTY PROBATION
DEPARTMENT



S. William Abel, Judge of the Superior Court
Sitting as a Juvenile Court

INYO COUNTY PROTOCOL FOR
WELFARE AND INSTITUTIONS CODE SECTION 241.1
REPORTS FOR JUVENILE COURT

DRAFT – 11/15/05

BACKGROUND

Welfare and Institutions Code (WIC) § 241.1 requires that when a minor appears to come within the description of both section 300 and sections 601 or 602, the County Probation Department and the County Child Welfare Department shall jointly determine which status will serve the best interest of the minor and the protection of society. California Rules of Court, Rule 1403.5 specifies many of the procedures and guidelines to be used to arrive at a joint recommendation as to the child's status.

DETERMINATION OF WHETHER CHILD APPEARS TO COME WITHIN DESCRIPTION OF SECTION 300 AND EITHER SECTION 601 OR 602

Inyo County Child Protective Service (CPS) shall determine if the child might fall within the description of WIC § 300. Inyo County Probation Department (Probation) shall determine if the child might fall within the description of WIC § 601. Probation, in coordination with the District Attorney's office (DA), shall determine if the child might fall within the description of WIC § 602. If Probation and CPS conclude a child might fall within the description of both WIC § 300 and WIC §§ 601 or 602 (referred to herein as a "potential dual status minor"), the procedures of WIC § 241.1, WIC § 241.2, Rule 1403.5 and this Protocol shall apply.

TERMS

A "dual status minor" is a minor who is adjudicated both a ward and dependent of the juvenile court. A "potential dual status minor" is a minor who Probation and CPS determine appears to come within the description of both section 300 and section 601 or 602 and therefore might properly be adjudicated as either a ward and/or a dependent of the juvenile court. A "special status minor" is a potential dual status minor about whom Probation and CPS agree that one or the other agency should assume sole jurisdiction according to WIC § 241.1(a).

TIMELINESS OF PROTOCOL REPORT AND HEARING

If the minor is detained, the protocol report will be prepared and a hearing held on the report as soon as possible but no later than fifteen court days after the order of detention. If the minor is not detained, the protocol report will be prepared and a hearing held on the report as soon as possible within thirty days of the date of the petition. In all cases, notice of the hearing and the protocol report will be provided to the parties five calendar days prior to the protocol hearing. Both Probation and CPS will sign all protocol reports. The hearing on the protocol report will be held prior to the jurisdictional hearing, unless the Court directs otherwise. The Court in its discretion may delay hearing on the protocol report and ruling thereon, until findings have been made at the jurisdictional hearing or hearings.

PROTOCOL SITUATIONS

1. Pre-petition. In situations in which a minor is not currently under the supervision of either department and is brought to the attention of either Probation or CPS for consideration of jurisdiction, the responsible probation officer or social worker will immediately determine the appropriate status of the child. In circumstances which are not clear-cut, the following procedures apply:
 - a. Minor Evaluated by Probation Department. If the probation officer determines there is an indication of abuse or neglect, that fact will be reported by telephone to CPS and/or the appropriate law enforcement agency for a concurrent investigation. A suspected child abuse report form will be submitted to CPS within thirty-six hours. CPS will report its preliminary conclusions to Probation within five days of receiving the report and Probation and CPS will proceed according to (c) below.
 - b. Minor Evaluated by CPS. Should the minor initially be brought to the attention of CPS, the responsible social worker will immediately begin an investigation to determine if the minor comes within any of the provisions of section 300.
 1. If it appears that the minor does not fall within the description of section 300, but may fall within sections 601 or 602, the social worker will immediately inform the Detention Facility, which will contact a deputy probation officer to determine the appropriate status of the minor.
 2. If it appears that the minor is a potential dual status minor, the social worker will immediately inform the Detention Facility, and Probation and CPS will proceed according to (c) below.
 - c. Filing a petition.
 1. If the minor has been determined not to be a potential dual status minor, the appropriate agency will file a petition, if necessary.
 2. If the child is determined to be a special status minor, the agency which Probation and CPS agree should take jurisdiction of the minor will file a petition and be lead agency for preparation of the protocol report. If Probation and CPS do not agree on the appropriate disposition of a special status minor, the agency with custody of the child will file a petition and be lead agency for preparation of the protocol report. The Court may direct that CPS or Probation file a petition and that the case proceed as a delinquency or dependency case.
 3. If CPS and Probation have determined the child is most appropriately a dual status minor, each agency will file a petition. The agency which

Probation and CPS agree should be the lead agency will prepare the protocol report. Assuming jurisdiction is found under section 300 and section 601 or 602, the Court shall determine the appropriate status, including dual status, for the minor.

2. Post-Filing and Pre-Dispositional Hearing. Where a dependency or delinquency petition has been filed but no dispositional hearing held, whether or not a jurisdictional hearing has been held, and it appears to the parties that the case might more appropriately be handled under the other system, the following procedures apply.
 - a. Section 601 or 602 Petition Filed.
 1. Probation or any other party will file a child abuse report with CPS detailing the specific facts that would support involvement by CPS.
 2. CPS will immediately investigate the report and provide its response to Probation as soon as possible. There are two possible outcomes of the investigation.
 - a. The situation is not appropriate to assert jurisdiction. If CPS determines the facts will not support a dependency petition or that a voluntary family maintenance case is the most appropriate course of action, no further action is necessary. (Parties may proceed pursuant to Welf. & Inst. Code § 329.)
 - b. There is evidence to support jurisdiction under section 300. In this instance, the parties will proceed pursuant to the following paragraph.
 3. Probation will be the lead agency to prepare the protocol report. Probation and CPS will recommend that the minor be in ward, dependent or dual status. CPS will file and prosecute a petition if the Court determines that the most appropriate disposition for the child is as a dependent or, where Probation and CPS so recommend, as a dual status minor.
 - b. Section 300 Petition Filed.
 1. CPS or any party will provide Probation the specific facts that would support proceeding under section 601 or 602.
 2. Probation will immediately investigate those facts and provide its response to CPS as soon as possible. There are two possible outcomes of the investigation.
 - a. The situation is not appropriate to assert jurisdiction. If Probation determines the facts do not support jurisdiction pursuant to WIC

601, or Probation in consultation with the DA determine the facts will not support jurisdiction pursuant to WIC 602, no further action is necessary.

- b. There is evidence to support jurisdiction under section 601 or 602. In this instance, the parties will proceed pursuant to the following paragraph.
3. CPS will be the lead agency to prepare the protocol report. Probation and CPS will recommend that the minor be in ward, dependent or dual status. Probation will file and prosecute a petition if the Court determines that the most appropriate disposition for the child is as a ward or, where Probation and CPS so recommend, as a dual status minor.
3. Post-disposition. In situations in which either CPS, Probation or the DA intend to file a petition regarding a minor already under the jurisdiction of the court, the agency intending to file the petition (or Probation if the DA will file the petition) will notify the agency with jurisdiction as soon as possible of its intention to file the petition. The filing agency (or Probation if the DA is the filing agency) is the lead agency for preparation of the protocol report. If not already prepared, the Court will order a protocol report at the initial hearing. The Court shall determine the appropriate status for the minor, including dual status where Probation and CPS so recommend.

DECISION CRITERIA

In determining the type of petition to be filed each department shall give consideration to the following, which will be included in the protocol report:

1. The nature of the referral.
2. The age of the minor.
3. The history of any physical, sexual, or emotional abuse of the child.
4. The prior record of the child's parents for abuse of this or any other child.
5. The prior record of the child for out-of-control or delinquent behavior.
6. The parents' cooperation with the child's school.
7. The child's functioning at school.
8. The nature of the child's home environment.
9. The history of involvement of any agencies or professionals with the child and his or her family.
10. Any services or community agencies that are available to assist the child and his or her family.
11. A statement by any counsel currently representing the child.
12. A statement by any Court Appointed Special Advocate currently appointed for the child.
13. Records of other agencies which have been involved with the minor and his or her family.

14. The advantages of having both dependency and delinquency services available for the minor and the minor's family.
15. Whether CPS or Probation should be the lead agency if both recommend dual status for the minor.

Protocol reports will discuss, but need not be limited to, these factors. They will also contain a recommendation from Probation and from CPS as to which status, including dual status, will serve the best interests of the minor and the protection of society.

CONFLICT RESOLUTION

The protocol report shall be signed by the CPS Supervisor and the Chief Deputy Juvenile Probation Officer, who shall make all attempts to agree as to the appropriate status for the minor. If the CPS Supervisor and Chief Deputy Juvenile Probation Officer are unable to agree, the dispute will be elevated to the Multi-Agency Policy Committee (Assistant Director and Director of Health and Human Services, the Chief Probation Officer and the District Attorney, or their respective designees) who will consult with each other and attempt to agree as to the appropriate status of the minor. The agencies must agree dual status is appropriate for the Court to order dual status. If the parties do not reach agreement within five days from initiating preparation of the report, Probation and CPS shall each include in the protocol report a statement of its position regarding the appropriate status for the minor as a dependent minor or ward of the court. The protocol report will be provided to the juvenile court, which shall determine the appropriate disposition of the case.

CASE MANAGEMENT FOR DUAL STATUS MINORS

For dual status minors, the parties hereby adopt a lead court/lead agency system as defined in WIC § 241.1(e)(5)(B). The only cases eligible for dual status designation shall be cases in which the minor is not removed from the home under either WIC § 300 or WIC § 601 or 602. The Court shall determine which agency will be the lead agency to manage the minor's case. The lead agency shall be responsible for case management, visiting the minor monthly, scheduling court hearings, preparing court reports and providing services to the minor and the minor's family. The most restrictive requirements of the dependency or delinquency systems shall apply to the management of the case. The lead and assisting agencies will cooperate and agree on an appropriate case plan for the minor and the family.

Should it appear appropriate for the assisting agency to assume the lead agency role, CPS and Probation shall consult regarding the appropriateness of changing the lead agency and regarding any necessary changes to the case plan and will present their recommendation to the Juvenile Court. If the Juvenile Court determines that a change of lead agency is in the best interest of the minor, the Court will assign that agency as the lead agency. The new lead agency will perform all duties of the lead agency as described above. Lead and assisting agency jurisdiction may change as the Juvenile Court deems appropriate during the pendency of the case.

The Court shall conduct joint dependency/wardship hearings for dual status minors. The lead agency shall be responsible for preparing a single court report for the joint hearing. Where there are findings or studies unique to the assisting agency, the lead agency shall coordinate with the assisting agency and ensure that those findings or other matters are presented to the Court. The assisting agency may prepare supplemental reports for the hearings. The Court shall ensure that findings and orders required for both ward and dependent minors are made at the joint hearing. Both agencies shall attend joint hearings for dual status minors.

Should either agency determine that removal of the minor from the home is appropriate, that agency will proceed with filing a petition for the removal of the minor pursuant to the applicable statute. If that petition is sustained, the Court will terminate the jurisdiction of the non-filing agency.

JUDICIAL COMMUNICATION & PROCEDURES

Whenever possible, the Superior Court of the State of California, County of Inyo shall continue its established practice of having one judge hear all WIC § 300, 601, and 602 cases. Court files for 300, 601, and 602 cases shall continue to be maintained in the same location at the Courthouse in Independence, California. If for any reason, more than one judicial officer should become involved in a dual status or potential dual status case, said judicial officers shall communicate between themselves as to the status of the minor, and shall make sure that each other has access to all relevant court files and reports, including reports filed pursuant to WIC § 727.2. The Court shall appoint the same attorney to represent a minor who is involved in a 300 and 601 or 602 case, unless the Court finds it is not legally or ethically appropriate to do so, or otherwise finds it is not in the best interests of the minor for the minor to have the same counsel in both actions.

Upon the filing of a WIC § 300, 601, and/or 602 Petition, the Court Clerk shall conduct a search of the Court's records, including family law, paternity, and civil and criminal domestic violence cases, to determine if any other files exist with respect to said child and/or family. By local form and/or local rule, the Court may require a party filing a WIC § 300, 601, or 602 Petition to provide notice that another 300, 601, or 602 Petition has been, or may soon be filed with respect to the minor, or that the minor is otherwise possibly subject to dual status.

DATA COLLECTION

As may be required by WIC § 241.2 and/or the Judicial Council of California, CPS and Probation shall collect, compile, and report data to evaluate this protocol, and shall utilize any required data collection and evaluation procedures.

AGREEMENT

The Inyo County Department of Child Welfare Services, the Inyo County Probation Department, and the Superior Court (Juvenile Court) of the State of California, County of Inyo, do hereby adopt the aforesaid jointly developed protocol to allow the Inyo County Probation Department and Inyo County Child Protective Services to jointly assess and produce a

recommendation that a child be designated as a dual status child, and allowing for the child to be simultaneously a dependent child and a delinquent ward of the court. Said court and agencies do hereby elect to adopt and implement the provisions of AB 129. All sections of this document are integral to the whole, and if any section is found to be invalid by a court of competent jurisdiction, the entire agreement is invalid. The undersigned may terminate this agreement for prospective cases by providing thirty-day written notice to each of the undersigned.

Executed this _____ day of _____, 200____, at Independence, Inyo County, California.

Jean Dickinson, Director
Inyo County Health & Human Services

James Moffett, Chief Probation Officer
Inyo County Probation Department

Brian J. Lamb
Presiding Juvenile Court Judge
Superior Court of California,
County of Inyo

Dean T. Stout
Presiding Judge
Superior Court of California,
County of Inyo

APPROVED:

Paul Bruce, County Counsel
County of Inyo

Arthur J. Maillet, District Attorney
County of Inyo

PLACER COUNTY

MOU for Dual Jurisdiction

Introduction

This protocol is entered into between the Placer County Placer County Children Systems of Care, CSOC and the Placer 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 W & I Section 241.1 / Assembly Bill 129 which was passed in November of 2004.

“If a determination as to which code section (300 or 602) cannot be readily identified, Welfare and Institutions (W & I) Code Section 241.1 requires that whenever a minor appears to come within the description of both W & I Sections 300 and Section 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, family, and the protection of society. The recommendation 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.

Assembly Bill 120 / Section 241.1(e) Welfare and Institutions Code, authorizes “the probation department and the child welfare 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”. (AB129, Cohn)

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

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.
- The agency representatives will work to ensure the SMART Vision, Mission Principles, and Values will be used to guide the Dual Jurisdiction process.
- Careful assessment of the family constellation 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/or the Placer County Probation Risk Assessment. 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 CSOC and / or Probation Manager and obtain approval of the joint recommendation that is brought to the detention hearing.
 - f. Should the case warrant, the Child Welfare Investigation staff would contact their supervisor to make a referral to Placer County ACCESS.
- 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.

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.
- The options may include, but are not limited to:
- 1) On-Hold Model with subcomponents of:
 - a) Lead Agency Approach
 - 2) Concurrent Service and Case Plan Model
- 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 of the family, the safety of the community, and determine the appropriate jurisdiction.
- The parties shall make 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 model. The recommendation will include the appropriate model of jurisdiction: Determination of the Lead Agency with On-Hold, or Concurrent Model.
- If the managers do not agree, the managers will refer the case to SMT for a formal 241.1 SMT review.
- Due to the complexity of individual cases, the managers may refer the case to SMT for a 241.1 Formal SMT review.

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. How the court assigns a dual jurisdiction case (to judges, probation officers, attorneys, or others in the court process) represents a critical step in avoiding haphazard case assignment.

Policy:

- Effort will be made to consolidate both dependency and delinquency cases to dedicated blocks of time and 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. This schedule will allow for sufficient time and prior preparation for case planning, pre-trial discussion, and resolution.

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 South Placer 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.

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 the Unified Service Plan from Children System of Care.
- 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 CSOC and Probation Supervisor through a Team Conference. Should the supervisors not be able to negotiate an outcome the case will be referred to CSOC SMT for review.
- 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

Statistical Reporting:

Definition:

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

Policy:

- Pursuant to AOC requirements data will be collected and maintained by Administrative Support staff at Children's System of Care.

Procedure:

- Initial Entry Individual Case Form and Key will be made available to Intake workers at screening and assessment stage. (Questions 2, 6, 7, 8, 9, and 10 or 11)
- Completed Form will be forwarded to CSOC Administrative Support Staff along with a filed copy of the 241.1 W&I report.
- Upon disposition or change in status the CSOC and Probation Court Liaison will forward a copy of the Court Orders to the designated CSOC Administrative Support representative.
- Court orders will be forwarded within 2 working days of the Court Date.
- Administrative Support staff will enter the individual case information into the Dual Jurisdiction Database as required.
- One week prior to the Quarterly Summary reporting date, administrative support staff will correlate data for cases in that quarter only, and forward the Initial Entry Summary Form to the Probation Supervisor, who will submit the form by e-mail or fax as directed by AOC.

Frances A. Kearney
Presiding Judge of the Superior Court

Colleen M. Nichols
Presiding Judge of Juvenile Court
Chair, SMART Policy Board

Richard Burton, M.D.
Director of Health and Human Services

John Mendes
CEO Placer Superior Court

Fred Morawcznski
Chief of Probation

Riverside County

W&IC 241.1/ AB 129 Protocol

W&IC 241.1 Protocol

W&IC 241.1 is amended to include subdivision (c) which states that when a W&IC 300, 600, or 602 child in one county is alleged to now come under the same provisions in another county, the county department with jurisdiction shall consult with the new county's Probation or Child Welfare Services Department as to which status will best meet the youth's needs and both departments shall make a recommendation to the court with the new petition. The new court shall notify the court having jurisdiction within five (5) calendar days of the joint recommendation of both departments.

On January 1, 2005, W&IC 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 create a jointly written protocol to jointly assess and produce a recommendation that the youth be designated as a dual status youth, allowing the youth to be simultaneously a dependent child and a ward of the court.

Memorandum of Understanding (MOU) Between DPSS, Juvenile Court and Probation Department

Based on W&IC 241.1, a taskforce comprised of representatives from DPSS, Probation, and the Juvenile Court joined together and developed a Memorandum of Understanding (MOU) that the

- recommendations of both departments shall be presented to the Juvenile Court with the petition that is filed on behalf of the youth through a standardized W&IC 241.1 Joint Assessment Report, and
 - court shall determine which status is appropriate for the youth based on the report.
-

Background

According to W&IC 241.1, a hearing is to be held "whenever a youth appears to come within the description of both Section 300 and Section 601 or 602 W&IC. The county probation department and the county welfare department shall, pursuant to a jointly developed written protocol described in W&IC 241.1 subdivision (b), (c) and (e), initially determine which status will serve the best interest of the youth and the protection of society".

A W&IC 241.1 Joint Assessment Hearing is scheduled to clarify which agency will assume responsibility for providing a joint assessment report to the Juvenile Court addressing the appropriateness of

- filing a petition for DPSS intervention or dependency
 - offering diversion services, probation, or wardship through the Department of Probation, or
 - determining which agency shall be the lead agency in supervision of dual status cases.
-

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W&IC 241.1/ AB 129 Protocol, Continued

Policy

Staff shall follow the W&IC 241.1 Protocol when complying with the Juvenile Court's request to complete W&IC 241.1 Joint Assessment Reports in collaboration with the Probation Department.

Reference: Module 2, Chapter 4, Section B for further information pertaining to ER worker responsibilities.

W&IC 241.1 Joint Assessment Hearing

The Juvenile Court shall conduct a W&IC 241.1 Joint Assessment Hearing to determine which type of jurisdiction over the youth best meets the youth's unique circumstances.

If the youth is...	then the Hearing on the Joint Assessment shall occur...
detained	as soon as possible after or concurrent with the Detention Hearing, but no later than fifteen (15) court days after the order of detention.
not detained	within thirty (30) days of the date of the petition.

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W&IC 241.1/ AB 129 Protocol, **Continued**

**Judicial
Initiation of
W&IC 241.1
Joint
Assessment on
Existing
Dependents or
Wards**

When ordering a W&IC 241.1 Joint Assessment, the Judicial Officer shall request the attending Court Officer to inform the other agency of the

- identity of the designated lead agency, and
- specifics regarding the scheduled W&IC 241.1 Hearing.

Note: DPSS *does not* have authority to be the lead agency when a dependency exists for the youth in another county.

Upon a determination that the youth is a

- dependent of the Juvenile Court, the Judicial Officer presiding over the W&IC 602 matter, at the time of the initial appearance, shall order the courtroom assistant to have the file in the W&IC 300 matter brought to the courtroom on the date of the next hearing.
- ward of the Juvenile Court, the Judicial Officer presiding over the W&IC 300 matter, at the time of the initial appearance, shall order the courtroom assistant to have the file in the W&IC 602 matter brought to the courtroom on the date of the next hearing.

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W&IC 241.1/ AB 129 Protocol, **Continued**

Probation Youth Referred to DPSS

DPSS shall assume responsibility for the investigation and potential filing of a W&IC 300 petition for cases with youth in wardship status who are being considered for

- termination from the probation system, or
- dual status and whose parents cannot or will not resume responsibility for them.

If...	and the...	then the...
the youth is a ward of Riverside County	<ul style="list-style-type: none"> ▪ probation officer is notified that the parent/guardian is unable or unwilling to assume responsibility for the youth and <ul style="list-style-type: none"> – the youth is being terminated/considered for termination from the probation system, or – the youth is considered for dual status, or – it appears that return to the home of the parents would be detrimental to the youth. ▪ Juvenile Court determines that DPSS is the lead agency 	Probation Court Officer shall (within 24 hours) call in a referral to the Central Intake Center (CIC) to initiate the assignment of the referral to the Emergency Response social worker for a W&IC 241.1 investigation.

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W&IC 241.1/ AB 129 Protocol, **Continued**

Lead Agency Investigation Responsibilities for W&IC 241.1 Joint Assessments

The court shall determine the lead agency (either a probation officer or Emergency Response social worker assigned through CIC) to complete the W&IC 241.1 Joint Assessment Report.

The lead agency shall

- assume responsibility for the assessment
- contact the youth's worker (social worker or probation officer) to obtain
 - the youth's placement history with outcomes of each placement
 - all information from their file including available
 - minute orders
 - dependency/probation reports
 - medical information
 - police reports
 - social history
 - educational records, and
 - names, addresses, and telephone numbers of all known relatives.
- screen case with staff from both agencies to determine which agency is most appropriate to provide services and supervision.

Joint Assessment Requirements

Whenever a youth appears to come within the description of W&IC section 300 and either section 601 or section 602, the responsible Child Welfare or Probation Department must conduct a joint assessment to determine which status will serve the best interest of the youth.

The following criteria shall be followed:

- The assessment must be completed as soon as possible after the youth comes to the attention of either department.
- Whenever possible, the determination of status must be made before any petition concerning the youth is filed.
- The assessment report need not be prepared before the petition is filed but must be provided to the court for the Hearing on the Joint Assessment.
- If the petition has been filed, on the request of the youth, parent, guardian, or counsel, or on the court's own motion, the court may set a hearing for a determination under W&IC 241.1 and order that the W&IC 241.1 Joint Assessment Report be made available.

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W&IC 241.1/ AB 129 Protocol, **Continued**

Joint Assessment Factors

The social worker and probation officer shall consider the following factors when completing a 241.1 joint assessment:

- seriousness of the youth's current delinquent offense and/or delinquency history
- the youth's ability to be rehabilitated prior to obtaining the age of majority
- family reunification issues
- history of incorrigibility/delinquency while under the care of the Department of Social Services or the Probation Department
- ability of the agency to provide adequate services
- history of substance abuse
- mental health needs
- medical needs
- conflicting or problematic court dependency and delinquency orders
- necessity for Independent Living Skills and emancipation
- safety of the youth and the community
- Indian Child Welfare Act (ICWA) status/factors
- Other...

Note: Youth who are placed in Riverside County by other outside county agencies are not eligible for dual status.

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W&IC 241.1/ AB 129 Protocol, **Continued**

Joint Assessment Procedure

A joint assessment by both agencies is necessary to develop a recommendation for the most appropriate department to provide services and supervision to the youth.

After an initial supervisory consultation, the joint assessment shall

- be initiated by the agency that received the referral and arranged with a same line level staff member from the other agency
- be conducted by both the social worker and Deputy Probation Officer, and
- take place within seventy-two (72) hours to ensure that other mandated court time lines are met.

If...	then the matter shall be referred to the ...
an agreement cannot be reached by line staff	staff's immediate supervisor for resolution from both agencies.
an agreement on which agency should assume responsibility cannot be reached at the supervisory level	second-level supervisor from each agency for resolution.
<p>Note: Both DPSS and Probation shall ask for the matter to be continued to give both departments time to investigate and reach an agreement in the recommendation.</p> <ul style="list-style-type: none"> ▪ At the time the request for a continuance is made, both departments shall ensure that their individual recommendations are submitted to the court (in the same report) in effort to enable the court to grant the continuance or render a decision based on the two recommendations submitted. ▪ In the event of an unresolved dispute by the two agencies as to which department should be the lead agency, the court which ordered the W&IC 241.1 Joint Assessment report shall resolve the dispute. 	

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W&IC 241.1/ AB 129 Protocol, **Continued**

Basis of the W&IC 241.1 Joint Assessment Report

Both departments shall make a recommendation to the court in which the new petition is filed on behalf of the youth. The court shall determine whether dependency, wardship, dual status, probation non-wardship or informal probation is most appropriate, pursuant to W&IC 300, 654, 725(a), 790, and 241.1(e).

In making their recommendation to the Juvenile Court, both departments shall confer to develop a joint assessment based on, but not limited to, the following criteria:

- nature of the referral
- youth's age
- history of physical, sexual or emotional abuse
- prior record of the youth's parents for abuse of this or any other child
- youth's prior record for out-of-control or delinquent behavior
-Include both formal and informal interventions provided by DPSS and the Probation Department, and the type of services provided.
- parent's cooperation with the youth's school and other relevant agency providers
- educational update of the youth's functioning at school
- nature of the youth's home environment
- history of involvement of any agency or professional with the youth and his/her family
- history of prior placement(s) outside of the home, the youth's progress while in placement, and the parent(s) level of involvement in the youth's treatment program
- services or community agencies that are available to assist the youth and his or her family
- statement of any counsel currently representing the youth
- statement of any court appointed special advocate currently appointed for the youth
- any determining factors necessitating the youth's need for a dual status designation
- Indian Child Welfare Act (ICWA) status/factors, if any
- other...

Note: Children's Services staff shall access the W&IC 241.1 Joint Assessment Report template on CWS/CMS (see attachment).

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W&IC 241.1/ AB 129 Protocol, Continued

**Procedures for
Preparing the
W&IC 241.1
Joint
Assessment
Report – DPSS
as Lead Agency**

The following steps shall be followed when completing a W&IC 241.1 Joint Assessment Report and DPSS is designated as the lead agency:

Staff	Responsibilities
Probation court officer	<ul style="list-style-type: none"> ▪ Faxes a copy of the relevant minute order to the local Court Services Branch office to fax number (951) 358-5835. ▪ Calls the DPSS 241.1 Liaison at phone number (951) 358-4690 and provide the <ul style="list-style-type: none"> – youth’s name, – relevant court orders, – J number, and – court room number.
DPSS Court Services Staff	<ul style="list-style-type: none"> ▪ Reviews CWS/CMS for current case information. ▪ Makes a referral and faxes all court documents to CIC. ▪ If the court orders the youth released forthwith to DPSS and an IR referral is generated, awaits the arrival of the ER social worker or designated staff to transport the youth from the court. ▪ If the court orders a W&IC 241.1 report without immediate release of the youth to DPSS, the youth is returned to their current placement pending the subsequent W&IC 241.1 Hearing. ▪ Logs referral and supporting documents in the W&IC 241.1 log for tracking purposes. <p>Note: All necessary reports/information shall be provided to CIC within twenty-four (24) hours.</p>
CIC staff	<ul style="list-style-type: none"> ▪ Obtains and records the required information and supporting documents from the referral in accordance with the 241.1 Protocol. ▪ Forwards information and supporting documents to the CIC supervisor for review, approval and assignment.

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W&IC 241.1/ AB 129 Protocol, Continued

Procedures for Preparing the W&IC 241.1 Joint Assessment Report – DPSS as Lead Agency (continued)

Staff	Responsibilities
CIC supervisor	<ul style="list-style-type: none"> ▪ reviews referral information and supporting documentation ▪ reviews referral to assess the appropriate response determination ▪ <i>immediately</i> makes <i>direct voice-to-voice</i> contact with the ER supervisor from the assigned region and provides all the necessary information pertaining to the <ul style="list-style-type: none"> – referral – date and time of the scheduled W&IC 241.1 Hearing – court report due date, and – any forthwith orders. ▪ assigns as a 10 day response to central assignment desk (CAD), or assigns as an Immediate Response when the court orders the youth released forthwith to the custody of DPSS ▪ assigns the referral to the CAD region based primarily on the <ul style="list-style-type: none"> – custodial parent’s last known address, or secondarily – child’s placement address, or lastly – region of the case-carrying social worker.
ER supervisor	<ul style="list-style-type: none"> ▪ Reviews case file and contacts the designated Probation Investigation Supervisor to obtain the name of an assigned Probation Officer: <ul style="list-style-type: none"> – Administrative Officer of the Day (OD), Riverside – (951) 358-4310 – Southwest Juvenile Intake Supervisor– (951) 304-5717 – Desert Juvenile Intake Supervisor- (760)863-8229

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W&IC 241.1/ AB 129 Protocol, Continued

Procedures for Preparing the W&IC 241.1 Joint Assessment Report – DPSS as Lead Agency (continued)

Staff	Responsibilities
assigned ER social worker	<ul style="list-style-type: none"> ▪ Contacts the Central Placement Unit (when appropriate) and transports the youth to the designated placement. <p>Note: For further information on Out of Home Placement Procedures see Children Services Handbook, Module 6.</p> <ul style="list-style-type: none"> ▪ Coordinates a joint screening with the Deputy Probation Officer within 72 hours of the referral being received to assess the most appropriate agency to provide services and supervision to the youth. ▪ Coordinates a joint visit with the youth and Deputy Probation Officer to assess the youth's needs. ▪ Arranges and conducts joint interviews with the family and any other relevant parties. ▪ Prepares the W&IC 241.1 Joint Assessment report with perspectives from both agencies and develops a recommendation for the court. ▪ Contacts the case-carrying social worker if an open dependency case exists. ▪ Prepares the W&IC 241.1 Joint Assessment report in the designated CWS/CMS format upon assignment. ▪ Includes and identifies both the W&IC 300 and 602 Juvenile Court numbers (J numbers) on the face sheet of the report. ▪ Forwards the completed report to the supervisor for review, approval and signature. ▪ Attends the W&IC 241.1 Joint Assessment Hearing when ordered by court.
probation officer	The probation officer shall provide the ER worker with the necessary documents required to facilitate the completion of the W&IC 241.1 Joint Assessment report.

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W&IC 241.1/ AB 129 Protocol, Continued

ER Social Worker Responsibilities for Filing and Distributing the W&IC 241.1 Report

The ER social worker shall

- provide the original report and eight (8) copies, five (5) calendar days before the hearing in the clerk’s office
- distribute copies of the report to the
 - youth (when age appropriate)
 - youth’s parents/guardians
 - youth’s attorney
 - other involved attorneys
 - Probation Department
 - J-file, and
 - case file

Preparing the W&IC 241.1 Joint Assessment Report – Probation as Lead Agency

The following steps for completing a W&IC 241.1 Joint Assessment Report shall be followed when Probation is designated as the lead agency:

Staff	Responsibilities
probation court officer	<ul style="list-style-type: none"> ▪ Contacts probation clerical staff. ▪ Calls in referral to DPSS CIC at (800) 442-4918.
probation clerical staff	<ul style="list-style-type: none"> ▪ Obtains the minute order. ▪ Assigns the investigative report to the designated unit supervisor.
unit supervisor	<ul style="list-style-type: none"> ▪ Reviews file. ▪ Assigns case to the deputy probation officer for completion.

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W&IC 241.1/ AB 129 Protocol, Continued

Preparing the W&IC 241.1 Joint Assessment Report – Probation as Lead Agency (continued)

Staff	Responsibilities
deputy probation officer	<ul style="list-style-type: none"> ▪ Reviews case file and contacts the DPSS CIC to obtain the name of the assigned ER social worker. ▪ Coordinates a joint screening with the assigned social worker within 72 hours of the referral being received by DPSS to assess the most appropriate agency to provide services and supervision to the youth. ▪ Coordinates a joint visit with the youth and DPSS to assess the youth's needs. ▪ Arranges and conducts joint interviews with the family and any other relevant parties. ▪ Prepares the W&IC 241.1 Joint Assessment report with perspectives from both agencies and develops a recommendation for the court. ▪ Files a W&IC 241.1 Joint Assessment report with the Juvenile Court. ▪ Distributes copies of the report to the <ul style="list-style-type: none"> – youth (when age appropriate) – youth's parents/guardians – youth's attorney – other attorneys – DPSS social worker – case file ▪ Attends the W&IC 241.1 Joint Assessment Hearing when ordered by court.
social worker	Social worker shall provide the Probation Officer with the necessary documents required to facilitate the completion of the W&IC 241.1 Joint Assessment Report.

Provision of Notice and Report

At least five (5) calendar days before the W&IC 241.1 Joint Assessment Hearing, notice of the hearing and copies of the W&IC 241.1 Joint Assessment Report shall be provided to the

- youth
- youth's parent/guardian
- all attorneys of record
- any Court Appointed Special Advocate, and
- any other Juvenile Court having jurisdiction over the youth.

Note: The notice shall be directed to the Judicial Officer or department that will conduct the hearing.

Continued on next page

W&IC 241.1/ AB 129 Protocol, Continued

Notification Procedures Within Riverside County

The following table describes the notification procedures to be used when

- both the W&IC 300 and 602 matters are conducted within Riverside County
- the youth's status has been determined, and
- the W&IC 241.1 Joint Assessment Hearing has been set:

If ...	then the...	shall notify the...	and the Juvenile Court Clerk's Office shall ...
<ul style="list-style-type: none"> ▪ the youth is a dependent of the Riverside Juvenile Court ▪ a W&IC 602 petition has been filed, and/or ▪ wardship is being terminated 	<p><i>Probation Department</i></p>	<ul style="list-style-type: none"> ▪ DPSS, and ▪ Juvenile Court Clerk's Office 	<ul style="list-style-type: none"> ▪ annotate the W&IC 300 calendar with the youth's name and W&IC 602 petition "J" number, and ▪ send notice to youth's parents/ guardians, youth, and DPSS.
<ul style="list-style-type: none"> ▪ the youth is a ward of Riverside Juvenile Court, and/or ▪ a 300 petition has been filed 	<p><i>DPSS</i></p>	<ul style="list-style-type: none"> ▪ Probation Department, and ▪ Juvenile Court Clerk's Office by annotating the W&IC 602 petition number in the "Related Petition" section of the W&IC 300 petition specifying the name(s) of the ward. 	<ul style="list-style-type: none"> ▪ annotate the W&IC 602 calendar with the youth's W&IC 300 petition "J" number, and ▪ send notice to youth's parents/guardians, youth, and DPSS.

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W&IC 241.1/ AB 129 Protocol, Continued

Out-of-County Notification Procedures

The following table describes the notification procedures to be used when

- the youth's status has been determined
- either a W&IC 300 or 602 matter is being conducted in Riverside County
- the youth is either a ward or a dependent of another county
- a second W&IC 300 or 602 petition has been filed, and
- a W&IC 241.1 Joint Assessment Hearing has been set.

If the youth is a...	and a...	then...
dependent of a Juvenile Court in another county	W&IC 602 petition is filed in Riverside County	the Juvenile Court Clerk's Office shall <ul style="list-style-type: none"> ▪ notify the court having jurisdiction within five (5) calendar days of the filing of the joint recommendation in the W&IC 241.1 Joint Assessment Report decided upon by both departments, and ▪ include the name of the Judicial Officer to whom, or the courtroom in which, the recommendations were presented.
ward of a Juvenile Court of another county	W&IC 300 petition is filed in Riverside County	

Proceedings in Different Counties

The W&IC 241.1 Joint Assessment Report shall

- contain the recommendation jointly developed by the ER social worker and the probation officer, and
- be filed at least five (5) calendar days before the scheduled W&IC 241.1 Joint Assessment Hearing in the county where the second (2nd) petition alleging jurisdictional facts under W&IC sections 300, 601 or 602 has been filed.

If the...	then the...
petition alleging jurisdiction is filed in one county and the youth is already a dependent or ward in another county	responsible departments of each county shall conduct a joint assessment.
departments cannot agree on who will prepare the W&IC 241.1 Joint Assessment Report	department in the county where the second (2 nd) petition is to be filed shall prepare the W&IC 241.1 Joint Assessment Report.

Dual Status Cases

Description of Dual Status Designation

Probation and DPSS shall utilize the least restrictive options to ensure that the best interests of the child and the community are preserved. All case plans and reports to the court and any other document will be completed in the format common to the established practice of the lead agency.

Dual status designation is designed for youth who require simultaneous designation in both W&IC 602 ward and W&IC 300 dependency status. It serves as the third possible recommendation in the W&IC 241.1 Joint Assessment Report.

- A dual status youth may be a dependent of the court who commits a delinquent act requiring the formal intervention of probation rehabilitative services. Upon completion of probation services, the youth will be returned to the primary care of DPSS.
- A dual status youth may be a ward of the court who is no longer in need of formal probation services and who has no suitable parent, guardian or responsible adult able or willing to provide proper care and supervision of the youth.

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

Filing a W&IC 300 Petition on Existing Wards

In cases where wardship has been established on a youth, and the social worker and Probation Officer have jointly recommended that Dual Status would best serve the youth's needs in the W&IC 241.1 Joint Assessment Report, a W&IC 300 petition shall be filed in dependency court to initiate dependency proceedings.

Note: Wardship *must be* established prior to initiating a W&IC 300 petition to initiate dependency proceedings in effort to designate Dual Status.

CDU Investigation of Petition/Jurisdictional Report

DPSS shall utilize the existing transfer of ER cases to the court dependency unit (CDU) for investigation of the W&IC 300 petition. If the CDU social worker recommends dual status in the Jurisdictional/Dispositional report, the CDU social worker shall include this recommendation in the court report recommendation page, and jointly develop the case plan with the probation officer.

Continued on next page

Dual Status Cases, Continued

**Dual Status
Cases –
Determination
of Lead
Court/Lead
Agency**

In dual status cases, the court shall determine the lead court and lead agency. The Judicial Officer hearing the case shall review all information and reports contained in either the dependency or delinquency court file as appropriate and shall confer with the other Judicial Officer as necessary to make all required orders for the youth and his/her family.

If the ...	then the...
Probation Department is determined to be the lead agency	Delinquency Court will be the lead court and the Judicial Officer will hear the case and all matters relating to the case.
DPSS is determined to be the lead agency	Dependency Court will be the lead court and the Judicial Officer will hear the case and all matters relating to the case.

Continued on next page

Dual Status Cases, Continued

Legal Representation for Dual Status Cases - Attorney Responsibilities

The Juvenile Defense Panel (JDP) and the Public Defender's Office (PDO) shall be appointed to represent the youth and the parents in the following manner:

If...	then the...
the initial petition is based on a W&IC 300 petition	<ul style="list-style-type: none"> ▪ JDP shall be appointed to represent the youth and the parent(s), and ▪ parent's counsel shall appear in delinquency court and be recognized by the court.
a W&IC 300 case exists and a W&IC 602 petition is filed to create a dual status	<ul style="list-style-type: none"> ▪ PDO shall be appointed to represent the youth. ▪ JDP shall continue to represent the parent(s), including appearing in 602 court on behalf of the parents.
the initial petition is based on a W&IC 602 petition	PDO shall be appointed to represent the youth unless that office determines a conflict exists.
a W&IC 602 case exists and a W&IC 300 petition is filed to create a dual status	JDP shall be appointed to represent the youth and the parent(s).

Note: Both the PDO and JDP recognize that they have an ongoing duty to represent their clients. Based on that duty, they agree to cooperate with each other in communicating their clients' demands, concerns, and needs between the attorneys involved, the clients, and the court.

County Counsel Responsibilities

- All parties agree that a County Counsel Deputy shall solely represent the Department of Public Social Services on issues specifically related to juvenile dependency in cases dealing with dual status youth, and
- a County Counsel Deputy shall meet and confer with the District Attorney Deputy, Probation, or the Department of Public Social Services regarding juvenile dependency issues in dual status cases, as required.

Continued on next page

Dual Status Cases, Continued

**Dual Status/
Probation
Department as
Lead Agency**

The following conditions shall be met when the Probation Department is determined to be the lead agency in dual status cases.

When...	then the Probation Department shall...	and DPSS shall...
<ul style="list-style-type: none"> ▪ dual status is designated at the W&IC 241.1 Joint Assessment Hearing ▪ a W&IC 300 and W&IC 602 petition have been filed ▪ the court has adjudicated the youth and declared both dependency and wardship, and ▪ the lead agency is determined to be the Probation Department 	<ul style="list-style-type: none"> ▪ be responsible for case management ▪ comply with the mandates of the statutory W&IC 602 and 300 review hearings, Title IV-E, and Division 31 requirements, and ▪ provide services to the youth and family, in concert with the assistance of DPSS. 	<ul style="list-style-type: none"> ▪ assign a social worker ▪ assist the Probation Officer in matters involving dependency, development of the case plan, and with other reasonable services to the youth and family, and ▪ provide the original or certified copy of the youth's birth certificate, social security card, and immunization record to aid in out-of-home placement within three (3) working days after dual status is designated by the court. <p>Note: If these documents are not available via DPSS, the Probation Department shall make the necessary efforts to otherwise obtain them.</p>

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Dual Status Cases, Continued

Dual Status/ DPSS as Lead Agency

The following conditions shall be met when DPSS is determined to be the lead agency in dual status cases.

When...	then DPSS shall...	and Probation Department shall...
<ul style="list-style-type: none"> ▪ dual status is ordered at the W&IC 241.1 Joint Assessment Hearing ▪ a W&IC 300 and W&IC 602 petition have been filed ▪ the court has adjudicated the youth and declared both dependency and wardship at the Jurisdictional Hearing, and ▪ the lead agency is determined to be DPSS 	<ul style="list-style-type: none"> ▪ be responsible for case management ▪ comply with the mandates of the statutory W&IC 602 and 300 review hearings, Title IV-E, and Division 31 requirements, and ▪ provide services to the youth and family, in concert with the assistance of the Probation Department. 	<ul style="list-style-type: none"> ▪ assign a probation officer ▪ assist the social worker with matters involving probation, development of the case plan, and other reasonable services to the youth and family, and ▪ provide the original or certified copy of the youth's birth certificate, social security card, and immunization record to aid in out-of-home placement within three (3) working days after dual status is designated by the court. <p>Note: If these documents are not available via DPSS, the Probation Department shall make the necessary efforts to otherwise obtain them.</p>

Note: Nothing in this protocol shall authorize DPSS to make a detention decision resulting in the placement of a youth in a locked probation detention facility. In the event the youth is in violation of the court order and/or requires detention in a locked facility, the case must be reviewed by a probation supervisor. If approved, a W&IC 777 Notice of Hearing/Violation of Court Order petition may be filed and authorization given to place the youth in Juvenile Hall detention.

Continued on next page

Dual Status Cases, Continued

Dual Status Placement and Emergency Shelter Statutes

Housing of dual status youth shall be in accordance with the following Welfare and Institutions Codes:

- Pursuant to W&IC 16514(b), "A minor who has been voluntarily placed, adjudged a dependent child of the Juvenile Court pursuant to Section 300, or adjudged a ward of the Juvenile Court pursuant to Section 601, shall not be housed in an emergency shelter with any minor adjudged a ward of the Juvenile Court pursuant to Section 602."
- Pursuant to W&IC 16514(c), "A minor who has been voluntarily placed, adjudged a dependent child of the Juvenile Court pursuant to Section 300, or as to whom a petition has been filed under Section 325, shall not be placed or detained in a group home or licensed foster family home or with a foster family agency to be subsequently placed in a certified family home with any minor adjudged a ward of the juvenile court pursuant to Section 601 or 602, unless the social worker or probation officer has determined that the group home or licensed foster family home or foster family agency has a program that meets the specific needs of the minor being placed or detained, and there is a commonality of needs with the other minors in the group home or licensed foster family home or certified family home."

Case Contacts and Services

Client contacts and services shall be provided by the designated lead agency. On a monthly basis, the lead agency (probation officer or social worker) shall be contacted by the non-lead agency and shall obtain information regarding case contacts and services for entry in their respective data systems.

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Dual Status Cases, Continued

Termination/ Modification of Dual Status Designation – Lead Agency Responsibilities

Termination or modification of dual status shall be discussed at each review hearing. A recommendation by the lead agency to terminate dual status and dependency or wardship shall only be made after consulting involved parties, including

- district attorney
- defense attorney
- social worker
- County Counsel
- probation officer.

Note: The statement of each party will be submitted via memorandum authored by the lead agency to the lead court. The lead court will have the final decision to modify the youth's status and terminate either dependency or wardship.

Termination/ Modification of Dual Status Designation – Judicial Officer Responsibilities

The Judicial Officer who is designated to hear both matters on dual status cases shall confer with its counterpart prior to any termination or modification of dual status designation in both dependency and delinquency court.

Data Collection

In effort to evaluate the effectiveness of the protocol, W&IC 241.1 (e) (4) requires that counties who are implementing dual status cases shall have a plan to collect data. The following specifies the requirements imposed by Judicial Council in meeting this mandate:

- The Judicial Officer who determined the designation of the lead court shall complete the "Initial Entry *Individual Case Form*" provided by the Administrative Office of the Courts (AOC).
 - The Juvenile Court Clerk's Office shall be responsible for completing the "Initial Entry *Summary Form*" provided by the AOC and shall submit it to the AOC on a quarterly basis.
-

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Dual Status Cases, Continued

Liaisons for Southern Counties

In effort to satisfy the mandates imposed by W&IC 241.1 (c), liaisons have been selected for each of the southern counties in the event that a joint assessment report needs to be completed.

The Southern Counties W&IC 241.1 liaisons are listed below:

Southern Counties	Liaisons
San Bernardino County	<ul style="list-style-type: none"> ▪ Paul Maiorino (909) 383-2194 CPS ▪ Linda Hutchinson Probation (909) 383-2746
Riverside County	<ul style="list-style-type: none"> ▪ Marna Miller (951) 358-4690 CPS; fax (951) 358-5835 ▪ Neil Smith (951) 358-4310 Probation
San Diego County	<ul style="list-style-type: none"> ▪ Nilanie Ramos 858-694-5793 CPS ▪ Probation Juvenile Records (858) 694-4319
Los Angeles County	<ul style="list-style-type: none"> ▪ Hector Fregoso (323) 526-6704 fregoh@dcfs.co.la.ca.us ▪ Mike Zahn – (323) 780-2149 Probation
Orange County	<ul style="list-style-type: none"> ▪ Michael Myers (714) 940-5620 michael.myers@ssa.ocgov.com ▪ Probation Department Custody Intake Officer-of-the-Day (714) 935-7632
Ventura County	<ul style="list-style-type: none"> ▪ Ventura Office (805) 654-3409 ▪ Oxnard Office (805) 240-2700 ▪ East County Office (805) 582-8062 ▪ Senior Deputy Probation Officer at the Juvenile Intake Unit - Bill Stewart. (805) 652-5716.
Santa Barbara County	<ul style="list-style-type: none"> ▪ Yolanda Perez (805) 681-4491 DCFS yperez@co.santa-barbara.ca.us ▪ Juvenile Probation Dept (805) 737-7825
Imperial County	<ul style="list-style-type: none"> ▪ Javier Duran (760) 337-7702; jd7739@cws.state.ca.us ▪ Gloria Munoz-De Leon, Juvenile Division Manager (760) 339-6214 gloriadeleon@imperial.net

Note: Telephonic contact has been proposed by members of the Policy Implementation Committee for Southern Counties when 241.1 (c) applies.

Dated this _____ Day of _____, 2005

Marie Whittington
Chief Probation Officer
Riverside County
Probation Department

Cynthia Hinckley
Director
Riverside County
Department of Public Social Services

In accordance with Section 827
W&IC, I hereby authorize release
of information between
Department of Public Social
Services and Probation as cited in
the MOU.

In accordance with Section 1203.10 of
the Penal Code, I hereby authorize
release of information between
Department of Public Social Services
and Probation as cited in the MOU.

Becky Dugan
Presiding Judge of the Juvenile
Courts
Of the Consolidated/Coordinated
Courts of the County of Riverside

Sharon Waters
Presiding Judge of the
Consolidated Courts of the County of
Riverside

**SAN JOAQUIN COUNTY MEMORANDUM
OF UNDERSTANDING AND PROTOCOL
FOR
WELFARE AND INSTITUTIONS
CODE SECTION 241.1 REPORTS AND
DUAL STATUS PROTOCOL FOR JUVENILE COURT**

Draft- 7/5/05

BACKGROUND

Welfare and Institutions Code (WIC) Section 241.1 requires that when a minor appears to come within the description of both section 300 and sections 601 or 602, the County Probation Department and the County Child Welfare Department shall jointly determine which status will serve the best interest of the minor and protection of society. (Senate Bill 220, effective 1/1/90). Section 241.1 states, "Recommendations of both departments shall be presented to the juvenile court with the petition which is filed on behalf of the minor and the court shall determine which status is appropriate for the minor.

Assembly Bill 129, effective 9/10/04, created authority for a minor who meets specified criteria to be designated as both a dependent child and a ward of the juvenile court simultaneously, thereby becoming a "dual status child".

In an effort to comply with the requirements of Section 241.1 and AB 129 as referenced above, the San Joaquin County Human Services Agency Child Protective Services, and the San Joaquin County Probation Department Juvenile Services have developed the following Memorandum of Understanding (MOU) and Protocol.

For purposes of this Protocol, a "dual status minor" is a minor who is adjudicated both a ward and dependent of the Juvenile Court.

Nothing in this MOU and Protocol shall preclude the Court from following the "Pre-602 Adjudication Protocol" previously adopted by San Joaquin County if the agencies agree that following the Pre-602 Protocol would serve the best interests of the minor and protection of society.

I. SOURCES OF REFERRAL

There are three possible sources of referral for the minor to be assessed as mandated by Section 241.1 of the WIC:

1. A judge of the San Joaquin County Juvenile Court;
2. An employee of the San Joaquin County Probation Department;

3. An employee of the San Joaquin County Human Services Agency Child Protective Services Unit (CPS).

II. TIMELINESS OF PROTOCOL REPORT AND HEARING

If the minor is detained, the protocol report will be prepared and a hearing held on the report as soon as possible but no later than fifteen court days after the order of detention. If the minor is not detained, the protocol report will be prepared and a hearing held on the report as soon as possible within thirty days of the date of the filing of the petition. The protocol report may be an oral report, unless the judge directs that a written report be filed. If a written report is ordered by the Court, then both Probation and CPS must sign the protocol report. The hearing on the protocol report will be held prior to the jurisdictional hearing, unless the Court directs otherwise for good cause.

III. PROCEDURE FOR REFERRAL

1. If a judge of the Juvenile Court believes that a minor appearing before the Court might come within the provisions of both WIC 300 *and* 601 or 602, the judge may refer the minor to either Juvenile Probation or CPS by indicating such referral on the Court's Minute Order. The agency with the matter before the Court shall proceed without delay following the procedures outlined below.

2. When CPS or the Probation Department believes a minor should come under the jurisdiction of the other department, the following steps will be taken to determine which status will serve the best interests of the child and society.

A. The CPS line worker and Probation will discuss the case in question to see if a mutually agreeable decision can be made. If no agreement can be reached, then the CPS and Probation supervisors will be consulted to try and reach agreement between the agencies. If no agreement is reached between the supervisors, the chiefs or their designees, of each agency will be requested to attempt to reach a joint agreement. If no joint agreement is forthcoming, then each agency will file a separate report with the Court.

B. In evaluating which status would best serve the minor, CPS and Probation shall evaluate any referral forms, relevant law enforcement reports, prior agency history and records, any available psychometric data or reports, any relevant court orders, as well as any other relevant information available to the agency.

C. Both agencies will document their agency's assessment using their agency's assessment system and appropriate forms. Such evaluation shall be completed within 30 calendar days if the minor is out of custody, or within 15 court days if the minor is detained.

IV. 241.1 EMERGENCY PROCEDURE

When a minor is booked at either Peterson Juvenile Hall or Mary Graham Children's Shelter and the intake evaluator on duty feels that the minor does not belong in the institution where the minor was booked because the minor is at substantial risk of being harmed if he/she remains at the Juvenile Hall or is at substantial risk of harming others at Mary Graham Children's Shelter, the following emergency procedure shall be initiated as soon as possible:

1. The agency who received the minor for booking shall immediately contact the other agency by telephone to determine if a resolution can be reached. Juvenile Probation shall call the 24 hour Emergency Number for CPS, 468-1333. CPS shall call Juvenile Probation at 468-4000, Monday through Friday, 8:00 a.m. to 5:00 p.m., and 468-4200 during all other hours and days.
2. In attempting to reach an interim decision on the most appropriate location to detain the minor pending further 241.1 Assessment, the agencies shall consider the least restrictive environment to the minor which will protect the minor and other minors, staff, and society.
3. If a mutual agreement cannot be reached as to the appropriate location for the minor to be detained pending the Section 241.1 assessment process, then the minor shall remain in the institution where originally booked. The agency with custody shall then file a petition under its jurisdiction, in order to meet the time limits required by law, and shall make a formal written referral pursuant to the Procedure for Referral, Section III, above.

V. DECISION CRITERIA

In determining the status of the minor, each agency shall give consideration to the following factors, which will be included in the protocol report:

1. The nature of the referral.
2. The age of the minor.
3. The history of any physical, sexual, or emotional abuse of the child.
4. The prior record of the child's parents for abuse of this or any other child.
5. The prior record of the child for out-of-control or delinquent behavior.
6. The parents' cooperation with the child's school.
7. The child's performance at school and whether and IEP is in place for the child.
8. The nature of the child's home environment.
9. The history of involvement of any agencies or professionals with the child and his or her family.
10. Any services or community agencies that are available to assist the child and his or her family.
11. A statement by any counsel currently representing the child.
12. A statement by any Court Appointed Special Advocate (CASA) currently appointed for the child.

13. Records of other agencies which have been involved with the minor and his or her family.
14. The advantages of having both dependency and delinquency services available for the minor and the minor's family.
15. Whether CPS or Probation should be the lead agency if both recommend dual status for the minor.

VI. COURT REVIEW OF PROTOCOL SITUATION

1. If both CPS and Probation agree upon which status best serves the interests of the minor and protection of society, then a petition may be filed or resumed under the mutually agreed upon code section by the appropriate agency as soon as possible. If the minor is detained pending the status determination, he/she shall be brought to court by the 15th court day following the order for assessment.
2. In the event that CPS and Probation are not able to agree on the status that would serve the best interests of the minor and protection of the public, the Court shall be presented with both agency's reports and will make the determination as to how the case should proceed following review of both 241.1 assessments. If the Court determines that either 300 *or* 601/602 proceedings should be pursued, the Court will direct, as necessary, the appropriate agency to file a petition. Such directive will be included in the Court's Minute Order and shall be routed to both CPS and Probation by the Clerk of the Court by the end of the next court day.
3. In the event that the Court determines that the minor should be designated a "dual status minor", the parties hereby adopt a lead court/ lead agency system as defined in WIC 241.1(e)(5)(B). The Court shall determine which agency will be the lead agency to manage the minor's case. The lead agency shall be responsible for case management, placement of the minor, visiting the minor monthly, visiting the foster parents as required, scheduling court hearings, preparing court reports, and providing services to the minor and the minor's family. The lead and assisting agencies will cooperate and agree on an appropriate case plan for the minor and family. The assisting agency's jurisdiction over the minor will be suspended so that at any one time, only one agency shall have active jurisdiction over the minor to ensure that there is no requirement for duplicative services.
 - A. Should it appear appropriate for the assisting agency to assume the lead agency role, CPS and Probation shall consult regarding the appropriateness of changing the lead agency and regarding any necessary changes to the case plan and will present their recommendation to the Juvenile Court. If the Juvenile Court determines that a change of lead agency is in the best interest of the minor, the Court will activate the jurisdiction of the assisting agency, assign that agency as the lead agency and suspend jurisdiction of the prior lead agency. The new lead agency will perform all duties of the lead agency as described above. Lead and assisting agency jurisdiction may change as the Juvenile Court deems appropriate during the pendency of the case.
 - B. Whenever possible, the Court shall conduct joint dependency/wardship hearings for dual status minors. The lead agency shall be responsible for preparing a single court report for

the joint hearing. Where there are findings or studies unique to the assisting agency, the lead agency shall coordinate with the assisting agency and ensure that those findings or other matters are presented to the Court. The assisting agency may prepare supplemental reports for the hearings. The Court shall ensure that findings and orders required for both ward and dependent minors are made at the joint hearing. Both agencies shall attend joint hearings for dual status minors.

VII. JUDICIAL COMMUNICATION AND PROCEDURE

Whenever possible, the Superior Court of the State of California, County of San Joaquin, shall designate the Juvenile Delinquency Court, Department J-2, to hear all dual status or potential dual status cases. In the event that more than one judge becomes involved in a dual status or potential dual status case, then the judicial officers shall communicate between themselves as to the status of the minor, and shall make sure that each other has access to all relevant court files and reports, including reports filed under WIC 727.2. The Court shall appoint the same attorney to represent a minor who is involved in a 300 and 601 or 602 case, unless the Court finds it is not appropriate to do so, or that it would not be in the best interests of the minor to do so.

VIII. DATA COLLECTION

As may be required by WIC section 241.2 and or the Judicial Council of California, CPS and Probation shall collect, compile, and report data to evaluate this Protocol, and shall utilize any required data collection and evaluation procedures.

IX. AGREEMENT

The San Joaquin County Department of Child Welfare Services, the San Joaquin County Probation Department, and the Superior Court (Juvenile Division) of the State of California, County of San Joaquin, do hereby adopt the aforesaid jointly developed protocol to allow the San Joaquin County Probation Department and San Joaquin County Child Protective Services to jointly assess and produce a recommendation that a child be designated as a dual status child, and allowing for the child to be simultaneously a dependent child and a delinquent ward of the Court. Said Court and agencies do hereby elect to adopt and implement the provisions of AB 129. All sections of this document are integral to the whole, and if any section is found to be invalid by a court of competent jurisdiction, the entire agreement is invalid. The undersigned may terminate this agreement for prospective cases by providing thirty-day written notice to each of the undersigned.

Hon. John Parker, Presiding Judge

Date

Juvenile Court, San Joaquin County,
Superior Court of California

J. Christopher Hope,
Chief Probation Officer,
San Joaquin County

Date

Joseph Chelli,
Director, Human Services Agency,
San Joaquin County

Date

APPROVED:

Terrence Dermody, County Counsel,
County of San Joaquin

Date

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:

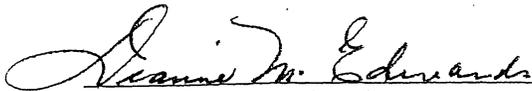
- Number of cases which were candidates for dual status.
- Number of cases actually designated dual status.
- Number of cases initially in dependency (and age of case from initial petition).
- Number of cases initially in delinquency (and age of case from initial petition).
- Number of cases kept in 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.

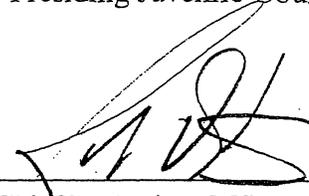
Signed this 7th day of September 2006



Presiding Juvenile Court Judge



Dennis M. Edwards
Director, Human Services Department



Chief Probation Officer

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

Appendix F

AB 129 Summary Statistics

AB 129 Statistics: Statewide Summary¹

Total cases considered for dual status	560		
Cases initially in dependency	57	Cases initially in delinquency	503
Active length of case		Active length of case	
Less than 3 months	9	Less than 3 months	302
3 to 6 months	7	3 to 6 months	91
6 to 9 months	2	6 to 9 months	32
9 months to 1 year	1	9 months to 1 year	22
1 to 2 years	10	1 to 2 years	30
2 to 3 years	3	2 to 3 years	10
3 to 4 years	4	3 to 4 years	6
More than 4 years	20	More than 4 years	10
Unknown	1	Unknown	0
Determination at 241.1 hearing		Determination at 241.1 hearing	
Dependency retained jurisdiction	19	Delinquency retained jurisdiction	381
Delinquency assumed jurisdiction	17	Dependency assumed jurisdiction	39
Declared dual status	20	Declared dual status	75
Status not yet determined	1	Status not yet determined	8
Total dual-status cases	95		
Cases initially in dependency	20	Cases initially in delinquency	75
Level of offense triggering dual status		Child welfare allegations triggering dual status	
Felony	10	Child abuse	22
Misdemeanor	7	Physical abuse	17
Status offense	1	Sexual abuse	4
Unknown	2	Emotional abuse	11
Type of offense triggering dual status		Child neglect	41
Drug	2	Unknown	14
Violent	6	Other family issues	
Property	5	Parent substance abuse	12
Other	6	Housing problems	7
		Parent incarcerated	5
		Emotional/mental health issues	7
		Domestic violence	3

¹ Statewide statistics represent six of the seven counties that adopted a dual-status protocol. Data are not available for Colusa County.

Note: For offenses and child welfare allegations triggering dual status on all appendix F table, the detail may not sum to the total because the case involves more than one type of offense/abuse or because the detail is unknown.

AB 129 Statistics: Statewide Summary (cont.)

Total dual-status cases	95		
Lead court/lead agency			
Delinquency court/probation	40		
Dependency court/probation	1		
Dependency court/child welfare	43		
Delinquency court/child welfare	11		
Characteristics of dual-status youth			
Gender		Living situation	
Male	63	Home with parents	10
Female	32	Relative foster care	6
Age		Nonrelative foster care	13
8 or younger	0	Group home/residential treatment	12
9 to 10	0	Levels 1 through 5	8
11 to 12	0	Levels 6 through 10	2
13 to 15	47	Levels 11 through 14	2
16 to 17	48	Shelter	4
18 or older	0	Psychiatric hospital	0
Race/ethnicity		County juvenile detention	45
White, non-Hispanic	31	Juvenile hall	40
Hispanic or Latino	38	Juvenile camp/ranch	5
Black or African American	17	Other	5
Asian or Pacific Islander	0		
Native American	1		
More than one race/ethnicity	5		
Other	3		

AB 129 Statistics: Inyo County

Total cases considered for dual status		5		
Cases initially in dependency	3		Cases initially in delinquency	2
Active length of case			Active length of case	
Less than 3 months	0		Less than 3 months	1
3 to 6 months	3		3 to 6 months	0
6 to 9 months	0		6 to 9 months	1
9 months to 1 year	0		9 months to 1 year	0
1 to 2 years	0		1 to 2 years	0
2 to 3 years	0		2 to 3 years	0
3 to 4 years	0		3 to 4 years	0
More than 4 years	0		More than 4 years	0
Determination at 241.1 hearing			Determination at 241.1 hearing	
Dependency retained jurisdiction	2		Delinquency retained jurisdiction	1
Delinquency assumed jurisdiction	0		Dependency assumed jurisdiction	0
Declared dual status	1		Declared dual status	1

Total dual-status cases		2		
Cases initially in dependency	1		Cases initially in delinquency	1
Level of offense triggering dual status			Child welfare allegations triggering dual status	
Felony	0		Child abuse	1
Misdemeanor	1		Physical abuse	1
Status offense	0		Sexual abuse	0
Type of offense triggering dual status			Emotional abuse	1
Drug	0		Child neglect	0
Violent	0		Other family issues	
Property	1		Parent substance abuse	0
Other	0		Housing problems	0
			Parent incarcerated	0
			Emotional/mental health issues	0
			Domestic violence	0

AB 129 Statistics: Inyo County (cont.)

Total dual-status cases		2	
Lead court/lead agency			
Delinquency court/probation		0	
Dependency court/probation		0	
Dependency court/child welfare		2	
Delinquency court/child welfare		0	
Characteristics of dual-status youth			
Gender		Living situation	
Male	1	Home with parents	1
Female	1	Relative foster care	0
Age		Nonrelative foster care	0
8 or younger	0	Group home/residential treatment	0
9 to 10	0	Levels 1 through 5	0
11 to 12	0	Levels 6 through 10	0
13 to 15	1	Levels 11 through 14	0
16 to 17	1	Shelter	0
18 or older	0	Psychiatric hospital	0
Race/ethnicity		County juvenile detention	1
White, non-Hispanic	0	Juvenile hall	1
Hispanic or Latino	1	Juvenile camp/ranch	0
Black or African American	0	Other	0
Asian or Pacific Islander	0		
Native American	0		
More than one race/ethnicity	1		
Other	0		

AB 129 Statistics: Placer County

Total cases considered for dual status	43		
Cases initially in dependency	18	Cases initially in delinquency	25
Active length of case		Active length of case	
Less than 3 months	1	Less than 3 months	5
3 to 6 months	1	3 to 6 months	7
6 to 9 months	0	6 to 9 months	0
9 months to 1 year	1	9 months to 1 year	4
1 to 2 years	2	1 to 2 years	6
2 to 3 years	0	2 to 3 years	1
3 to 4 years	2	3 to 4 years	1
More than 4 years	11	More than 4 years	1
Determination at 241.1 hearing		Determination at 241.1 hearing	
Dependency retained jurisdiction	9	Delinquency retained jurisdiction	16
Delinquency assumed jurisdiction	3	Dependency assumed jurisdiction	0
Declared dual status	6	Declared dual status	9

Total dual-status cases	15		
Cases initially in dependency	6	Cases initially in delinquency	9
Level of offense triggering dual status		Child welfare allegations triggering dual status	
Felony	3	Child abuse	4
Misdemeanor	3	Physical abuse	3
Status offense	0	Sexual abuse	0
Type of offense triggering dual status		Emotional abuse	3
Drug	0	Child neglect	4
Violent	3	Other family issues	
Property	2	Parent substance abuse	5
Other	1	Housing problems	2
		Parent incarcerated	1
		Emotional/mental health issues	2
		Domestic violence	2

AB 129 Statistics: Placer County (cont.)

Total dual-status cases	15		
Lead court/lead agency			
Delinquency court/probation	6		
Dependency court/probation	0		
Dependency court/child welfare	5		
Delinquency court/child welfare	4		
Characteristics of dual-status youth			
Gender		Living situation	
Male	8	Home with parents	3
Female	7	Relative foster care	1
Age		Nonrelative foster care	6
8 or younger	0	Group home/residential treatment	2
9 to 10	0	Levels 1 through 5	0
11 to 12	0	Levels 6 through 10	2
13 to 15	6	Levels 11 through 14	0
16 to 17	9	Shelter	1
18 or older	0	Psychiatric hospital	0
Race/ethnicity		County juvenile detention	1
White, non-Hispanic	11	Juvenile hall	1
Hispanic or Latino	4	Juvenile camp/ranch	0
Black or African American	0	Other	1
Asian or Pacific Islander	0		
Native American	0		
More than one race/ethnicity	0		
Other	0		

AB 129 Statistics: Riverside County

Total cases considered for dual status	389
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Cases initially in dependency	18	Cases initially in delinquency	371
Active length of case		Active length of case	
Less than 3 months	6	Less than 3 months	219
3 to 6 months	1	3 to 6 months	70
6 to 9 months	1	6 to 9 months	25
9 months to 1 year	0	9 months to 1 year	15
1 to 2 years	5	1 to 2 years	21
2 to 3 years	0	2 to 3 years	8
3 to 4 years	2	3 to 4 years	4
More than 4 years	3	More than 4 years	9
Determination at 241.1 hearing		Determination at 241.1 hearing	
Dependency retained jurisdiction	2	Delinquency retained jurisdiction	305
Delinquency assumed jurisdiction	10	Dependency assumed jurisdiction	10
Declared dual status	6	Declared dual status	56

Total dual-status cases	62
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Cases initially in dependency	6	Cases initially in delinquency	56
Level of offense triggering dual status		Child welfare allegations triggering dual status	
Felony	2	Child abuse	9
Misdemeanor	1	Physical abuse	6
Status offense	1	Sexual abuse	1
Unknown	2	Emotional abuse	2
Type of offense triggering dual status		Child neglect	28
Drug	1	Unknown	14
Violent	0	Other family issues	
Property	0	Parent substance abuse	1
Other	3	Housing problems	1
		Parent incarcerated	2
		Emotional/mental health issues	0
		Domestic violence	0

AB 129 Statistics: Riverside County (cont.)

Total dual-status cases		62	
Lead court/lead agency			
Delinquency court/probation		26	
Dependency court/probation		0	
Dependency court/child welfare		34	
Delinquency court/child welfare		2	
Characteristics of dual-status youth			
Gender		Living situation	
Male	41	Home with parents	5
Female	21	Relative foster care	2
Age		Nonrelative foster care	5
8 or younger	0	Group home/residential treatment	8
9 to 10	0	Levels 1 through 5	8
11 to 12	0	Levels 6 through 10	0
13 to 15	29	Levels 11 through 14	0
16 to 17	33	Shelter	0
18 or older	0	Psychiatric hospital	0
Race/ethnicity		County juvenile detention	39
White, non-Hispanic	11	Juvenile hall	34
Hispanic or Latino	29	Juvenile camp/ranch	5
Black or African American	15	Other	3
Asian or Pacific Islander	0		
Native American	0		
More than one race/ethnicity	4		
Other	3		

AB 129 Statistics: San Joaquin County

Total cases considered for dual status		42		
Cases initially in dependency	2	Cases initially in delinquency	40	
Active length of case		Active length of case		
Less than 3 months	0	Less than 3 months	26	
3 to 6 months	0	3 to 6 months	9	
6 to 9 months	0	6 to 9 months	2	
9 months to 1 year	0	9 months to 1 year	1	
1 to 2 years	0	1 to 2 years	2	
2 to 3 years	0	2 to 3 years	0	
3 to 4 years	0	3 to 4 years	0	
More than 4 years	1	More than 4 years	0	
Unknown	1	Unknown	0	
Determination at 241.1 hearing		Determination at 241.1 hearing		
Dependency retained jurisdiction	1	Delinquency retained jurisdiction	25	
Delinquency assumed jurisdiction	0	Dependency assumed jurisdiction	7	
Declared dual status	1	Declared dual status	8	

Total dual-status cases		9		
Cases initially in dependency	1	Cases initially in delinquency	8	
Level of offense triggering dual status		Child welfare allegations triggering dual status		
Felony	0	Child abuse	8	
Misdemeanor	1	Physical abuse	7	
Status offense	0	Sexual abuse	3	
Type of offense triggering dual status		Emotional abuse	5	
Drug	0	Child neglect	8	
Violent	0	Other family issues		
Property	1	Parent substance abuse	6	
Other	1	Housing problems	4	
		Parent incarcerated	1	
		Emotional/mental health issues	5	
		Domestic violence	1	

AB 129 Statistics: San Joaquin County (cont.)

Total dual-status cases	9		
Lead court/lead agency			
Delinquency court/probation	4		
Dependency court/probation	0		
Dependency court/child welfare	0		
Delinquency court/child welfare	5		
Characteristics of dual-status youth			
Gender		Living situation	
Male	7	Home with parents	1
Female	2	Relative foster care	0
Age		Nonrelative foster care	1
8 or younger	0	Group home/residential treatment	0
9 to 10	0	Levels 1 through 5	0
11 to 12	0	Levels 6 through 10	0
13 to 15	6	Levels 11 through 14	0
16 to 17	3	Shelter	3
18 or older	0	Psychiatric hospital	0
Race/ethnicity		County juvenile detention	4
White, non-Hispanic	5	Juvenile hall	4
Hispanic or Latino	2	Juvenile camp/ranch	0
Black or African American	2	Other	0
Asian or Pacific Islander	0		
Native American	0		
More than one race/ethnicity	0		
Other	0		

AB 129 Statistics: Sonoma County

Total cases considered for dual status	4		
Cases initially in dependency	3	Cases initially in delinquency	1
Active length of case		Active length of case	
Less than 3 months	0	Less than 3 months	0
3 to 6 months	0	3 to 6 months	0
6 to 9 months	0	6 to 9 months	0
9 months to 1 year	0	9 months to 1 year	0
1 to 2 years	0	1 to 2 years	1
2 to 3 years	1	2 to 3 years	0
3 to 4 years	0	3 to 4 years	0
More than 4 years	2	More than 4 years	0
Determination at 241.1 hearing		Determination at 241.1 hearing	
Dependency retained jurisdiction	1	Delinquency retained jurisdiction	0
Delinquency assumed jurisdiction	0	Dependency assumed jurisdiction	1
Declared dual status	2	Declared dual status	0
Total dual-status cases		2	
Cases initially in dependency	2	Cases initially in delinquency	0
Level of offense triggering dual status		Child welfare allegations triggering dual status	
Felony	1	Child abuse	0
Misdemeanor	1	Physical abuse	0
Status offense	0	Sexual abuse	0
Type of offense triggering dual status		Emotional abuse	0
Drug	0	Child neglect	0
Violent	1	Other family issues	
Property	1	Parent substance abuse	0
Other	0	Housing problems	0
		Parent incarcerated	0
		Emotional/mental health issues	0
		Domestic violence	0

AB 129 Statistics: Sonoma County (cont.)

Total dual-status cases	2		
Lead court/lead agency			
Delinquency court/probation	1		
Dependency court/probation	0		
Dependency court/child welfare	1		
Delinquency court/child welfare	0		
Characteristics of dual-status youth			
Gender		Living situation	
Male	2	Home with parents	0
Female	0	Relative foster care	1
Age		Nonrelative foster care	0
8 or younger	0	Group home/residential treatment	1
9 to 10	0	Levels 1 through 5	0
11 to 12	0	Levels 6 through 10	0
13 to 15	2	Levels 11 through 14	1
16 to 17	0	Shelter	0
18 or older	0	Psychiatric hospital	0
Race/ethnicity		County juvenile detention	0
White, non-Hispanic	1	Juvenile hall	0
Hispanic or Latino	0	Juvenile camp/ranch	0
Black or African American	0	Other	0
Asian or Pacific Islander	0		
Native American	1		
More than one race/ethnicity	0		
Other	0		

AB 129 Statistics: Stanislaus County

Total cases considered for dual status		77		
Cases initially in dependency	13	Cases initially in delinquency	64	
Active length of case		Active length of case		
Less than 3 months	2	Less than 3 months	51	
3 to 6 months	2	3 to 6 months	5	
6 to 9 months	1	6 to 9 months	4	
9 months to 1 year	0	9 months to 1 year	2	
1 to 2 years	3	1 to 2 years	0	
2 to 3 years	2	2 to 3 years	1	
3 to 4 years	0	3 to 4 years	1	
More than 4 years	3	More than 4 years	0	
Determination at 241.1 hearing		Determination at 241.1 hearing		
Dependency retained jurisdiction	4	Delinquency retained jurisdiction	34	
Delinquency assumed jurisdiction	4	Dependency assumed jurisdiction	21	
Declared dual status	4	Declared dual status	1	
Status not yet determined	1	Status not yet determined	8	
Total dual-status cases		5		
Cases initially in dependency	4	Cases initially in delinquency	1	
Level of offense triggering dual status		Child welfare allegations triggering dual status		
Felony	4	Child abuse	0	
Misdemeanor	0	Physical abuse	0	
Status offense	0	Sexual abuse	0	
Type of offense triggering dual status		Emotional abuse	0	
Drug	1	Child neglect	1	
Violent	2	Other family issues		
Property	0	Parent substance abuse	0	
Other	1	Housing problems	0	
		Parent incarcerated	1	
		Emotional/mental health issues	0	
		Domestic violence	0	

AB 129 Statistics: Stanislaus County (cont.)

Total dual-status cases	5		
Lead court/lead agency			
Delinquency court/probation	3		
Dependency court/probation	1		
Dependency court/child welfare	1		
Delinquency court/child welfare	0		
Characteristics of dual-status youth			
Gender		Living situation	
Male	4	Home with parents	0
Female	1	Relative foster care	2
Age		Nonrelative foster care	1
8 or younger	0	Group home/residential treatment	1
9 to 10	0	Levels 1 through 5	0
11 to 12	0	Levels 6 through 10	0
13 to 15	3	Levels 11 through 14	1
16 to 17	2	Shelter	0
18 or older	0	Psychiatric hospital	0
Race/ethnicity		County juvenile detention	0
White, non-Hispanic	3	Juvenile hall	0
Hispanic or Latino	2	Juvenile camp/ranch	0
Black or African American	0	Other	1
Asian or Pacific Islander	0		
Native American	0		
More than one race/ethnicity	0		
Other	0		