

Del Norte County Department of Health and Human Services/Child Welfare Services Del Norte County Probation Department Del Norte County Superior Court			Page 1 of 5
Revised Date: 3-18-10	Prepared By: Julie Cain Jennifer Savoy	Reference: WIC 241.1(e) WIC 827	Keywords: Dual-Status 300 Dependent 602 ward
Title: Dual Status Protocol Agreement			

Purpose:

This policy defines the procedure for joint jurisdiction between Child Welfare Services and County Probation Department when a child meets the requirements to be simultaneously a dependent child and a ward of the court. (On January 1, 2005, W&IC 241.1 was amended to include dual status)

Policy:

The Del Norte County Health and Human Services Department (DHHS), Child Welfare Services (CWS) and Del Norte County Probation Department (Probation Department) are authorized, when a child meets criteria of being both a ward and a dependent of the court, to designate a simultaneous 602 W&I Code and 300 W&I Code status. A maximum of three (3) children will be served under this agreement at any given time.

Procedure:

1. Requirements for Dual-Status Eligibility
 - a. The child and family must present issues that would justify the filing of a petition in whichever system a petition had not been filed according to the criteria of that agency.
 - b. Declaration of dual-status will be made only by a joint recommendation of the Probation Department and CWS. The Department's will make the recommendation that most effectively serves the child's best interests. The primary reasons for maintaining a child as a 300 dependent after a sustained 602 charge, or adding a 300 status to a 602 ward are as follows:
 - There is no parent or guardian available to provide proper custody for the child.
 - The parent or guardian is not able to give adequate care and supervision, and after the wardship is dismissed, continued dependency may be necessary to protect the child.
 - Specific circumstances occur when a child is a ward of the Juvenile Court which fall under Section 300 of the Welfare and Institutions Code, and the child cannot be adequately protected without instituting a 300 status.

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- Where a child is dependent but needs containment or control for the purposes of effective substance abuse, sexual offender, or other treatment.
 - Where a child cannot be safely housed at a foster care setting due to being a danger to him/herself or others.
 - Where a child is not safe due to history of running away.
- c. Factors to be considered prior to formulating a recommendation for dual-status include but are not limited to:
- The nature of the referral
 - The age of the child
 - The history of any physical, sexual, or emotional abuse of the child
 - The prior record of the child's parents for abuse of this or any child
 - The prior record of the child for out-of-control or delinquent behavior
 - The parents' cooperation with the child's school
 - The child's functioning at school
 - The nature of the child's home environment
 - The history of involvement of any agencies or professionals with the child and his or her family
 - Any services or community agencies that are available to assist the child and his or her family
 - A statement by any counsel currently representing the child
 - A statement by any Court appointed Special Advocate currently appointed for the child

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- Records of other agencies which have been involved with the child and his or her family
 - Indian Child Welfare Act (ICWA) status and factors if applicable
 - The advantages of having both dependency and delinquency services available for the child and the child's family
 - The results from the Structured Decision Making assessment
 - The results from the Positive Achievement Change Tool assessment
- d. These factors shall be in the W&IC 241.1 report
2. Process to Declare Dual-Status and Conflict Resolution
- a. The process to declare dual-status is via a W&I Code 241.1 hearing. The dual-status option will create an additional choice for the recommendation at the W&I Code 241.1 hearing.
 - b. If both CWS and Probation agree upon which status best serves the interests of the child and protection of society, a petition may be filed by the appropriate agency as soon as possible.
 - c. In the event that CWS and Probation are not able to agree on the status that would serve the best interests of the child and protection of the public, the matter will be referred to the Multi-Disciplinary Team. If an agreement cannot be reached in MDT, the Juvenile Court judge will decide if dependency, wardship, or dual status is appropriate.
3. Lead Agency Model and Responsibilities
- a. The County of Del Norte shall utilize a lead agency model whereby the Probation Department and CWS both maintain an open case for each child, but the responsibilities regarding each dual status child differ between agencies.
 - b. The lead agency would have the primary responsibility in each case, but both agencies are required to be active in each case.

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- c. The lead agency will 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 secondary agency. Dispositional and review reports will be written jointly.
 - d. The secondary agency will be responsible for providing supplemental services not to replicate those provided by the lead agency.
 - e. A joint meeting of the Probation Department and CWS will be held to determine which agency will be the lead, how placement visits will occur, how case planning will occur, and which type of family-centered interventions will occur.
 - f. The Probation Department and CWS will meet in person routinely to determine the on-going case needs and facilitate reunification when appropriate.
 - g. Lead agencies can be switched by mutual agreement. If an agreement cannot be reached, the matter will be addressed by the Multi-Disciplinary Team. If the Multi-Disciplinary Team cannot reach a decision, the matter will be decided by the presiding judge of the Juvenile Court.
4. Regarding Hearings for Dual Status Youth
- a. Dual jurisdiction cases will preferentially be handled by one judge having expertise in both dependency and delinquency matters. Optimally, one attorney will be assigned to represent the child in both the dependency and delinquency cases.
 - b. Joint hearings shall be calendared for dual-status youth. Hearings scheduled in advance will be placed on the afternoon calendar on Fridays in Department One. Detention and jurisdictional hearings will be scheduled on an as-needed basis with a preference being in Department One.
 - c. Both a probation officer and a social worker are required to attend dispositional and review hearings. Attendance of other hearings is optional.
5. Confidentiality

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- a. According to WIC § 827, CWS social workers and probation officers have the authority to access the information contained in the files maintained by each agency for the purpose of determining the appropriate status of the child.
 - b. All documents concerning a dual-status child shall be filed in both case files to allow for a seamless transition from wardship to dependency or vice-versa when one case is eventually dismissed.
6. Reassessment of Protocol
- a. Each agency will maintain outcome data of individual participation in the program. Any changes to the protocol must be by written agreement by all parties involved.
 - b. This agreement will terminate effective June 30, 2011 unless all parties agree to extend through written agreement for an additional year. This will encourage an annual evaluation of the effectiveness of this protocol.

Signed this ____ day of _____ 2010

Honorable Robert W. Weir
Presiding Juvenile Court Judge, Del Norte Superior Court

Gary Blatnick
Director, Department of Health and Human Services

Thomas E. Crowell
Chief Probation Officer, Probation Department