



# SAN MATEO COUNTY

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## PROBATION DEPARTMENT JUVENILE DIVISION POLICY MANUAL

### **LEGAL – PROTOCOL FOR IMPLEMENTING 241.1 WIC, JOINT JURISDICTION BETWEEN CHILDREN & FAMILY SERVICES AND PROBATION,** Est. 04/13/07 (F)

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#### **Purpose:**

This protocol is established in compliance with Welfare & Institutions Code section 241.1. The purpose of developing a procedure for the San Mateo County Probation Department and the San Mateo County Human Services Agency - Children and Family Services Department is to jointly determine whether dependency, delinquency or dual status jurisdiction in the Juvenile Court will best serve the Minor's best interest and the protection of society.

#### **Summary:**

San Mateo County Human Services Agency and San Mateo County Probation Department agree that the assigned Social Worker and Deputy Probation Officer will meet to discuss those instances where a Minor child appears to come under the description of both Sections 300 WIC and 602 WIC. In cases in which a petition is filed in the County of San Mateo and the Minor is a dependant or ward in another county the Social Worker or Probation Officer will contact the other County agency to discuss the case.

The caseworkers will develop an appropriate recommendation to the Juvenile Court, develop a case plan and give consideration to:

- 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 parent's cooperation with the Minor's school
- the Minor's functioning at school
- nature of the Minor's home environment
- records of other agencies which have been involved with the Minor and his/her family

- statement of any counsel currently representing the Minor
- statement of any Court Appointed Special Advocate (CASA) currently appointed for the Minor
- whether or not the Minor has a history of substance abuse
- whether or not the Minor is involved in gang activity

The joint recommendation shall be presented to the court at a Joint Planning Hearing, or 241.1 WIC Hearing scheduled prior to a Pre-trial conference and in accordance with §241.1 WIC and the Judicial Rules of Court § 5.512.

**If there is a need for consultation on or mediation to resolve issues or disagreements as to recommendations put forth to the Juvenile Court,** a Joint Planning and Review Committee (JPRC\*) will be available to Deputy Probation Officers and Social Workers. In instances where there is dispute, the decision of the committee will be the conclusive recommendation. JPRC will meet weekly prior to IPRC on Wednesday afternoon. The caseworker with the most recently filed petition is responsible to schedule an appointment.

\*Participating Agencies: Children & Family Services, Probation, County Counsel, Mental Health.

**Circumstances which require interagency consultation:**

- Child is neither a Dependant (300 WIC) nor a Ward (602 WIC) of the court and is referred to Children and Family Services for investigation into charges of abuse and neglect concurrently with a referral to Probation for an alleged criminal offense.
- Child is a Dependant of the Court and is referred to Probation for a 602 WIC offense.
- Child has pending 602 WIC petition or is an adjudicated 602 Ward and a CPS referral is under investigation or recommended by the Judge and/or the Judge has set a 241.1 WIC hearing.

**Steps for Caseworkers:**

**Joint Planning Meeting:**

1. When the Probation Officer or Social Worker receives a new referral and is aware or believes that another agency is providing services to the Minor and/or his or her family, he or she is responsible to contact the other agency and commence the process of joint case planning.
2. When a referral(s) is being investigated or a petition(s) is filed in the Juvenile Court, the case managers shall exchange and share such information to provide an appropriate recommendation to the Court in the

interest of the rehabilitation of the Minor and/or the reunification of the family.

**If, at the 602 WIC Hearing, the Judge has deemed that a 300 WIC referral is necessary and, as a result, sets a 241.1 WIC Hearing,** the DPO will contact Children and Family Services to make a referral and notify them of the date for the 241.1 WIC hearing. If Children and Family Services does not have a current referral open, one should be opened. The information the DPO gives can be the referral. The intake worker must meet the DPO for a Joint Planning Meeting to decide the best way to proceed. After the Joint Planning Meeting, it may be decided that a 300 WIC petition will not need to be filed. The Social Worker will then send a memo to the Court explaining the results of the investigation and reason for not filing a 300 WIC petition within 10 working days from the date of the 300 WIC referral.

**If the Social Worker decides to send a memo to the Court the Social Worker will also appear in Court on the set court date.** The DPO will complete the Probation Addendum and attach a Probation face sheet. The DPO will note in the Evaluation section of the report, that Probation has met face to face with the Social Worker from Children and Family Services, who indicated that they would be submitting a memo.

Please note: For a 602 WIC petition to be initiated, there needs to be a police report.

3. The case managers shall meet or confer on the phone as soon as possible but no later than within eight (8) working days after the initial arraignment or five (5) working days after the detention hearing if the Minor remains detained.
4. The case manager of record, if the Minor is currently a 300 WIC or 602 WIC, shall make sure the 241.1 WIC Hearing is scheduled with Court calendar desk. (If the Minor is detained, no later than ten (10) court days after the order of detention; if the Minor is not detained, as soon as possible within 30 days of the date of the petition.)

Please note: If there has been a complaint in an out of home placement, information will be shared between the Departments and a joint plan of action will be determined.

### **Investigative Duties and Court Report**

1. The case managers will determine which agency will take major responsibility for presenting the report. The Social Worker will complete the 241.1 WIC Joint Planning Report from CWS/CMS as it relates to the pending and/or existing 300 WIC petition. The DPO will complete the Probation Addendum to the 241.1 WIC Joint Planning Report.

2. Each agency will electronically send the other agency a copy of their finalized report within 5 working days of Court for review.

- If the Social Worker is the Lead, the Social Worker will complete the 241.1 WIC Joint Planning Report from CWS/CMS as it relates to the pending and/or existing 300 WIC petition. The Deputy Probation Officer will complete and email the Probation addendum to the 241.1 WIC Joint Planning Report, which will be attached as an addendum to the Social Worker's report.

The Social Worker will write under the Summary of the Child's History with the San Mateo County Juvenile Probation Department, "Please refer to the Probation Addendum 241.1 WIC Joint Planning Report; unless it is automatically populated within the report." Under the Evaluation and Recommendation, the Social Worker will complete the Dependency recommendations and refer to the Probation Addendum 241.1 WIC Joint Planning Report for juvenile probation recommendations.

- If Probation is the Lead, the Deputy Probation Officer will complete the Probation Addendum to the 241.1 WIC Joint Planning Report. The Social Worker will complete and email the 241.1 WIC Joint Planning Report from CWS/CMS as it relates to the pending and/or existing 300 WIC petition/case. The emailed copy will be attached to the Probation report.

The Social Worker will under Evaluation and Recommendation, complete the dependency recommendations and refer to the Probation Addendum 241.1 WIC Joint Planning Report for Juvenile Probation recommendations. The Probation Officer will complete the Evaluation and Case Recommendation section of the report and refer the reader to the attached Children and Family Services 241.1 WIC Joint Planning Report for the Children and Family Services recommendations.

3. Each agency will sign their prospective reports.

4. The Social Worker will make sure that a signed copy of their report is in the Court Run by the afternoon of at least two (2) days prior to court. The Court Officer will then give the report to Probation to attach to the Addendum.

5. The case manager from the designated Lead Agency shall submit the completed 241.1 WIC Joint Planning Report to the Court including the joint recommendation and incorporating the information and comments of the respective agencies.

6. The Joint Report will recommend one of the following:
  - The new petition be dismissed
  - The new petition be sustained and the other be dismissed; or current status be terminated, or
  - Both petitions (300 & 602 WIC) be sustained (or the new petition be sustained and the existing status be maintained) and the Minor be declared “dual status” with the Court designating the Lead Agency.

### **Case Management for Dual Status Minors:**

1. The Court will determine which agency will be designated the Lead Agency. The Lead agency will be primarily responsible for managing the Minor’s case: visiting the Minor monthly, scheduling court hearings, preparing court reports, providing services to the Minor and the Minor’s family, as well as completing and filing the JV220 form, Authorization to Administer Psychotropic Medication, if needed.
2. The Lead and Assisting Agency will cooperate on the development of the case plan for the Minor and family.
  - a. Each agency will review the assessment from the other agency within 5 working days of disposition.
  - b. The caseworkers will share insights on the case and propose a Joint Case Plan.
  - c. The Lead Agency will set an appointment time with the family that works for both workers.
  - d. Both workers will meet with the family together within 15 working day of disposition to finalize the case plan and obtain the parent(s) signature(s).
3. Should it appear appropriate for the Assisting Agency to assume the Lead Agency role, both agencies will consult regarding the appropriateness of changing the lead agency. Together, they will make any necessary changes in the case plan. The Lead Agency will present their recommendations to the Court within 30 days of whatever precipitated the need for the change (i.e. terminated from probation, adoption finalized, no longer a dependency case, situation/family changes that causes the need to re-evaluate the focus of Lead concern). If the Probation Officer is the Lead, he/she will submit to the court a 778 WIC petition. If the Social Worker is the Lead, he/she will submit to the Court a JV180 WIC petition recommending the Lead Agency be changed and the case plan revisions be approved.

Case managers will consult with supervisors if not in agreement and return to JPRC if necessary for resolution.

If the Court deems the change to be in the best interest of the Minor, the Court will then change the Lead designation and approve the new case plan.

4. The court shall conduct Joint Dependency/Wardship Hearings for dual status Minors every six months; where information unique to the assisting agency is required; the Lead Agency will coordinate with the Assisting Agency to ensure that the information is presented to the court.
5. The Assisting Agency may attach report(s) from service providers for review at the hearing(s).
6. The Court shall ensure that the findings and orders required for both ward and dependent Minors are made at the Joint Hearings.
7. Both Agencies shall attend Joint Hearings for dual status Minors.

### **Out of County Cases**

When the assigned case worker becomes aware that a Minor under their supervision has had contact with Children and Family Services or Probation in another county, he/she shall contact the caseworker in the other county to establish 241.1 WIC protocol. If resistance is met, consult with your supervisor who can contact County Counsel if assistance is needed.