

PROTOCOL FOR COORDINATION BETWEEN COUNTY OF SAN DIEGO'S
PROBATION DEPARTMENT
AND
HEALTH AND HUMAN SERVICES AGENCY/CHILD WELFARE SERVICES
IN CROSSOVER YOUTH MATTERS BEFORE THE JUVENILE COURT
(Revised July 2015)

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I. Introduction

According to Welfare and Institutions Code (WIC) section 241.1, a hearing is to be held whenever a youth appears to come within the description of both WIC § 300 and WIC § 601/602. The county probation department and the county child welfare services department shall, pursuant to a jointly developed written protocol described in subdivisions (b), (c) and (e) of section 241.1, initially determine which status will serve the best interests of the youth and the protection of society.

Whenever a youth appears to come within the description of WIC § 300 and WIC § 601 or § 602, the County of San Diego Probation Department (Probation) and the Health and Human Services Agency/Child Welfare Services (HHSA/CWS) must conduct a joint assessment to determine which status will best serve the youth and the protection of society. Probation and HHSA/CWS will present their recommendations to the court via a joint assessment report. The court will determine which status is appropriate for the youth, in accordance with the protocol established herein.

The original dual jurisdiction protocol for the County of San Diego was developed in 1998. It has been revised periodically since then.

On January 1, 2005, WIC § 241.1 was amended to include subdivision (e), which states that Probation and HHSA/CWS, in consultation with the Presiding Judge of the Juvenile Court, may create a jointly written protocol to assess and provide a recommendation that the youth be designated a dual status youth, allowing the youth to be simultaneously a dependent youth and a ward of the court. In 2011, San Diego County implemented a dual status pilot project utilizing the lead court/lead agency model.

In 2012, San Diego County began implementation of the Crossover Youth Practice Model (CYPM), developed by the Center for Juvenile Justice Reform at Georgetown University. The CYPM provides a mechanism for agencies to strengthen their organizational structure, enhance efforts at cross-system collaboration, and implement or improve practices that directly affect the outcomes for crossover youth, their families and communities. The CYPM Guiding Coalition Committee consists of representatives from the Juvenile Court, Probation, HHSA/CWS, Office of the County Counsel, Office of the District Attorney, Dependency Legal Group of San Diego, and Office of the Public Defender. It is the intention of the committee to incorporate the Crossover Youth Practice Model into the Dual Jurisdiction/Dual Status Protocol.

II. Purpose

The purpose of this protocol is to:

- Promote the appropriate and timely sharing of information between agencies to better inform workers at key decision points.
- Develop and adapt specific policies and practices to better coordinate case assessment, planning and the management of services for crossover youth.
- Increase the use of cross-systems data to track population trends and inform decision making on all levels of the involved departments.
- Establish a process that maximizes the services utilized by each system to prevent crossover from occurring.
- Provide opportunities for families and the community to participate as partners in developing and meeting individualized goals within the case plan.

III. Goals

Goals for CYPM are to:

- Provide better and more coordinated services to crossover youth
- Reduce the number of youth placed in out-of-home placement
- Reduce the use of congregate care
- Reduce the disproportionate representation of children of color
- Reduce the number of youth crossing over and becoming dually involved
- Reduce the length of detention
- Reduce risk of reoffending
- Reduce number of placements
- Identify and include youth support systems in the decision making process
- Utilize more intervention tools for law enforcement
- Provide cross-system education on resources
- Expand collaborative relationships
- Develop stronger case plans earlier in the process, specifically at the first referral
- Address truancy by engaging school district liaisons
- Increase the intrinsic motivation of youth through Evidence-Based Practices (EBP)
- Integrate education with ongoing work; establish an expectation of engagement with education
- Strengthen the family
- Implement consistent practice among collaborative partners
- Measure outcomes through data collection
- Improve case assessment, planning and management protocols

- Create a cross-system value around permanency, well-being, and child and community safety
- Implementation of the model also seeks to achieve the following system improvements:
 - To further involve the key stakeholders, such as education, CASAs and behavioral health providers
 - One judge per youth/family to hear both dependency and delinquency matters
 - Assess youth's appropriateness for diversion or formal processing through a cross agency collaboration
 - To further involve the family and youth's support in the decision-making process

IV. Key Terms

Term	Definition
Crossover Youth	Youth who have experienced maltreatment and engaged in delinquent behavior.
Dually Involved Youth	A subgroup of crossover youth who are simultaneously receiving services, at any level (e.g., informal probation, diversion, voluntary cases), from both the child welfare and juvenile justice systems (probation).
Dually Adjudicated Youth	A subgroup of dually-involved youth, encompassing only those youth who are concurrently adjudicated by both the child welfare and juvenile justice systems.

V. Roles and Responsibilities

Role	Responsibility
Probation Officer (PO)	• PO identifies a referral as a CWS case and contacts the assigned social worker and maintains consistent communication. • PO performs preliminary reports verifying a youth's family, home, work and sometimes financial status as well as determining special needs such as drug, alcohol, medical or health treatment. • The PO will supervise the youth, monitor progress and provide resources such as diversion programs, wraparound and other services that could be available to

	the youth and their family.
Social Worker (SW)	• SW will respond in a timely fashion to the PO's initial request and work collaboratively to help provide an overall view of the youth's strengths, weaknesses, challenges, supports, and needs. • The SW will reach out to the CASA and the County Office of Education (COE) educational liaison.
Youth	The youth is responsible for: • attending the required meetings and providing input related to the alleged offense. • cooperating with PO and SW so the best services possible can be provided. • discussing the circumstance around the alleged offense and how it may impact their current situation in the child welfare system. • providing input on the suggested probation options and the impact of such on the youth and his/her family. • participating in the case plan and services offered by PO and SW to the best of the youth's ability.
Family/Caregiver	The family is responsible for: • attending all required meetings. • advocating for the youth. • sharing information that can aid in making the best decision for the youth. • supporting youth participation in services.
Court Appointed Special Advocate (CASA)	The CASA should: • provide information that advocates for the youth's best interest. • support youth in complying with Case Plan. • attend court hearings and Dual Status MDT meetings.
Educational Liaison	The Educational Liaison should: • provide information about the youth's school involvement, grades, truancy, absences, suspensions, expulsions, IEP's, successful subjects and activities. • identify potential resources within the educational system. • obtain youth's transcript when appropriate • obtain school records in the event of a change of placement or school setting.
Public Health	• Review and assess health, medical and dental needs.

Nurse (PHN)	• Medication assessment and follow-up. • Review Medi-Cal options and services.
Community Service Providers	• Share information regarding youth's program involvement/ progress/ challenges/ goals. • Discuss various program options to fit the youth's needs. • Facilitate transition into any new programs. • Attend Dual Status MDT meetings when requested.
Behavioral Health	• Provide relevant feedback regarding treatment, services provided, participation and recommendations. • Attend Dual Status MDT meetings when requested.

VI. Dependents In Need of Probation Intervention

A. Intake

When a youth comes to the attention of Probation, whether the youth is out of custody or in custody, the PO will check CWS/CMS to see if the youth has an active CWS/CMS case. If the youth has an active CWS/CMS case, the assigned PO will contact the assigned SW within one business day of receiving the case, whether the youth is in custody or out of custody, to discuss the case and determine whether or not the youth is appropriate for diversion. The PO will also contact the youth and the parent/caregiver to discuss their options regarding the disposition of the case. The PO will also notify counsel representing the youth in the dependency proceeding at the earliest convenience.

If the youth is in custody, the goal is for the SW to provide the PO with as much relevant information as possible, as soon as possible, to make every attempt to secure the youth's release if their detention is otherwise unwarranted and to ensure consideration of early diversion opportunities for the youth. The PO and SW will work together on a detention case to communicate about placement options and challenges to try to move the youth out of detention as soon as possible. The PO will provide notice to the youth's dependency attorney if the detained youth is released from custody.

If the youth is in Juvenile Hall and has a current JV-220, the SW will provide the JV-220 information to the PO and to the STAT team. Every effort will be made to maintain the youth's medication regimen and to avoid any interruption in medication.

B. Diversion

If the youth is out of custody (or once the immediate detention issue is addressed), then the goal is to bring together the relevant parties to help the PO make a decision regarding whether the youth can be diverted.

If the alleged offense is listed in WIC § 653.5(c) the PO must refer the case to the District Attorney (DA) and no further action is needed on the issue of diversion. If the SW and PO agree that the probation referral should be closed then no further action is needed. If the SW and PO agree that the case is appropriate for diversion then the PO will schedule a diversion meeting.

For a youth who remains in custody/detention: The PO will communicate with the DA and decide whether or not to file a petition, divert the case or drop the charges. If a petition is filed, no diversion meeting will be held. The PO will contact the SW, youth, family and/or caregiver, CASA, prior to the detention hearing, to discuss the Dual Status MDT meeting date and time. The meeting will occur as soon as possible but no later than after jurisdiction is established and prior to the disposition hearing.

If the youth is out of custody and is eligible for diversion, the PO will contact the parties to schedule a diversion meeting which will be held within three weeks.

The purpose of this meeting is to determine whether the youth is appropriate for diversion, and if so what conditions should be included in the diversion contract or if the case should be referred to the DA's office to file a petition. Diversion meetings should pursue strategies that reduce youth crossing from child welfare to juvenile justice (delinquency) and provide them with the opportunity to participate in diversion programs as would other youth presenting similar charges and offense history.

The diversion meeting will be scheduled by the PO and will include the

- PO
- SW
- CASA
- Youth
- Family and/or caregiver

The PO will schedule an in person meeting with conference call capacity and inform the SW of the meeting time. The SW will notify the CASA while the PO will notify the youth and the family/caregiver. The family/caregiver and the youth

must meet in person with the PO. It is best practice for the SW to attend the diversion meeting and if unable, will participate via conference call.

The diversion meeting will be held at Juvenile Hall for in-custody cases and for out-of-custody cases, the diversion meeting will be held at Juvenile Probation Center (JPC) or regional CWS office if the youth is active to CWS.

NOTE: No attorneys will attend the diversion meeting but the SW will give the youth's dependency attorney notice of the meeting and will give the attorney a copy of the diversion contract. In addition, all privileges apply during the diversion meeting. For example, if therapists attend the diversion meeting, they can only disclose information that is reasonably necessary and cannot disclose the youth's statements made in therapy in detail.

Some of the questions to consider during the diversion meeting include but are not limited to:

- Nature of the current offense and any prior delinquency referrals
- Emotional/Behavioral issues
- The youth's strengths and interests
- Family dynamics and nature of prior involvement in the child welfare system (whether voluntary or involuntary)
- Any services that were provided previously
- Education needs and status for youth
- Input from staff, service providers
- What best serves the interest of the youth and public safety
- What is working and what is not for the youth and family
- What are the concerns from each person's perspective
- Current living situation and potential alternatives that may be more suitable and help to avoid future referrals
- Social Supports

An advisal will be read at the beginning of each diversion meeting. The advisal states, "Information and statements shared and divulged by the youth, mental health professionals, social workers or others, as part of the diversion meeting process, shall remain confidential and can be used **only** to determine the appropriate needs, services and treatment for the youth. In particular, information and statements shared and divulged at the diversion meeting shall not be used in any subsequent criminal case, school board hearing, or other hearing or proceeding."

During the diversion meeting:

- The PO will inform all parties of diversion alternatives.
- The PO and SW will inform all parties of the services available to support the youth and family.
- The CASA will provide any additional information and ideas for support services to all parties.
- Any other attendees in their professional capacity may provide any additional information that may be relevant to offering support services to the youth and/or his/her family.
- A joint recommendation will be made whether or not this youth is best served by diversion. Ultimately the PO makes the decision and the contract will spell out the conditions of the diversion contract. All participants will receive a copy of the contract.
- If the youth is diverted, SW will increase their focus and attention to the youth due to their high risk behaviors, including the elements of the diversion contract that they/SW have agreed to support.
- At the end of the diversion program, the youth's case can be classified as successful compliance with the diversion contract, partially complied with the diversion contract or failed to comply.
- If the youth is unsuccessful in diversion, the PO will make a decision on whether or not to move forward with formal prosecution and will inform the SW of their decision.

C. If the decision is made to file a 602 petition, the case will be transferred and assigned to a new PO. Within three days of case assignment, the PO will contact the SW and educational liaison to discuss a possible plan of action and to coordinate a telephonic meet-and-confer meeting.

If a question about the youth's competence is raised, the competence proceedings will run concurrent with the dual jurisdiction/dual status proceedings unless otherwise ordered by the court.

VII. Wards¹ In Need of HHSA/CWS Intervention

WIC § 329 allows any person to apply to commence dependency proceedings in the Juvenile Court. The application is in the form of an affidavit alleging that the youth comes within the provisions of WIC § 300. (See Procedures for Requests Under WIC § 329 and 331.) When the youth is already a ward, the process involves two steps. First, the 329 application is decided. If a WIC § 300 petition is filed, the meet-and-confer

¹ This protocol also applies when a delinquency referral is received on a child who is in the dependency system but has not yet been declared a dependent, and when a dependency referral is received on a youth who is in the delinquency system but has not yet been declared a ward.

process then begins and a 241.1 hearing will be set. Both steps are handled through the Dual Calendar.

A. The 329 Application

1. Responsibilities of Probation

- a. Probation may consider a referral to HHSA/CWS when the youth is to be released from probation AND there is evidence that the youth is described by WIC § 300.
- b. Thirty days prior to expiration of the youth's delinquency jurisdiction, the PO will fax a written referral to the HHSA/CWS Hotline Supervisor, outlining concerns. The PO should fax a duplicate referral to the HHSA/CWS CARE Unit. Copies of pertinent court orders, psychological evaluations, the Probation Department face sheet, and other supporting documentation will be sent to HHSA/CWS.

2. Responsibilities of HHSA/CWS

- a. When a referral is received on an active voluntary case, the Hotline Supervisor will assign the referral to the appropriate region for investigation.
- b. When a referral is received on a nonactive case, the Hotline Supervisor will assign the referral to the HHSA/CWS CARE Unit.
- c. The matter will be heard on the Dual Calendar no more than three weeks after the referral is received. The assigned SW will prepare a 329 report for the court, which will be distributed in the same manner as a joint assessment report.

If a 300 petition is filed, HHSA/CWS will initiate the meet-and-confer process (WIC § 241.1) with Probation and will prepare the joint assessment report for the court. The matter will be heard on the Dual Calendar within two weeks after the 300 petition is filed.

VIII. Joint Assessment Process

The joint assessment process will begin when one of the following occurs:

- When a dependency petition has been filed and the youth is already a ward of the Juvenile Court.
- When a delinquency petition has been filed by the District Attorney against a youth who is already a dependent of the Juvenile Court.

The SW and PO will conduct a joint assessment of the youth's circumstances to assist in making the recommendation for a youth being a dependent, delinquency ward, or dual status. Prior to the meet-and-confer meeting, the SW and PO will conduct their assessment. The assessment should include:

- Interviews with the youth and the youth's parents/guardians.
- Collateral contacts including a statement from the youth's current placement. The collateral contacts will be identified by name and telephone number in the report.
- Any outside services (MHS and AOD, for example)
- Financial assistance that the youth is receiving or might be eligible for.
- Whether the youth would be eligible for each of these services if the youth is declared a dependent or a ward, including but not limited to special education services, regional center services, supplemental social security income and mental health services.

A. Meet-and-Confer Meeting

The meet-and-confer meeting is a phone conversation between the PO, SW and educational liaison. To help facilitate the process, the PO will contact the SW on every case as needed to address the cases that are going to be heard on the upcoming Dual Calendar. The purpose of this meeting is to have consistent dialogue between the two agencies and to enhance the collaborative process.

The following will occur during the meet and confer process:

- Probation will contact HHSA/CWS and the educational liaison.
- The PO will contact the educational liaison directly and if contact is not made, the PO will contact the SW for the educational liaison information.
- The assigned social worker on the case will attend the meeting. If the social worker is unavailable the SW's supervisor will discuss the case on his or her behalf.
- Once a decision has been made, the PO and SW will include in their report the outcome of the meet and confer as well as their joint recommendations to the Court.

During the meet-and-confer meeting the following topics will be discussed and included in the joint assessment report, as required by CRC 5.512:

- A description of the nature of the referral;
- The age of the youth;
- The history of any physical, sexual, or emotional abuse of the youth;
- The prior record of the youth's parents for abuse of this or any other youth;
- The prior record of the youth for out-of-control or delinquent behavior;
- The parents' cooperation with the youth's school;

- The youth's functioning at school;
- The nature of the youth's home environment;
- The history of involvement of any agencies or professionals with the youth and his or her family;
- Any services or community agencies that are available to assist the youth and his or her family;
- A statement by any counsel currently representing the youth;
- A statement by any Court Appointed Special Advocate currently appointed for the youth;
- The history of the youth's involvement with Child Welfare Services and Probation;
- The history of the youth's out-of-home placement(s);
- The youth's AWOL history, if any;
- The history of professional services, including psychological services, provided to the youth;
- The family's amenability to agency intervention;
- The HHSA/CWS placement plan;
- The need for educational support services and/or special educational services;
- The state of the youth's physical and mental health;
- Alcohol/drug use;
- Gang affiliation

B. Joint Assessment Report

During the meet-and-confer process, HHSA/CWS and Probation will share their assessment information and once the assessment information has been shared, a joint decision will be made and set forth in the joint assessment report. Based on the youth's history, behavior, needs and supports that were identified the most appropriate form of supervision will be recommended.

- Concurrence: Youth to be a dependent of the Juvenile Court
- Concurrence: Youth to be a ward of the Juvenile Court.
- Concurrence: Youth to be a dual status youth with a designation of the lead agency identified, if possible, at the earliest possible opportunity that is in the youth's best interests to do so, but no later than after jurisdiction is established and prior to the disposition hearing. Prior to this time, the report should identify why a lead agency cannot be identified at the current stage of the court proceedings.
- Request continuance of the case indicating HHSA/CWS and Probation would like to elevate the case through their respective chains of command in an attempt to reach an agreement.

- No concurrence on the recommendation: Separate court reports will be submitted to the court indicating no concurrence, the reasons why there is no concurrence and confirm the matter has been elevated through Probation and HHSA/CWS chain of command.

If there is concurrence on the recommendation:

- There will be two reports submitted (one report by HHSA/CWS and one report by Probation). Each report will contain the joint recommendation of Probation and HHSA/CWS if they agree on the status as well as a designated lead agency (if agreed upon at this stage of the proceedings).
- The report will evaluate the appropriate court status for the youth and will inform the court of the recommendation of Probation and HHSA/CWS.
- If the recommendation is that the youth be in the dependency system, HHSA/CWS and Probation will recommend that the delinquency petition be dismissed or, in an appropriate case that the delinquency petition be continued for a specified time to monitor the youth's behavior in placement.
- If the recommendation is that the youth be in the delinquency system, HHSA/CWS and Probation will recommend that the youth's dependency status be terminated once the youth is declared a ward. If the youth is not declared a ward within 60 days, the SW will contact County Counsel to set a special hearing on the Dual Calendar.
- If the recommendation is dual status, it will also include a recommendation as to whether Probation or HHSA/CWS should be the lead agency. If the SW and PO do not have enough information to make a recommendation about lead agency at this point, that determination can be deferred to a later date. The lead agency should be determined at the earliest opportunity that is in the best interest of the youth and public safety, but no later than the disposition hearing. After the lead agency is determined, it can be changed if circumstances warrant a change.
- Factors to consider in deciding whether to recommend dual status include, but are not limited to: multiple WIC § 602 referrals; threat to public safety; failed diversion and/or informal probation programs (WIC § 654, 725, 790); need for court-ordered curfew, drug testing, therapy; needs of the youth and/or the youth's family and the ability of Probation and HHSA/CWS to meet those needs.
- In any case during the meet-and-confer, the PO can consider recommending an informal program pursuant to WIC § 654, 725 or 790. A youth in an informal program who is not declared to be a ward will not be considered dual status. Both the dependency and the delinquency cases will remain open, but they will both be handled by a single judge. If the

youth successfully completes the informal program, the case will revert to the original dependency department.

If there is no concurrence on the recommendation:

- Probation and HHSA/CWS will adhere to the protocol in determining which jurisdiction is most appropriate for the youth and will be recommended to the court. If the PO and SW cannot resolve the issue within 24 hours, the matter will be elevated through the chain of command at each department in an attempt to reach agreement, as follows and in ascending order:
 - Probation supervisor and HHSA/CWS supervisor
 - Division Chief and HHSA/CWS Program Manager
 - Deputy Chief Probation Officer and HHSA/CWS Assistant Deputy Director
 - Chief Probation Officer and HHSA/CWS Director
 - The final arbitrators will be the Child Welfare Services Director or his/her designee and the Chief Probation Officer or his/her designee, prior to the preparation of the joint assessment report.
 - If Probation and HHSA/CWS do not concur, two separate assessment reports will be submitted to the court. Each agency must submit a report with its recommendation, a statement that the agencies disagree on the recommendation and the reason for the disagreement. At the hearing, if there is no agreement between the agencies, the Court may make a decision based on the information provided by both agencies.

C. Distribution of the Joint Assessment Report

Notice of the hearing and copies of the joint assessment report(s) must be distributed by noon, five calendar days before the court hearing to the following²:

- Court
- Court clerk
- DA
- Youth's defense attorney
- Youth's dependency attorney
- PO
- SW
- CASA
- County Counsel

² The youth's attorney will share the report with the youth. As long as parental rights are not terminated, the attorney for the parent or guardian will receive a copy of the report to share with their client.

If copies are to be distributed by the Court, the applicable number of copies will be submitted to the Juvenile Court Business Office with a notation of the recipient's name on each copy.

D. 241.1 Hearing Orders

At the dual calendar hearing (241.1), the judge will make an order for dependency, delinquency, informal delinquency or dual status. If a youth is designated dual status, the lead court/lead agency should be ordered at the earliest opportunity in the proceedings but no later than disposition, in consideration of the youth's best interests and public safety (See WIC § 241.1, CRC 5.512).

If...	Then the youth will...
Dependency	Be supervised by a SW
Delinquency	Have a disposition hearing and the PO will supervise the case.
Dual Status	Be supervised by a SW and PO at the same time with a lead agency identified. There will be a Dual Status MDT held following the adjudication hearing and before the disposition hearing. Duplication of services is to be avoided.

IX. Proceedings in Different Counties

When a petition alleging jurisdiction is filed in one county and the youth is already a dependent or ward in another county, a joint assessment must be conducted by the responsible agencies of each county (WIC § 241.1, CRC 5.512(c)). The county with the most recently filed petition shall determine whether to proceed on the petition or to handle the matter informally through diversion or dismissal of the petition. In San Diego County this hearing takes place on the dual calendar. The court will transfer the matter to the youth's county of residence if the 241.1 decision is to proceed with taking jurisdiction on the most recent petition.³ If the most recently filed petition is under WIC §

³ If a decision is made to remain WIC 300 and dismiss the most current unadjudicated petition the case will not be transferred. If the decision is to proceed with WIC 602 petition, the case should not be transferred until jurisdiction is taken and prior to disposition. The court in the sending county is encouraged to allow the receiving county to conduct an additional 241.1 assessment for disposition purposes after the case is transferred whether the youth is best served as dual status (assuming receiving county is dual status) or single status unless the best interests of the youth and public safety indicate single status should be decided by the sending court.

NOTE: If a decision to proceed on a WIC 602 petition with informal supervision under WIC 654.2 is made, the case is not to be transferred.

602, the case will be transferred after jurisdiction is taken and prior to disposition. If the most recently filed petition is under WIC § 300, the case will be transferred after the detention hearing. The receiving court will make the WIC § 241.1 determination after the case has been transferred. (See Southern California Intercounty Transfer Protocol.)

- The agency in the county where the unadjudicated/most recent petition is filed must prepare the joint assessment report with input from the county agency where the youth is already a dependent or a ward
- The joint assessment report must comply with WIC § 241.1, CRC 5.512 in terms of content.
- The joint assessment report shall contain the recommendations and reasoning of both agencies.
- The report must be filed at least five calendar days before the hearing on the joint assessment in the county where the WIC § 241.1 determination will be made.

Notice of the hearing and copies of the joint assessment report(s) must be distributed five calendar days before the court hearing to the following: Court, court clerk, any other court having jurisdiction over the youth, DA, youth's defense attorney and dependency attorney, PO, SW, CASA, and County Counsel. If copies are to be distributed by the Court, the applicable number of copies will be submitted to the Juvenile Court Business Office with a notation of the recipient's name on each copy.

See CRC 5.512(h): "Within 5 calendar days after the hearing, the clerk of the juvenile court must transmit the court's findings and orders to any other juvenile court with current jurisdiction over the youth."

X. Dual Status

San Diego County utilizes a lead court/lead agency system. The Judicial Officer hearing the Dual Calendar will review the joint assessment report and all relevant information and reports contained in the dependency and the delinquency court files. If the Judicial Officer determines that dual status will serve the best interests of the youth and public safety, the Judicial Officer will declare the youth to be a dual status youth and will designate the lead agency. The lead agency should be determined at the earliest opportunity that is in the best interest of the youth and public safety, but no later than the disposition hearing. After the lead agency is determined, it can be changed if circumstances warrant. If Probation is designated the lead agency, the delinquency court will be the lead court. If HHSA/CWS is designated the lead agency, the dependency court will be the lead court. One judge will be designated to hear all dual status cases.⁴ Jurisdiction will be maintained in both the dependency case and the

⁴ The presiding judge may assign the case to another bench officer, ideally the originally assigned dependency or delinquency department.

delinquency case, but both cases will be heard by a single judge. If a dual status youth commits a new offense a new meet and confer will take place. A new meet and confer should be considered on a case by case basis, taking into consideration the seriousness of the offense and the youth's level of cooperation and the other factors required to be considered under CRC 5.512. If the alleged conduct that appears to bring a dependent youth within the description of Section 601 or 602 occurs in, or under the supervision of, a foster home, group home, or other licensed facility that provides residential care for minors, Probation and HHSA/CWS may consider whether the alleged conduct was within the scope of behaviors to be managed or treated by the foster home or facility, as identified in the youth's case plan, in determining which status will serve the best interest of the youth and the protection of society pursuant to 241.1 subdivision (a).

In a case that is designated dual status by the Court, the PO will transfer the case to an Investigator/Supervision Officer in the Probation Placement Unit. The Placement Unit Investigator/Supervision Officer, regardless of which agency is the lead, will complete the Social Study and take part in the Dual Status MDT.

A. Dual Status Multi Disciplinary Team Meeting

A report and a case plan will be submitted for the delinquency disposition hearing. Prior to submitting the report and case plan, the PO will convene a Dual Status MDT with key participants. The Dual Status MDT will take place at Juvenile Hall if the youth is in custody. If the youth is out of custody, the Dual Status MDT will take place at the Juvenile Probation Center (JPC) or at the youth's placement facility. Teleconference equipment should be made available for the meeting.

Probation will conduct the Dual Status MDT, which will be held no later than after the adjudication hearing and before the delinquency disposition hearing. Participants at the Dual Status MDT will create a case plan for the youth and will determine how the youth will comply with the case plan. The Dual Status MDT meeting will also help to connect all the key participants so that they can provide support and accountability to the youth.

The Dual Status MDT will include as many of the key participants as possible such as the:

- PO
- SW
- Youth
- Family
- Caregiver

- Educational Liaison (who will contact the district educational liaison)
- BHS representative
- Service Providers
- Foster parents
- Teachers
- Education rights holder
- Public Health Nurse
- Court Appointed Special Advocate (CASA)
- Other stakeholders, e.g. CSG, SAY, etc

While a physical meeting is preferable, teleconference equipment should be made available for those who would not otherwise be able to participate. Non-HHSA staff (medical experts, therapist, etc.) will present their information at the beginning of the Dual Status MDT Case Consultation and will then be excused.

During the Dual Status MDT, risk assessment factors will be used as a tool to assist in the decision making process and will be discussed at all levels of case planning. Probation's SDRRS or assessment tool will be provided and discussed.

The case plan and the information provided at the Dual Status MDT will be used to write the report to the court for the delinquency disposition hearing. If there is reason for any further evaluation or testing, the participants at the Dual Status MDT should decide who will take the lead on paying for, administering and reporting the results of the evaluation.

The report for the delinquency disposition court hearing will include:

- The nature of the referral and the youth's age,
- Current juvenile court status,
- The youth's prior behavioral problems and/or delinquent activities,
- The number of prior and history of referrals to HHSA/CWS and Probation,
- The history of past services provided to the youth, family,
- The reasons for and number of admissions to mental health facilities,
- The parents' cooperation with the youth's school, HHSA/CWS and/or Probation,
- The youth's functioning at school,
- Identification of who currently holds the educational rights of the youth and whether there is a need to consider reassignment of those rights to another,
- The nature of the youth's environment,
- The records of other agencies which have been involved with the youth and the family,

- Public safety concerns (Probation Report Only),
- The history of the youth's out of home placement and any unauthorized leaving of placement (AWOL),
- A description of the appropriate services, interventions and placement for the youth, and
- Any other relevant information.

If a decision on the lead agency has been deferred, or if the lead agency has already been decided but information from the Dual Status MDT indicates that a change in the lead agency is warranted, the report should also include a recommendation whether HHSA/CWS or Probation should be the lead agency and the basis thereof.

B. Case Plan

The case plan will include but not be limited to:

- What services will be provided to address each need identified?
- A description of the behavior and needs, including mental health needs, that the youth must address to be successful without the supervision of the juvenile court.
- What person and/or agency will provide the services?
- When will the services be provided?
- Anticipated length of services
- Does the youth have special education needs? Are they being addressed?
- Whether there is a need to reassign educational rights and if so the lead agency is to complete a JV535 and 535A for prompt submission to the court
- Medical care
- Dental care
- Mental health care
- Visitation between the youth and family, including siblings
- ILP Planning
- Community services
- Collection of restitution and fines
- Conditions of probation and dependency orders
- For each of the needs and services identified above, a SW and/or PO will be designated as responsible to either provide the services or to make sure the service is provided by another agency. Each case plan will include a plan for termination of WIC § 602 status if that is one of the recommendations.

C. Case Management

The time frames and requirements for family maintenance and permanency planning remain the same regardless of whether or not the youth was placed in a juvenile detention facility or medical facility at some point during the case.

Regardless of who is the lead agency, both the PO and the SW will conduct the required monthly visit together whenever feasible. According to California Department of Social Services (CDSS) All County Information Notice (ACIN) 05-06, the Dual Protocol may call for both the SW and PO to conduct monthly visits, but for different purposes. Each agency may conduct such visits so long as it is consistent with the existing claiming instructions and requirements.

HHSA/CWS will add a special project code of "Dual Status" to all of their dual status cases. The HHSA/CWS case carrying supervisor will be responsible for ensuring all dual status cases are coded properly.

D. Placement

Delinquency jurisdiction will only last as long as necessary to address delinquency matters and will not continue solely to address placement issues. For your in out of home placement, identification of and active attempts to secure least restrictive placement for reunification will be made by Probation and CWS. If reunification is not possible, the least restrictive placement for permanency will be made.

1. Suitable Placements

While a youth is dual status, Probation and HHSA/CWS will work together to find a suitable placement, taking into consideration any legal impediments to certain placements due to the youth's dual status. The lead agency will ultimately be responsible for the placement and funding. Placement orders and findings will be made by the lead court. The SW and the PO will consider placing a youth who has AWOL tendencies with his/her siblings if it is in the best interests of the youth, the siblings, and public safety. This may reduce the youth's tendencies to AWOL.

Camps and juvenile detention facilities (ie Camp Barrett, East Mesa, GRF) are considered "secured" facilities. In order for a youth's placement to be suitable for HHSA/CWS and Probation, the court order needs to specify that the underlying order is for the youth to be placed in a foster care setting, with an order for the youth to participate in a delinquency program

(such as Breaking Cycles), or temporarily reside in a secured facility (such as GRF).

A youth who is adjudicated a ward under WIC § 602 may be placed in a facility as allowed by state licensing requirements. Youth who are WIC § 602 wards or who are pending 602 charges are prohibited from being detained or placed at Polinsky Children's Center.

2. Discretion

Youth should not be detained in Juvenile Hall simply because a dependency placement is not available. Unless the court has made a finding that the youth should continue to be detained, the youth must be released to a suitable placement as soon as possible. The court has the option to provide discretion to the SW and the PO to locate a suitable placement for the youth. The court will hold periodic reviews (every 15 days) to determine whether a delay of release is reasonable. The following examples are **NOT** considered to be reasonable delays:

- Staff delaying action until the youth's delinquency hearing
- Staff workload
- Staff's inability to identify, despite documented efforts, an appropriate and available placement
- Administrative delays, such as the transfer or assignment of a case
- A delay in convening meeting between agencies (such as Probation and CWS)

E. Coordinated Case Supervision

The purpose of coordinated case supervision is for the SW and PO to:

- Provide a united support system;
- Reduce the likelihood of reoffending; and
- Improve the overall well-being of crossover youth.

Part of coordinated case supervision is determining which agency will take the lead in providing case management services on a dual status case. Probation and HHSA/CWS will use the least restrictive option to ensure the best interest of the youth and the safety of the community are maintained.

F. Lead Agency v. Non-Lead Agency Responsibilities

Both agencies will follow their own policies for court reports and recommendations.

The lead agency will be responsible for:

- Placement (Probation and HHSA/CWS will work together in an effort to locate an appropriate placement while being careful not to duplicate efforts.)
- Case management in coordination with the non-lead agency
- Scheduling court hearings
- Submitting court reports in coordination with the non-lead agency
- Complying with the mandates of WIC § 602 and WIC § 300 hearings, Division 31 regulations and Title IV-E rules
- Providing services to the youth and family in coordination with the non-lead agency
- Overseeing the youth's medical, mental health and dental needs
- Communicating with all parties in both the delinquency and dependency cases if the youth is AWOL
- Coordinating progress review meetings 30 days prior to each court hearing, or sooner if circumstances warrant
- Visiting the youth monthly in coordination with the non-lead agency so as to enhance coordinated services with the youth and the caregiver
- Having at least monthly communication about the status of the case with the non-lead agency's worker, with communication to take place more frequently as case circumstances necessitate

The non-lead agency will be responsible for:

- Assigning a PO or SW to provide case management support in coordination with the lead agency
- Following its own policy as to case management, submitting court reports and attending court hearings in coordination with the lead agency
- Assisting the lead agency with the development of the case plan, court report and provision of reasonable services to the youth and family
- Complying with the mandates of WIC § 602 and WIC § 300 hearings, Division 31 regulations and Title IV-E rules
- Providing services to the youth and family in coordination with the lead agency
- Visiting the youth monthly in coordination with the lead agency
- Having at least monthly communication about the status of the case with the lead agency's worker, with communication to take place more frequently as case circumstances necessitate

- Participating in all progress review meetings and any other meetings if circumstances warrant
- Sharing necessary information with the lead agency, including 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 working days after dual status is designated by the court. If the documents are not available within the three-day time limit, the non-lead agency will make the necessary efforts to otherwise obtain them or to notify the lead agency that the documents are not available.

When HHSA/CWS is the lead agency, the PO will have access to CWS/CMS.⁵ The assigned PO will be able to use this system to review court reports and case plans and to determine the current status and progress of the youth.

When Probation is the lead agency, the assigned SW will not have access to the probation case management system. It is recommended that the SW and the PO meet monthly in person and at a minimum have monthly phone contact to determine the ongoing case needs. The SW and PO can share information and documents by the County electronic mail system.⁶

G. Crossover Liaisons

There will be crossover liaisons to serve as a team:

- CWS Dual Status Policy Analyst
- CWS Dual Status Liaison
- Meet-and-confer DPO
- PO Placement Supervisor or designee

The purpose of the crossover liaison team is to:

- Clarify policy
- Clarify language
- Access information from both systems
- Screen and follow up on referrals
- Respond to emergency situations
- Participate in Dual Status MDT for youth with higher risks and needs on a case by case basis
- Cross train on roles and responsibilities
- Coordinate and manage the implementation of policies and procedures

⁵ CWS/CMS is the electronic system that keeps all of the Child Welfare Services information on each youth active to HHSA/CWS.

⁶ Both HHSA/CWS and Probation are on the San Diego County encrypted electronic mail system which ensures confidential transmission of information.

from both agencies in crossover cases and provide advocacy in specific areas

The team will be available Monday-Friday from 8-5 with the exception of days off and vacations. For after hour issues, each agency will follow its own after hours protocol.

H. Ongoing Assessment

Ongoing assessment will occur by the SW and PO having monthly phone calls and documenting as required by each agency in their case management system. Both the PO and SW will discuss the appropriateness of case closure to ensure the case is moving in the intended direction. At a minimum, the SW and PO will have quarterly face to face contact to discuss each crossover youth on their caseload.

I. Progress Reviews

There will be an in-person progress review meeting with conference call capability available. The progress review will occur 30 days prior to the youth's court review hearing.

NOTE: If a youth cannot attend, the lead agency will speak with the youth prior to the progress review.

The lead agency will schedule the progress review and notify the following who may participate:

- Youth
- Parent
- Substitute care provider(s)
- SW
- PO
- Educational liaison (who will contact the district educational liaison)
- CASA
- Educational rights holder
- BHS
- Other providers or individuals as appropriate

Progress reviews may also occur when there is:

- Significant change in family dynamics

- Major change in youth's behavior (school performance, increased social interaction with peers involved in illegal behaviors, safety concerns for youth and/or others)
- Significant change in circumstances
- A family member or youth who requests a meeting

The progress review will include discussions regarding:

- Probation goals
- CWS goals
- Permanency
- Case closure
- Concurrent planning
- Placement / level of care
- ILS

J. Termination of Dual Status

At every court review hearing if the court determines dual status should be terminated, the court will do one of the following:

- Terminate jurisdiction in the delinquency case. Exclusive jurisdiction will remain with the dependency court, with the case returning to the original assigned dependency department, or as assigned by the juvenile presiding judge. In an appropriate case, the court will consider dismissing the 602 petition.
- Terminate jurisdiction in the delinquency case and consider if appropriate sealing the delinquency records under WIC 786.
- Terminate jurisdiction in the dependency case, with provision of advance notice. Exclusive jurisdiction will remain in the original assigned delinquency department or as assigned by the juvenile presiding judge.
- Terminate jurisdiction in both the delinquency and dependency cases. If the youth is eligible for extended foster care, the court will maintain general jurisdiction. The lead agency will be responsible for providing the case management services for the youth in Extended Foster Care (see Extended Foster Care Section XI) unless an exception is agreed upon by the agencies or ordered by the court.

The order terminating dual status will normally be made at a review hearing or at a special hearing with notice to all parties in both cases. The order terminating dual status can be made ex parte in an appropriate case. For example, if all parties anticipate a specific event and the court agrees to terminate the youth's dual status when that event occurs, an ex parte order can be submitted when the

triggering event does occur. (Examples include but are not limited to transitional housing, Job Corp, or placement by either agency.)

If prior to the next regularly scheduled court review hearing, CWS or Probation believes dual status is no longer necessary; or, the lead agency should change; or, the youth is no longer in need of either Probation or CWS services, the agency seeking the change in status or termination will be responsible for setting the special court hearing and provide notice thereof to parties in both the delinquency and dependency case. The agency seeking the special hearing shall also be responsible for preparing the report to the court explaining the reason for the hearing and the relief sought. The request for the special hearing will not be set until after the agencies have conferred with each other and are either submitting a joint recommendation for the special hearing; or, each agency submitting a separate report with an explanation as to why there is no joint recommendation.

The court report prepared by the lead and non-lead agency should address whether or not termination of dual status is appropriate, with the reasons for the recommendation set forth in the court report. When jurisdiction is terminated, a youth who appears to meet the eligibility criteria for extended foster care will be provided with information about the extended foster care, non minor dependent status.

K. Attorneys

If a youth is considered dual status, both the dependency attorney and the defense attorney will be involved at all stages of a dual status case.

L. Confidentiality

WIC § 827, WIC § 830, WIC § 18951, WIC § 18961.5, WIC § 18961.7 and local rules of Juvenile Court; Chapter 6: Access to Confidential Information (Rule 6.6.4) govern the disclosure of information between the parties. HHSA/CWS and Probation may exchange information and documents in all dual status cases. However, this information does remain confidential. At each meeting held regarding youth who are or may become dual status, any documents, notes, or records provided or shared during the meeting will be returned to the original custodian or destroyed at the conclusion of the meeting. Copies of the above will not be retained in any diversion or probation file.

M. Conflict Resolution

Disagreements between HHSA/CWS and Probation will be handled at the lowest level possible moving from the Probation Officer and the HHSA/CWS Social Worker, to Probation Supervisor and CWS Supervisor, to Probation Division Chief and HHSA/CWS Program Manager, to Assistant Deputy Chief Probation Officer and HHSA/CWS Deputy Director, to Chief Probation Officer and HHSA/CWS Director.

When there has been a conflict, the report to the court should include a statement of the issues involved in the conflict, the positions taken by the departments, and what steps were taken to resolve the issues. The court report will indicate if the recommendation was made jointly by HHSA/CWS and Probation or solely by HHSA/CWS or Probation.

N. CWS/CMS Data Entry

With dual status cases, CWS will have an open case.

If CWS is declared the lead agency, CWS will:

- Give Probation secondary assignment
- Enter the special project code

If Probation is declared the lead agency, the case carrying supervisor will end their case using the date that dual status was declared and Probation will:

- Open a Non-CWD case in CWS/CMS
- Give secondary assignment to the CWS SW
- Enter the special project code

Both Probation and CWS will complete and enter monthly compliance visits.

When dual status is terminated and CWS continues with the case, the CWS case carrying supervisor will:

- End secondary assignment to Probation
- End the special project code

When dual status is terminated and either Probation or CWS continues with the case, the other agency will close their case within 5 days of dual status jurisdiction being terminated.

O. Data Collection

For the purposes of data collection, dual status begins when the court declares the youth to be dual status and continues until the Court terminates dual status.

The following data will be collected:

Goal	Data to be collected	Who will collect?
Decrease the number of days a dual status youth remains in Juvenile Hall	The number of days each dual status youth remains in Juvenile Hall	Probation
Decrease the delinquent behavior of each youth.	Each re-arrest with a sustained petition for each dual status youth	Probation
Decrease runaway and AWOL behavior	The number of AWOL's before dual status and the number of AWOL's during dual status	CWS
Decrease the number of placements for youth	The number of placements in dependency or wardship before dual status and the number of placements after dual status	CWS and Probation

The procedure for collecting data:

STEP	WHO	ACTION
1	Probation	Will collect their data and send to CWS Data Unit quarterly which is due no later than the 15 th of each month following the end of each quarter
2	Data Unit	Will collect CWS data which is due no later than the 15 th of each month following the end of each quarter
3	Probation, CWS, Data Staff	Will meet quarterly to discuss: • The data • Trends demonstrated by the data • Barriers that are interfering with Probation and CWS to meet the goals.

The quarters are:

- January 1-March 31
- April 1-June 30
- July 1-September 30
- October 1-December 31

P. Payment

HHSA/CWS and Probation will both be permitted to claim costs as long as there is no duplication of services. HHSA/CWS will be the sole agency responsible for AFDC-FC eligibility determination. Per ACIN 05-06, "The CWD (County Welfare Department) and CPD (County Probation Department) would be permitted to claim costs as long as there is no duplication of cost for the same activity or service."

It is paramount that county agencies 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.

XI. Extended Foster Care

- A. Wards of the juvenile court who are or have been subject to an order for foster care placement are eligible for the transition jurisdiction of the juvenile court into non minor dependent status. Before delinquency jurisdiction is terminated for a ward who meets the eligibility criteria listed in WIC § 450, the delinquency court

will make the required findings regarding the ward's rehabilitation and eligibility and will set a 450 Transition Jurisdiction hearing in the transition court.

- B. All transition cases will be heard by one judge, or as designated by the presiding judge of the juvenile court.
- C. The judge in the transition court will terminate jurisdiction in the delinquency case. All further proceedings will be in the transition court, or as designated by the presiding judge of the juvenile court. The youth will be supervised by Probation unless a change in lead agency is agreed to by the agencies (see Section D).
- D. Dual Status: Dual status will be terminated based upon the youth's progress and not simply because the youth has reached age 18 or has run out of custody time. The lead agency can be changed if circumstances warrant a change as referenced in Section X of this protocol. When dual status terminates for youth who are eligible for extended foster care, the lead agency will be responsible for the case management of the youth in extended foster care. The lead court will also be responsible for the court hearings with the original WIC § 300 or WIC § 601, 602 assigned court.

E. Adult Probation

1. A youth who is in extended foster care and who is also on adult probation continues to be eligible for benefits and services as a non minor dependent (NMD) so long as s/he is not incarcerated. Such a youth is not covered by this dual jurisdiction/ dual status protocol.

2. A youth who is a dependent and who is charged with an offense as an adult in the criminal court is covered by this protocol. HHSA/CWS and Probation must complete the meet-and-confer process, including adult probation in the process. The 241.1 hearing will be held in Dept. 1 or as assigned by the presiding judge on the dual calendar. Each case will be dealt with based upon its own unique circumstances.

F. EFC Case Management

1. Dual Status Youth

For dual status youth, the lead agency at the time the youth attains 18 years of age will provide case management if the youth participates in EFC. There are exceptions to this and considerations will be made for youth who would be better served by the alternate agency, on a case by case basis. Prior to an exception being made to allow the EFC case management to be completed by the alternate agency, a formal in person MDT process will occur. The agency requesting the

case management exception will be responsible for scheduling the MDT. The MDT will determine which agency will provide case management to the youth. The MDT will take into consideration:

- The needs of the youth
- Which agency is best suited to help the youth succeed
- The length of time the youth spent in dependency v. delinquency

2. Opt Out Youth

For youth who opt out of EFC, the case management agency will be documented in the minute order at the hearing to terminate jurisdiction, in the event the youth desires to enter EFC in the future.

3. Re-entry Youth

For youth who opt out of EFC upon turning 18, or for youth who left EFC for any reason, re-entry into EFC can be requested by the youth prior to age 21. The last agency to case manage the youth will be responsible for the case management of the youth should they choose to re-enter EFC.

XII. AGREEMENT

The County of San Diego Health and Human Services Agency, Child Welfare Services; the County of San Diego Probation Department; and the Juvenile Division of the Superior Court of the State of California for the County of San Diego do hereby adopt the aforesaid jointly developed protocol to govern dual jurisdiction and dual status matters in the Juvenile Court. This protocol allows HHSA/CWS and Probation to jointly assess and produce a recommendation that a youth be designated as a dual status youth, and to allow the youth to be simultaneously a dependent youth and a delinquent ward of the Juvenile Court. The undersigned may terminate this agreement for prospective cases by providing thirty days written notice to each of the undersigned.

DATE: _____

CAROLYN CAIETTI,
Presiding Judge
San Diego Superior Court, Juvenile Division

DATE: _____

MACK JENKINS,
Chief Probation Officer
Department of Probation
County of San Diego

DATE: _____

DEBRA ZANDERS-WILLIS,
Director
Child Welfare Services
Health and Human Services Agency
County of San Diego

XII. AGREEMENT

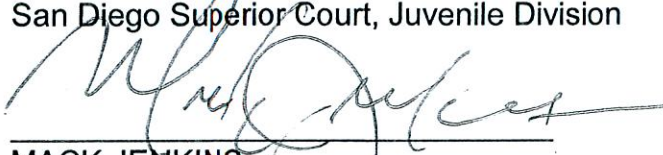
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DATE: 8/25/15



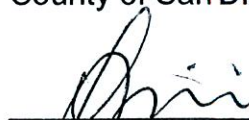
CAROLYN CAIETTI,
Presiding Judge
San Diego Superior Court, Juvenile Division

DATE: 8/6/15



MACK JENKINS,
Chief Probation Officer
Department of Probation
County of San Diego

DATE: 7/26/15



DEBRA ZANDERS-WILLIS,
Director
Child Welfare Services
Health and Human Services Agency
County of San Diego