

DUALLY-INVOLVED YOUTH PROTOCOL

SANTA CLARA COUNTY

Welfare and Institutions Code section 241.1

BACKGROUND & OVERVIEW

Welfare and Institutions Code section 241.1, subdivision (a)¹ provides that whenever a youth appears to come within the description of both section 300 and sections 601 or 602, the county probation department and the child welfare agency shall determine which status will serve the best interest of the youth and the protection of society. The recommendations of both departments shall be presented to the juvenile court and the court shall determine which status is appropriate for the youth.

Section 241.1, subdivision (e) provides that counties may, pursuant to a jointly written protocol, allow the probation department and child welfare agency to jointly assess and produce a recommendation that a child be designated as a dual status youth, thereby allowing simultaneous adjudication as a dependent and a ward of the Juvenile Justice Court.

The statute lays out the elements that must be included in the interagency protocol including the following: a joint assessment process, a dispute resolution provision, a process for seamless transition from Juvenile Justice Court jurisdiction to dependency jurisdiction, and a process for non-minor dependents that become subject to adult probation supervision.

In an April 2019 Memorandum of Understanding, the partners to this protocol have memorialized their commitment to enhanced coordination, integration and cooperation at the administrative and service delivery levels in an effort to improve short-term and long-term outcomes for dually-involved youth. This protocol also outlines a process for determining which agency will provide supervision for a minor, or non-minor, when transition jurisdiction occurs.

All Santa Clara County partners agree that youth who come under section 241.1 are entitled to receive ameliorative services in the least restrictive setting and most appropriate system which can meet their needs and the needs of the community. Given the complex, multi-faceted and distinctive needs of dually-involved youth, effective service delivery requires enhanced coordination and integration of systems.

When a youth comes under this protocol, the case will be heard by a judge who has been designated to preside over section 241.1 matters and who will make the determination as to which system can best serve the youth's needs. To ensure the best decision for the youth, family and community, the Juvenile Justice Court judicial officer may, with full disclosure, communicate in writing about the youth's case directly with the Juvenile Dependency Court judicial officer prior to making a dual status determination. This protocol is not intended to increase the number of dependents who become involved with the juvenile justice system, or to

¹ All references are to the Welfare and Institutions Code unless stated otherwise.

increase the number of wards who become involved with the child welfare system. To ensure the best outcomes for the youth and their families, the Juvenile Probation Department (JPD), the Department of Family and Children's Services (DFCS) along with joint system and court partners, will work together to jointly train staff in each agency's practices, policies and procedures so there is a mutual understanding of both the juvenile justice and child welfare systems. This transfer of knowledge among agencies will help establish better collaboration within the dually-involved youth (DIY) process. To further this collaboration DFCS and JPD have created a joint unit, the DIY Unit, to address the needs of dually-involved youth together.

I. DUALY-INVOLVED TERMINOLOGY

- A. *Dual Status Youth*: Youth simultaneously adjudicated in both the child welfare and juvenile justice systems, meaning the youth is declared a dependent and a ward of the juvenile court.
- B. *Dually-Involved*: Concurrent involvement (diversionary, formal, or combination of the two) with both the child welfare and juvenile justice systems, as a youth or as a parent.

II. DISTRICT ATTORNEY CONSIDERATION OF CHILD WELFARE INVOLVEMENT PRIOR TO FILING A SECTION 602 PETITION

The section 241.1 assessment must be completed as soon as possible after a potential dual status child comes to the attention of either the Juvenile Probation Department or the Department of Family and Children's Services. Recognizing it is often difficult to obtain all desired information prior to filing a juvenile wardship petition, the deputy district attorney will make its best effort to make the appropriate inquiry at the earliest time. Specifically, the issuing district attorney will inquire if the youth is a current dependent of the dependency court and if not, try to ascertain whether there is a prior history with DFCS or any current child welfare referrals. Such information may obviate the necessity of filing a juvenile wardship petition, once considered.

If the youth is a dependent youth or dually-involved, the issuing deputy district attorney shall consult with the supervising deputy district attorney who will, in consideration of public safety and the interests of justice, determine whether a section 602 petition should be filed. If a juvenile wardship petition is filed, the deputy district attorney handling the case may, in consultation with the supervising deputy district attorney, consider dismissing the section 602 petition at a later date upon receiving additional information from DFCS, JPD, or defense or dependency counsel for the youth, even prior to a formal section 241.1 assessment.

III. PRE-SECTION 241.1 ASSESSMENT COMMUNICATION AND COLLABORATION

Once a youth with a pending section 602 petition has been identified as dually-involved, by either an open case or current referral with DFCS, consultation must occur with the DFCS Dually-Involved Youth Liaison and DIY Unit Supervisors. The juvenile justice case then must be set on the DIY court calendar as soon as possible for further discussion and the order for a

section 241.1 assessment. If there is specific information raising concern that a youth, who does not currently have an open case with DFCS, could be a current victim of abuse or neglect within the meaning of section 300, then consultation with the DIY Liaison and DIY Unit Supervisors should occur prior to a request for a section 241.1 assessment.²

IV. COURT PROCESS

Upon determining that a section 241.1 assessment is appropriate, the Juvenile Justice Court shall make the order and the court clerk will notify DFCS pursuant to established procedures. The report, once completed, will be distributed to the District Attorney, County Counsel, the youth's juvenile justice and dependency attorneys, as well as both juvenile court judicial officers two court days prior to the scheduled hearing. Upon consideration of the joint assessment, the court will determine what level, if any, of dual involvement. In all cases, the section 241.1 hearing must be held prior to the jurisdictional hearing and within 30 days of the filing of the juvenile wardship petition.³

When a youth's case is deemed by Juvenile Justice Court to be dually-involved, the DFCS Dually-Involved Youth Liaison, the supervising social worker, County Counsel, the youth's court appointed dependency attorney, the parents' dependency attorney, the child's Court Appointed Special Advocate (CASA), and any other person the court deems to have a direct and legitimate interest in the case, may attend the hearings in the Juvenile Justice Court.

When a dually-involved case is heard in the Juvenile Dependency Court, the deputy probation officer, the youth's juvenile justice attorney, the child's Court Appointed Friends and Advocate (CAFA) and other persons the court deems to have a direct and legitimate interest in the case may attend the hearing.

V. APPLICATION OF PROTOCOL

This protocol will act as a general guideline for handling dually-involved cases. Agency procedures are contained in separate documents and will set forth the procedures for each agency to follow. This protocol is not intended to supplant the juvenile court's legal authority to make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the youth. Here are the situations when this protocol applies:

² This provision of the protocol does not supplant the legal mandates set out by the Child Abuse and Neglect Reporting Act (Pen. Code, § 11164 *et. seq.*) to report suspected child abuse and neglect.

³ *In re R.G.*, (2017) 18 Cal.App.5th 273; Rule of Court 5.512 provides that if "the child is detained, the hearing on the joint assessment must occur as soon as possible after or concurrent with the detention hearing, but no later than 15 court days after the order of detention and before the jurisdictional hearing. If the child is not detained, the hearing on the joint assessment must occur before the jurisdictional hearing and within 30 days of the date of the petition." (Cal. Rules of Court, rule 5.512(c).)

A. THE YOUTH IS ALREADY A DEPENDENT OF THE COURT

If the youth is a dependent of the court under section 300 and his or her actions result in the filing of a section 602 petition, the Juvenile Justice Court will order the joint section 241.1 assessment. After consideration of this assessment, and consultation with the supervising juvenile dependency judge, the Juvenile Justice Court will determine which of the following options meets the best interest of the youth and protection of society:

1. The youth may become a dual status minor under the Lead Agency model;
2. The youth's dependency may be suspended ("On Hold") under the Lead Agency model, until the juvenile justice case resolves;
3. Dependency may be dismissed and the youth would proceed within the Juvenile Justice Court process; or
4. The youth may remain a section 300 and be served informally by Probation.⁴
5. The youth may remain a section 300 with no juvenile justice or probation involvement.

B. THE YOUTH IS THE SUBJECT OF A SECTION 602 PETITION AND AT RISK OF CURRENT ABUSE OR NEGLECT

If the youth is involved in Juvenile Justice Court proceedings and it appears that there is risk of current abuse or neglect, the court shall order a section 241.1 joint assessment. After consideration of this assessment, and consultation with the supervising juvenile dependency judge, the Juvenile Justice Court will determine which of the following three options meets the best interest of the youth and protection of society:

1. Order DFCS to file a section 300 petition and declare the youth a dual status or dually-involved youth;
2. Continue the case solely in Juvenile Justice Court; or
3. Dismiss the section 602 petition and order DFCS to file a section 300 petition.

C. TRANSITION JURISDICTION

At a hearing to consider termination of jurisdiction over a ward older than 17 years, 5 months and younger than 21 years of age and in foster care placement, or subject to an order for foster care placement on his or her 18th birthday, the Juvenile Justice Court may consider modifying its jurisdiction to allow for transition jurisdiction over the minor or non-minor. A minor or non-minor also qualifies for transition jurisdiction if he or she has met or would meet these

⁴ If the youth is a Dependent of the juvenile court and his or her parent is either unavailable or unwilling to sign the IS agreement, then the Department shall submit the contract to the Juvenile Dependency Court for signature.

criteria, but for the fact that the underlying adjudication was vacated pursuant to Penal Code section 236.14.

Upon a determination by the Juvenile Justice Court that a youth satisfies the conditions set forth in section 450, the court shall convert its prior order of jurisdiction to transition jurisdiction and declare the youth either a transition dependent or non-minor dependent.⁵ Provided the youth has been consulted, the agencies are in agreement and the court so orders, supervision over such a youth shall be determined as follows:

1. JPD will maintain supervision and all hearings will take place in Juvenile Justice Court for former wards in extended foster care who have never been adjudicated dependent under section 300.
2. DFCS will maintain supervision and all hearings will take place in Juvenile Dependency Court for former wards in extended foster care who are currently or formerly dependent.

Once the Juvenile Justice Court determines the youth comes within the provisions of section 450, the court shall, after contacting and coordinating with the Juvenile Dependency Court clerk, select a date no later than six months from the date wardship was terminated for a non-minor dependent status review. No further action shall be required of the youth to come within the court's transition jurisdiction.

D. THE YOUTH IS A WARD PENDING CASE DISMISSAL, IS NOT A DEPENDENT, DOES NOT QUALIFY FOR TRANSITION JURISDICTION, BUT IS AT CURRENT RISK OF ABUSE OR NEGLECT

At any hearing where JPD is considering a recommendation for dismissal, and there are concerns that the youth is at current risk of abuse or neglect as defined by section 300 in the home of the parent or legal guardian and cannot be returned

⁵ §450 Transition Jurisdiction qualifying criteria:

(2)(A) The ward was removed from the physical custody of his or her parents or legal guardian, adjudged a ward of the juvenile court under §725 and ordered into foster care placement as a ward.

(2)(B) The ward was removed from the custody of his or her parents or legal guardian as a dependent of the court with an order for foster care placement as a dependent in effect at the time the court adjudged him or her a ward of the juvenile court under §725.

(2)(C) The minor or nonminor met or would meet the conditions described in subparagraph (A) or (B), but for the fact that the underlying adjudication was vacated pursuant to Penal Code §236.14 and he or she has not attained the age of 21.

(3) The rehabilitative goals of the minor or nonminor, as set forth in the case plan, have been met, and juvenile court jurisdiction over the ward is no longer required or the underlying adjudication was vacated pursuant to Penal Code §236.14.

4(A) if the ward is a minor, reunification services have been terminated; the matter has not been set for hearing for termination of parental rights or for the establishment of legal guardianship; the return of the youth to the physical custody of the parents or legal guardian would create a substantial risk of detriment to his or her safety, protection or physical or emotional well-being; and the minor has indicated an intent to sign a mutual agreement, as described in subdivision (u) of §11400, with a responsible agency for placement in a supervised setting as a nonminor dependent.

4(B) if the ward is a nonminor, he or she has signed a mutual agreement or has signed a voluntary reentry agreement.

safely, if time permits, the matter shall be placed on the DIY calendar to consider a 241.1 assessment.

If release from Juvenile Hall/Ranch facility and case dismissal is imminent and risk of harm is immediate, and the juvenile justice judge believes the youth's situation is grave enough to warrant immediate response from DFCS, the court can, pursuant to sections 305 and 340, make a finding based upon the evidence presented that there is reason to believe that the child is a person described by section 300 and either (a) the youth has an immediate need for medical care, or (b) the child is in immediate danger of physical or sexual abuse, or (c) the youth's physical environment or the fact that the youth is left unattended poses an immediate risk to the youth's health or safety. After this finding has been made, the Sheriff's Office will activate a Joint Response with DFCS using the established Joint Response Protocol.

E. YOUTH IS A PARENT WITH AN OPEN CHILD WELFARE CASE

Pursuant to sections 301, subdivision (c) and 361.8, subdivision (c), prior to a social worker or probation officer arranging any informal or formal custody agreement that includes a temporary or permanent voluntary relinquishment of custody by a parent who is a ward of the juvenile court or a dependent or non-minor dependent parent, or recommending that a nonparent seek legal guardianship of the child of a ward, dependent, or non-minor dependent parent, the parent shall be advised of the right and have the opportunity to consult with his or her legal counsel. The program of supervision shall not be undertaken until the parent has consulted with his or her counsel. In cases when a ward is not represented by counsel appointed in a dependency proceeding, he or she shall be given the opportunity to confer with counsel appointed in the wardship proceeding, or by counsel retained to represent the ward in the wardship proceeding.

The social worker or probation officer shall note in the case file whether the dependent, non-minor dependent, or ward consulted with legal counsel, or if the opportunity for consultation was provided and the consultation did not occur, the reason that the consultation did not occur.

VI. DUALLY-INVOLVED YOUTH UNIT

DFCS and JPD have created a co-located Dually-Involved Youth Unit which consists of dedicated Juvenile Probation Officers (JPO), DFCS Social Workers (SW), and Behavioral Health Youth Advocates. The unit uses a coordinated and holistic approach by which JPD and DFCS jointly provide services and intensive case management by assessing the need for appropriate services provided to the youth and the family. Recognizing the critical role that families play in identifying what services will meet their needs, the team utilizes the Youth Advocate within the Child and Family Teaming (CFT) process to identify and discuss strengths

and needs of the youth, and develop appropriate and effective support and service recommendations. The collective efforts of the POs, SWs, and Youth Advocates ensures coordinated case supervision throughout the time the case is open in both systems. Together, staff develop and present to the juvenile court section 241.1 joint recommendations and case plans. The DIY Unit has developed Policies and Procedures which are contained in a separate document.

VII. SECTION 241.1 JOINT ASSESSMENT PROCESS

Pursuant to California Rules of Court, rule 5.512(e), if the child is detained, the hearing on the joint assessment report must occur as soon as possible after or concurrent with the detention hearing, but no later than 15 court days after the order of detention and before the jurisdictional hearing. If the child is not detained, the hearing on the joint assessment must occur before the jurisdictional hearing and within 30 days of the date of the petition. The completed section 241.1 assessment is due for distribution two court days prior to the hearing.

A. DIY UNIT SECTION 241.1 ASSESSMENT

Section 241.1 referrals will be reviewed by both the DFCS and JPD Supervisors of the DIY Unit to determine if the DIY Unit will conduct the joint assessment and provide the report to the juvenile court. Once a case has been accepted, the DIY Unit will convene a Child and Family Team Meeting. The CFT serves as an opportunity to partner with the youth and family in identifying what supports are needed in order to be able to function safely, ultimately free of system involvement. The CFT process begins with a Youth Advocate building a relationship with the youth and identifying the youth's needs and strengths. Subsequently, a group including the social worker, probation officer, the youth, family, support persons identified by the youth and relevant treatment providers, will meet to discuss how to capitalize on the youth's strengths and more effectively respond to the needs of the family.

Pursuant to section 241.1, subdivision (b)(2) and California Rules of Court, rule 5.512, at the CFT meeting, the agencies must seek the least restrictive level of care to meet the needs of the youth, family and community safety and determine the most appropriate department to provide services and supervision to the youth. The CFT participants shall consider the following when determining the most appropriate recommendation:

1. The nature of the referral;
2. The age of the youth;
3. History of physical, psychological, and/or sexual abuse and any child welfare history;
4. Prior record of youth's parents for abuse of this or any other youth;
5. Youth's prior record of out-of-control or delinquent behaviors;
6. Parental cooperation with youth's school;
7. Youth's functioning at school;

8. The nature of the youth's home environment;
9. The history of involvement of any agencies or professionals with the youth and family;
10. Any services or community agencies that are available to assist the youth and family;
11. Statements by any counsel representing the youth; and
12. Statement by CASA and/or CAFA volunteer currently appointed for the youth.

After the conclusion of the CFT meeting, a separate meeting will take place with JPD and DFCS to develop the joint agency recommendations for the section 241.1 report. If the recommendation results in a dually-involved designation the intent is for the case to remain under the supervision of the DIY Unit after the 241.1 assessment has been completed.

B. SECTION 241.1 ASSESSMENT OUTSIDE OF THE DIY UNIT

Cases not accepted into the DIY Unit for purposes of the joint assessment will be assigned to a DFCS SW and JPO following established procedures. The assigned JPO and the assigned SW will complete an initial assessment, after consultation with DIY Unit Supervisors, seven court days prior to the pending section 241.1 hearing. If it is then determined that the minor would be a good candidate for dual status, the recommendation will be for the appropriate Lead designation. The joint assessment and recommendation will be submitted in a joint report format.

C. DISPUTE RESOLUTION PROCESS

If a disagreement on the joint recommendation remains after consultation with the DIY Unit Supervisors, then the respective managers from JPD and DFCS and the DIY Liaison will meet in a timely fashion to resolve said concerns. If no resolution can be reached, then the case will be elevated to the Assistant Director of DFCS and Deputy Chief Probation Officer of the juvenile division and from there, if necessary, to the Chief Probation Officer and Director of DFCS. The 241.1 assessment shall not be submitted to the court until there is a joint agency recommendation, recognizing the timelines set forth by California Rules of Court, rule 5.512.

VIII. 241.1 ASSESSMENT RECOMMENDATIONS

A. DUALY-INVOLVED

When a youth has concurrent involvement in both the juvenile justice and juvenile dependency systems and receives informal services, such as differential response, informal supervision or other voluntary services, from at least one agency, the case is dually-involved. The most common designations include:

1. The youth remains a dependent pursuant to section 300 with informal supervision services pursuant to section 654 (POIS);
2. The youth remains a dependent pursuant to section 300 with court ordered informal supervision pursuant to section 654.2;
3. The youth remains a dependent pursuant to section 300 with “Six Months without Wardship” pursuant to section 725;
4. The youth remains a dependent pursuant to section 300 while participating in Deferred Entry of Judgment services ordered pursuant to section 790;
5. The youth remains a section 602 and receives informal services with DFCS through the programs of: Voluntary Family Maintenance, Voluntary Family Reunification and Informal Supervision. Or through Court ordered Informal Supervision (§ 360, subd. (b))⁶;
6. The youth receives informal services with JPD and DFCS, without court involvement.

In addition to these joint options, the youth can remain or become strictly a section 300 or a section 602 or the youth can have both petitions dismissed and is neither a dependent nor a ward. As stated earlier, this protocol’s intent is to ultimately reduce the number of system-involved youth by providing services and supports to the youth and family as early as possible, not increase the number of youth involved in either system. Accordingly, informal options such as referrals to community-based organizations, pre-adjudicated Wraparound services, or differential response shall be fully explored before formal dual status is recommended.

B. DUAL STATUS

When a youth is declared both a dependent and a ward of the juvenile court he or she is considered dual status and can have a court case open in both systems simultaneously; or have his or her dependency case placed “on hold” while juvenile justice functions as the Lead.

1. Lead Agency

If the youth is designated dual status, JPD and DFCS shall prepare a joint assessment and recommendation with one agency and one court designated as the Lead Agency and Lead Court. The other agency will be designated the Assisting Agency. Under a Lead Agency model, each agency will have a unique role in working with the youth and the family. The Lead Agency and Lead Court maintain placing authority over the youth.

a. Responsibilities

⁶ Voluntary services are authorized and defined by sections: 301, 11400(o)(1)(2), 16501.1, 16507.2, 16507.4 --5

In addition to placement authority, the Lead Agency will assume primary management over the case. The Lead Agency must be the department affiliated with the identified Lead Court. Each agency will be responsible for preparing and filing reports with their respective court. All legal time frames shall be followed. There shall be no duplication of services. DFCS and Probation will work cooperatively to assess and assign services to meet the needs of the child and family and agree on an appropriate case plan. When required by California Department of Social Services regulations, all visitation requirements must be complied with. The two agencies can jointly fulfill visit requirements to children, parents and caregivers based on the needs of the clients and based on which department representative would be available to visit the clients. In the alternative, both agencies may conduct monthly visits as long as it is for different purposes. On a monthly basis, the Lead Agency and Assisting Agency shall discuss the case and exchange information regarding the minor, case contacts, completed assessments and services for entry in each respective data system.

The Lead Agency will be responsible for the following:

- (1) Placement;
- (2) Case management; and
- (3) Compliance with the mandates of sections 300 and/or 602 review hearings, Division 31 Regulations and Title IV-E Rules.

The Assisting Agency will be responsible for the following:

- (1) Assignment of an assisting Probation Officer or Social Worker;
- (2) Assisting with the development of case plan services and supports;
- (3) Providing non-duplicative services, as identified in the case plan; and
- (4) Complying with agency protocol regarding case management, court hearings and reports.

2. Lead Court

If the youth is designated dual status, JPD and DFCS shall prepare a joint assessment and recommendation with one agency and one court designated as the Lead Agency and Lead Court. The other court will be designated the Non-Lead Court. The Lead Court must be the court affiliated with the Lead Agency. Each court will continue to handle its own legal hearings.

a. Responsibilities

Each juvenile court retains the legal authority to make any and all

reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the minor. The Lead Court and the Non-Lead Court may also communicate and coordinate on a case-by-case basis to determine the appropriate forum for resolving specific issues. As a general guide the following summarizes the responsibilities of each court for purposes of this protocol:

Lead Court
<ul style="list-style-type: none"> ✓ Placement ✓ Parental custody ✓ Special Immigration Juvenile Status ✓ AB 12 Extended Foster Care Services ✓ Supplemental petitions (§§ 778 or 387) ✓ Independent Living (Skill) Program ✓ Travel authorization ✓ Consent to treatment for minor

Exclusively Dependency Court	Exclusively Juvenile Justice Court
<ul style="list-style-type: none"> ✓ JV 220 (Psychotropic Medication) ✓ Appointment of CASA ✓ Indian Child Welfare Act ✓ Termination of parental rights ✓ Mediation ✓ School interview orders ✓ Case plan for parents ✓ Visitation for youth ✓ School of origin decisions ✓ Protective custody warrants ✓ Legal Guardianship issues ✓ Family Reunification services for parents ✓ § 389 Record Sealing 	<ul style="list-style-type: none"> ✓ Appointment of CAFA ✓ Sanctions ✓ Fines, fees, restitution ✓ Custodial detention ✓ Issuance of bench warrants ✓ Terms of probation ✓ Judicial Transfer hearings ✓ Orders for Fresh Lifelines for Youth (FLY) ✓ § 828 hearings ✓ Record sealing requests ✓ Violations of probation (VOP) ✓ Victim Offender Mediation ✓ §§ 781, 786 and 793 Record Sealing

Either Court's Responsibility As Needed
<ul style="list-style-type: none"> ✓ Transfer In / Out ✓ Restraining orders ✓ Psychological evaluations ✓ Educational Rights ✓ Parentage ✓ Family Findings

Each Court's Responsibility		
✓ 827 Petitions	✓ Title IV-E Findings	✓ Case plan orders

3. On Hold

a. General Overview

If the minor is a dependent child of the court and is receiving Family Maintenance or Permanency Services from DFCS, the minor's dependency status may be placed on hold by the Juvenile Justice Court, as part of the Lead Court, Lead Agency model, and the minor may be made a ward of the Court as a result of the joint 241.1 assessment. In these cases, juvenile justice functions as the Lead.

b. Process

Factors to consider when assessing a youth to have his/her dependency case placed on hold include the youth's age, the seriousness of the offense, and the youth's psychosocial assessment. At the time that the Juvenile Justice Court declares a dependent youth to be a ward under section 602, the court shall "suspend Dependency jurisdiction" as provided by sections 241.1, subdivision (e) and 366.5. Once this order is in place, the DFCS DIY Liaison functions as the point of contact for DFCS as there is no longer an assigned social worker to the dependency case. The Liaison will track juvenile justice hearings, provide any requested case information and assist in facilitating the reinstatement of the dependency case. While the dependency case is "on hold" and juvenile justice is operating as the Lead, there are no dependency court hearings until the dependency case is reinstated.

- 1) Approximately 60 days prior to the youth's expected completion of the Juvenile Justice court-ordered intervention, JPD shall calendar a Parte Review. The JPO shall report to the court the youth's progress in the program(s) in which the youth is participating, the intent to recommend dismissal upon the youth's completion of the intervention, and communication held with DFCS to address the youth's return to section 300 dependency status. The JPO shall recommend a subsequent Parte Review in approximately 60 days to submit the dismissal recommendation.
- 2) Prior to dismissal, DFCS shall schedule a CFT. The purpose of the CFT is: to create a seamless transition plan that will enable the youth to return to section 300 dependency status with the least disruption to services and placement, while at the same time ensuring the safety of other minors and professionals involved in the dependency system; and have the JPO verify the current or last known

address of the youth's parents or caretakers; and identify any changes to the family's circumstances. DFCS' Joint Decision-Making Unit will arrange for the CFT. The JPO will notify the youth and the youth's parents of the date and time of the CFT. DFCS will notify the youth's dependency attorney, the JPO, any appointed CASA, the youth's parent's dependency court attorney, and any other persons deemed necessary of the time and place for the CFT. At the subsequent Parte Review, the JPO shall make recommendations to the court, including a recommendation for dismissal and release of the youth to DFCS, if appropriate, and DFCS will advise the Juvenile Justice Court of the transition plan and future placement of the minor.

- 3) Upon the Juvenile Justice Court ordering the resumption of dependency jurisdiction, the clerk of the Juvenile Justice Court shall immediately notify the clerk of the court in dependency of the decision to resume dependency jurisdiction. Further hearing in dependency court will occur within three court days. At that hearing the dependency court will reappoint counsel, as necessary, and set the matter for a new section 366.3 or Family Maintenance Review hearing within 60 days.
- 4) Juvenile justice jurisdiction will not be terminated until dependency jurisdiction has been reinstated or the section 300 petition has been dismissed.

IX. IF A NON-MINOR DEPENDENT BECOMES SUBJECT TO ADULT PROBATION SUPERVISION

In accordance with section 241.1, subdivision (b)(4)(C), if a Non-Minor Dependent (NMD) becomes subject to adult probation supervision, the agency supervising the NMD will coordinate services with Adult Probation, as appropriate. If additional resources or services become necessary for an NMD who is under the supervision of Adult Probation, the agency supervising the NMD shall request a CFT meeting to determine supervision and service delivery responsibilities.

X. OUT OF COUNTY

Pursuant to section 241.1 and California Rules of Court, rule 5.512, whenever a youth who is under the jurisdiction of the juvenile court is alleged to come within the description of sections 300, or 602 by another county, the county probation department or child welfare services department in the county that has jurisdiction under section 300 or section 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. A joint assessment must be conducted by the responsible departments of each county. The recommendations of both departments shall be presented to the juvenile court in which the petition is pending on behalf of the minor, and the court shall determine which status is appropriate. If the departments cannot agree on which will prepare the joint assessment report, then the department in the county where the petition is pending must prepare it. The joint assessment report must contain the recommendations and reasoning of both the child welfare and the probation departments. The report must be filed at least five calendar days before the hearing on the joint assessment. The 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.

XI. INFORMATION SHARING

Interagency collaboration and communication are essential to seamlessly serving dually-involved youth and their families, while promoting community safety, without duplicating services. In addition to information sharing authority provided by section 827 and Santa Clara County Local Rule 3, this protocol affirms the county and court's expectation that ongoing communication between the juvenile justice and child welfare systems occur during the entirety of dual involvement. Upon referral of a dependent youth to JPD, the JPO will notify DFCS and obtain contact information for the assigned social worker, information as to the status of the dependency case, placement of the child and any upcoming court hearings. While, best practice recommends minimum monthly contacts to collaborate and support the youth and family, and to ensure no duplication of services, DFCS and JPD should communicate as frequently as needed to support the youth and family while the case is dually-involved.

Communication between the juvenile justice and dependency judges presiding over dually-involved cases is equally as important. To the best of the court's ability, one judge will be designated to hear the DIY cases in juvenile justice and one judge will be designated to hear the DIY cases in juvenile dependency. The judge presiding over the dependency proceedings shall receive a copy of the section 241.1 report, and any subsequent report designating or modifying Lead Agency/Lead Court status, at least 2 court days prior to the scheduled hearing in juvenile justice. The dependency judge will provide a recommendation and comments regarding the proposed designation to the juvenile justice judge presiding over the case, which will be read into the record at the hearing.

In addition to the hearings involving the designation of dual status, the judge presiding over dually-involved cases in juvenile justice 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 youth. At the conclusion of the juvenile justice hearings involving DIY youth, the court clerks shall provide minute orders to JPD and DFCS.


XII. INFORMATION KEEPING AND RECORD SEALING

Information obtained by DFCS and JPD through its joint case work pursuant to this protocol shall be kept together in a separate section of the case file. Documents include but are not limited to: informal and/or diversion program related documents, petitions, court minute orders, court ordered psychological evaluations, police reports, court reports and memos, section 241.1 assessments, incident reports, investigative narratives, group home/placement reports, Behavioral Health or Substance Use Treatment Services (SUTS) documents, and any correspondence related to the youth's dual involvement.

The June 2018 Standing Order shall apply to any order to seal records made by the Juvenile Justice Court pursuant to sections 781, 786 or 791, subdivision (c) which directs DFCS to seal its records. With any order to seal records made on Judicial Council form JV-596, DFCS, as the agency responsible for the supervision and placement of the minor or non-minor dependent, may access a record that has been ordered sealed by the court for the limited purpose of determining an appropriate placement or service that has been ordered for the minor or non-minor dependent by the court. The information contained in the sealed record and accessed by DFCS may be shared with the court, and parties, but shall in all other respects remain confidential and shall not be disseminated to any other person or agency. Access to the sealed record under this paragraph shall not be construed as a modification of the court's order dismissing the petition and sealing the record in the case.


XIII. DATA

Data collection and reporting is a significant element of the county's Memorandum of Understanding regarding dually-involved youth. A data matrix was developed to identify indicators that measure desired outcomes delineated in the MOU. A data application was developed to support indicators not currently tracked by either the child welfare or juvenile justice system. The application tracks baseline, process, service need and receipt, progress and closure outcome indicators. Data will be tracked at time of referral to the Dually-Involved Youth Unit, six months after referral, twelve months after referral and at time of case closure from the unit. As acknowledged by the Memorandum of Understanding, this protocol recognizes the multiple systems and points of data collection related to dually-involved youth; and the collaboration and coordination necessary for interagency collection and sharing of data as it relates to the dually-involved youth population within the County of Santa Clara.



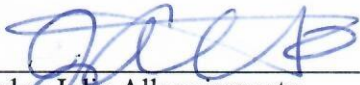
Judge Katherine Lucero
Presiding Judge, Juvenile Division
Supervising Judge, Juvenile Justice Courts

2/19/2020
Date



Judge Shawna M. Schwarz
Supervising Judge, Juvenile Dependency Courts

2/21/2020
Date



Judge Julia Alloggiamento
Judge, Juvenile Justice Court,
Dually-Involved Youth Calendar

2/19/20


Date



Laura Garnette
Chief Probation Officer

2/19/20

Date



Robert Menicocci
Director of Social Services Agency

2/20/20


Date



Daniel Little, Acting Director, Department of Family
and Children's Services

2-19-20

Date



Michael Simms
Deputy Chief Probation Officer
Juvenile Services Division

2.19.20

Date