

**ORANGE COUNTY JUVENILE COURT PROTOCOL FOR WELFARE AND INSTITUTIONS CODE SECTION 241.1  
PROCEEDINGS**

This Protocol is by and between the Orange County Probation Department ("Probation") and the Orange County Social Services Agency ("SSA") and the Orange County Superior Court, Juvenile Court ("Court"), collectively referred to as "the parties". The parties will jointly administer this Protocol.

The intent of this Protocol is to enable a child who meets specific criteria to be designated as both a dependent child and a ward of the Court. A child who is designated as both a dependent child and a ward of the Court would be known as a "dual status" child.

Section 202 of the Welfare and Institutions Code (WIC) outlines the State Legislature's intent to preserve and strengthen family ties and to reunify families when removal of a child from their home is necessary to ensure the safety and protection of the child and/or the community. In keeping with these goals, this Protocol is intended to provide another tool for Probation, SSA, and the Court to more effectively serve children and families by increasing access to appropriate resources and services in a holistic and timely manner.

WIC Section 241.1 requires Probation and SSA to jointly develop a written protocol to ensure (1) appropriate local coordination in the assessment of a child who appears to come within the description of both Section 300 and Section 601 or 602 of the WIC; and (2) the development of recommendations by Probation and SSA for consideration by the Court.

This Protocol will govern the respective responsibilities of Probation, SSA and the Court in cases where a child, whose case is not assigned to one of the Orange County Juvenile Court Teen Dependency Courts (Boys Court and Girls Court), appears to come within the description of WIC Section 300 ("dependency"), and also WIC Section 601 or 602 ("wardship"). In such instances, Probation and SSA will make every reasonable effort to jointly determine which status: dependency, wardship, or dual, best serves the interests of the child and the safety of the community. The recommendations of both departments shall be presented to the Court.

Probation cases determined to be dual status will be assigned to the Placement Unit for probation supervision. Should the number of dual status cases exceed the capacity of either the Probation Placement Unit or SSA, the terms of this protocol will be evaluated internally at the Department Head level.

For children who appear to come within the description of WIC Section 300 ("dependency"), and WIC Section 601 or 602 ("wardship"), and whose case is assigned to Boys Court and Girls Court, refer to the Orange County Teen Court Protocol For Welfare and Institutions Code Section 241.1 Proceedings (a copy of which is attached, as Attachment A).

I. TERMS

## I. TERMS

This Protocol constitutes the entire agreement of the parties in the matters contained here and supersedes all previous agreements and understandings.

## II. PROCEDURES

### a. Referral to Teen Court

With the exception of those cases requiring immediate submission to the District Attorney under WIC Section 653.5(c), upon the first appearance on a new petition filed pursuant to WIC 601 or 602 against a child already within the Court's WIC Section 300 jurisdiction, or, alternatively, upon the first appearance on a new petition filed pursuant to WIC Section 300 involving a child already within the Court's WIC Section 601 or 602 jurisdiction, the presiding judicial officer shall hear the detention or initial hearing, make appropriate findings and orders as required under Title IV, and determine whether to refer the case to the judicial officer presiding in either Boys Court or Girls Court the Friday immediately following to assess the suitability of transferring the case into Teen Court.

### b. Joint Assessment Report and Hearing

Upon the filing of the new petition, the Clerk of the Court shall give notice to all parties in both the dependency case and the wardship case that a new petition for wardship or dependency has been filed. When the child initially appears on the petition in Court, the presiding judicial officer may order either Probation or SSA to prepare a joint assessment report pursuant to WIC 241.1, which shall be completed in a time frame specified by the judicial officer, not to exceed a period of fifteen (15) judicial days (California Rules of Court, Rule 5.512[e]). In cases where the child is already within the Court's WIC Section 300 jurisdiction and the child is facing petition charges under WIC 601/602, Probation will complete and submit the joint assessment report, after conferring with SSA. Conversely, in cases where the child is already within the Court's WIC Section 601 or 602 jurisdiction and a new petition is filed pursuant to WIC Section 300, SSA will complete and submit the joint assessment report, after conferring with Probation. The report shall be filed with the Court, and served on all parties at least five (5) calendar days before the Joint Assessment hearing (California Rules of Court, Rule 5.512[f]).

When producing a recommendation as to status of a child, for inclusion in the joint assessment report, it is anticipated candid communication and a spirit of cooperation will prevail in the mutual review of cases by Probation and SSA. If Probation and SSA do not agree on the recommendation, and/or further consultation may be necessary due to extraordinary case circumstances, Probation and/or SSA may elect to review the case with the Dual Handling Team (Orange County Dual Handling Team Protocol, dated January 30, 2013), prior to the Joint Assessment hearing.

All parties and counsel may appear and have an opportunity to be heard at the Joint Assessment hearing. Further, any party objecting to the classification of the child as a dual status child shall file a written objection within 10 days of the receipt of the joint assessment report and shall appear before the Court at the Joint Assessment hearing.

c. Disposition

If Probation and SSA agree that dependency is more appropriate, the new Petition filed pursuant to WIC Section 601 or 602 will be dismissed upon Court approval following the Joint Assessment hearing, pursuant to the Dual Status Court Procedures Protocol. Alternatively, if Probation and SSA agree that wardship is more appropriate, the new Petition filed pursuant to WIC Section 300 will be dismissed upon Court approval following the Joint Assessment hearing, pursuant to the Dual Status Court Procedures Protocol.

Should the new Petition be sustained, the Court will review the 241.1 report and determine if the child should remain a dependent, be declared a ward, or whether dual status is in the child's best interests.

Refer to the Dual Status Court Procedures Protocol (a copy of which is attached, as Attachment B) for conduct of the Joint Assessment hearing.

III. JOINT ASSESSMENT REPORT / DECISION MAKING CRITERIA

Following a mutual review of the case by Probation and SSA, and interviews with the child and parents, each of the following will be addressed in the joint assessment report prepared for the Court to determine whether wardship, dependency, or dual status will best serve the interests of the child and safety of the community (California Rules of Court, Rule 5.512[d]):

- a. Nature of referral
- b. Age of the child
- c. History of any physical, sexual or emotion abuse of the child
- d. Prior record of child's parents for child abuse
- e. The child's prior record of out-of-control or delinquent behavior
- f. The parent's cooperation with the child's school
- g. The child's functioning at school
- h. The nature of the child's home environment
- i. History of involvement of any agencies or professionals with child or his or her family
- j. Any services or community agencies available to assist the child and his or her family
- k. A statement by any counsel currently representing the child
- l. Statement by any court appointed special advocate currently appointed for the child
- m. Applicability of the Indian Child Welfare Act
- n. The recommendation and rationale of Probation and SSA (including alternative views, if any), as to the status of the child
- o. If dual status will be recommended, a recommendation as to which agency, Probation or SSA, will be designated as the lead agency, and the reasons for this recommendation

Dependency will be the preferred status whenever the child's behavior is such that he or she will not pose a threat to himself/herself, others, or the property of others within the control and support structure of dependency supervision. SSA will be designated to supervise a child while he/she remains under WIC Section 300 jurisdiction.

Delinquency will be the preferred status whenever the child's behavior cannot be controlled in a dependency setting, the child's behavior poses a threat to himself/herself, others, or the property of others, and custody time is available, due to the nature of the child's offense, to provide enhanced control of the child's behavior. Probation will be designated to supervise a child while he/she remains under WIC Section 601 or 602 jurisdiction.

Dual status may be appropriate when a dependent child commits a delinquent act requiring the formal intervention of Probation services, and the child would benefit from the continued involvement of SSA. If a recommendation for dual status will be made at the Joint Assessment hearing, the joint assessment report will identify which agency, Probation or SSA, is best suited to assume responsibilities as the lead agency, for placement of the child, case management, and Court-related matters.

If the alleged conduct that appears to bring a dependent child within the description of WIC Section 601 or 602 occurs in, or under the supervision of a foster home, group home, or other licensed residential facility, Probation and SSA may consider whether the alleged conduct was within the scope of behaviors to be managed or treated by the foster home, group home, or residential facility, in determining the status that will best serve the interest of the child and the safety of the community (WIC Section 241.1[b]).

#### IV. EXCHANGE OF INFORMATION

Pursuant to WIC Section 241.1 and Miscellaneous Order 524.4 of the Court, Probation and SSA staff will exchange information regarding the child's history of abuse and neglect, the child's history of delinquent behavior, as well as a potential caregiver's record of abuse, neglect, and criminal history, in electronic or verbal format and through photocopies of each other's case files.

#### V. CONFIDENTIALITY

Probation and SSA shall maintain the confidentiality of all records in accordance with all applicable federal, state and local laws relating to confidentiality, including WIC Sections 827 and California Rules of Court 5.552. All information and records concerning any and all matters referred to Probation and SSA shall be considered and kept confidential by all parties and their respective staff, agents, employees and volunteers. Information obtained by Probation or SSA in the performance of this protocol shall not be used for any purpose other than the performance of this protocol, except as may be required by law.

In addition to the general confidentiality provisions of this section, Probation and SSA employees, agents, staff, and volunteers associated with this protocol agree to comply with Juvenile Court Administrative Order No. 12/003-903: Exchange of Information, dated March 29, 2012, or as it may be amended, which governs the confidentiality of juvenile record information.

#### VI. RESOLUTION OF CONFLICTS

Any conflicts arising from this Protocol will promptly be discussed among the designated Social Worker and Probation Officer in each department for resolution. If the conflict cannot be resolved at this level, it will promptly be referred to the next level in each agency's respective chain of command for further discussion in

an attempt to reach resolution in an expeditious manner and at the lowest level possible. The SSA Director and the Chief Probation Officer will be the final arbitrators. If the parties reach an impasse, the issue shall be presented to the judicial officer presiding over the case for resolution.

VII. MODIFICATIONS

Any modifications to this Protocol will be made in writing, with the mutual consent of the parties. Any modifications to the policies and procedures developed by Probation and SSA to implement the provisions of this Protocol will be made with the mutual consent of Probation and SSA.

VIII. TRACKING OF DUAL STATUS CASES

On any case that is eligible for dual status, both SSA and Probation will provide the Court with statistical information as required. The Court will ensure that the Court Clerk's Office will complete and submit the necessary statistical reports to the Administrative Office of the Courts. Outcome measures and performance indicators will be developed by Probation, SSA and the Court, and will be periodically reviewed.

IX. TERMINATION

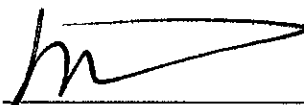
This Protocol may be terminated by either Probation or SSA with 60-days written notice.

**IN WITNESS WHEREOF, THE PARTIES HAVE EXECUTED THIS ORANGE COUNTY JUVENILE COURT PROTOCOL FOR WELFARE AND INSTITUTIONS CODE SECTION 241.1 PROCEEDINGS IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA**



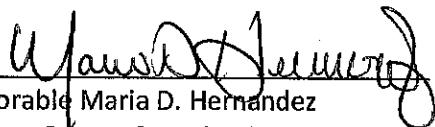
Michael Ryan, Director  
County of Orange  
Social Services Agency

Dated: 8/10/15



Steven Sentman, Chief Probation Officer  
County of Orange  
Probation Department

Dated: 8/12/15



Honorable Maria D. Hernandez  
Orange County Superior Court  
Presiding Judge of the Juvenile Court

Dated: 8/3/15