

Mendocino County Welfare & Institutions Code § 241.1 Assessment Protocol & Dual Jurisdiction Protocol

Effective July 1, 2023



MENDOCINO COUNTY
**social
services**



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INTRODUCTION

PURPOSE

To provide guidelines for the Mendocino County Department of Social Services; Family & Children's Services (FCS), the Mendocino County Probation Department (Probation), and the Mendocino County Superior Court (Court) to use when a minor appears to come within the description of both Welfare and Institutions Code (WIC) §300 and §600 et seq.

GOALS

This protocol has been developed to meet the requirements of WIC §241.1 and to ensure local coordination for joint assessments, status recommendations, and development of processes to identify a lead agency to best serve the minor and preserve public safety.

This protocol also has been jointly established to meet the requirements of WIC §241.1(e), permitting dual-status designation. Dual status collaboration and communication protocols between lead and supporting agencies have been identified to avoid simultaneous or duplicative case management or delivered services.

This protocol is also intended to improve outcomes for youth and families by clarifying the duties, responsibilities, and timelines for staff from both agencies, and by allowing access to all relevant resources available from both systems.

KEY TERMS

- Aid to Families with Dependent Children-Foster Care: Aid provided on behalf of needy children in foster care who meet the eligibility requirements as specified in the California Department of Social Services regulations and in applicable state and federal laws.
- CASA: Court Appointed Special Advocate is a volunteer who ensures children and youth in the foster care or juvenile justice system have both a voice and the services they need for a stable future.

- Child and Family Team: A team comprised of the youth, family and ancillary individuals working towards successful transition out of foster care by ongoing adjustment and monitoring of case plans, care coordination and delivery of services.
- Child Welfare Services Case Management System (CWS/CMS): A statewide automated, online client management database that tracks each child welfare case from initial contact through termination of services.
- Extended Foster Care Program: A state program that allows eligible youth in the child welfare and probation systems to remain in extended foster care until age 21.
- Family First Prevention Services Act: Enhances support services for families to help minors remain in their home and to reduce unnecessary congregate care placements by increasing options for prevention services.
- Formal Dual Status Youth: A youth simultaneously designated as both a dependent and a ward of the Juvenile Court under WIC §300 and WIC §602.
- ICWA: The Indian Child Welfare Act of 1978 is a federal law that governs the removal and out-of-home placement of American Indian children. California has implemented state-specific regulations concerning the application of and adherence to ICWA and those regulations are included in any reference to ICWA within this document.
- Informal Dual Status Youth: A youth simultaneously designated as a dependent of the Juvenile Court under WIC §300 and is placed on probation supervision without wardship under WIC §654.2, WIC §725(a), or WIC §790.
- Joint Assessment Report: A written report describing the assessment conducted by FCS and Probation when a minor appears to come within the parameters of both WIC sections 300 and 601 et seq that also provides a recommendation as to the status that will best serve the interests of the minor and preserve community safety.
- Lead Agency: The primary agency designated by Court to be responsible for placement, case management, and court-related matters involving a dual status youth.
- Lead Court: The Juvenile Court of Mendocino County operates a dependency court and a juvenile justice court. The Lead Court is one of these courts that is responsible for status determinations, lead agency determinations, and court hearings for §241.1 joint assessments and dual status.
- Multi-Disciplinary Team: A multi-agency, multi-disciplinary team that supports children and youth, including Non-Minor Dependents (NMD), with significant behavioral,

emotional, medical and/or developmental needs through a collaborative review process whereby a youth's treatment and placement needs are determined.

- Non-Minor Dependent: An eligible Extended Foster Care youth who elects to stay in foster care after their 18th birthday and who may remain in extended foster care until 21 years of age.
- Short-Term Residential Therapeutic Program: A residential facility operated by a public agency or private organization that provides an integrated program of specialized and intensive care and supervision, services and supports, treatment, and short-term 24-hour care and supervision to minors and nonminor dependents.
- Supporting Agency: The secondary agency responsible for ongoing collaboration, communication, and service support to the Lead Agency of a dual status youth.
- Transition Dependent: A minor who is subject to the court's transition jurisdiction but is under the age of 18 years.
- Transition Jurisdiction: A status that allows wards who have met their rehabilitative goals to remain in foster care, no longer subject to the terms of their probation. Transition jurisdiction is available to wards older than 17 years, 5 months of age, who meet the eligibility criteria outlined in WIC §450.
- Transition Independent Living Plan: A plan developed for each foster care youth at age 15 years and 6 months that describes the youth's current level of functioning, emancipation goals, progress toward achieving those goals and programs and services needed.
- WIC §654.2 Probation Supervision: When a petition filed in Juvenile Justice Court by the prosecuting attorney to declare a minor a ward results in a non-wardship finding but the Court continues the hearing on said petition for six (6) months and orders the minor to participate in a program of supervision. If the minor successfully completes the program of supervision, the Court shall order the petition dismissed. If the minor has not successfully completed the program of supervision, proceedings on the original petition shall proceed.
- WIC §725(a) Probation Supervision: After receiving and considering evidence the Court without adjudging the minor a ward of the court, the Court may place the minor on probation, under the supervision of the probation officer, for a period not to exceed six (6) months. If the minor fails to comply with the conditions of probation imposed, the Court may order and adjudge the minor to be a ward of the court.

- WIC §790 Probation Supervision: The minor is alleged to have committed a felony offense and in lieu of jurisdictional and dispositional hearings, the Court may grant deferred entry of judgment for a period of 12-36 months, provided the minor admits each allegation contained in the petition. Upon successful completion of the terms of probation, the Court shall dismiss the charges against the minor and the arrest upon which the judgment was deferred shall be deemed never to have occurred. If the minor is not performing satisfactorily the court shall lift the deferred entry of judgment and proceedings are continued for dispositional hearing.

EXCHANGE OF INFORMATION

FCS and Probation may exchange information in accordance with all applicable federal, and state laws relating to confidentiality, including WIC §827 and California Rules of Court 5.552. Further, Mendocino County Superior Court Local Rule 5.8 identifies the agencies, individuals, and organizations, to whom FCS and Probation may disclose information (verbal information, allow inspection of, or provide copies of, relevant juvenile records) on an “as needed” basis. The Court’s goal is to benefit children and their families by avoiding duplication of investigative efforts, and to allow agencies, individuals, and organizations who work with the children and families to have prompt access to relevant information. Information obtained by FCS or Probation in the performance of this protocol shall not be used for any other purpose, except as may be required by law.

WIC §241.1 ASSESSMENT PROTOCOL

BACKGROUND

Assembly Bill 129, WIC §241.1(a) and California Rules of Court, Rule 5.512(a) all relate to the requirements for FCS and Probation to develop a protocol to determine what status shall best serve the interests of a minor and the protection of society when the minor appears to come within the description of both WIC §300 and §602.

Section 241.1(b)(1) mandates that a written protocol be jointly developed by the county child welfare services department and the county probation department to ensure appropriate local coordination of the assessment process and the development of recommendations for consideration.

Section 241.1(b)(2) requires specific information be considered in the assessment report and provisions for resolution of disagreements regarding the joint recommendation.

Section 241.1(b)(3) may require additional protocols on notification requirements between agencies, procedures for release and placement pending resolution of status determination, timelines for determination, and non-discrimination provisions.

Section 241.1(c) mandates that the assessment process be utilized between counties whenever it is alleged that a youth who is under the jurisdiction of the Juvenile Court of one county is alleged to fall within the jurisdiction of the Juvenile Court of another county.

Section 241.1(d) prohibits youth from simultaneously being a ward and a dependent of the Court, except as noted in section (e) [dual status youth].

DETERMINING WHEN WIC §241.1 APPLIES

Welfare and Institutions Code Section 241.1(a) provides that whenever a youth appears to come within the description of both WIC §300 and §602, the child welfare services department and the county probation department shall determine which status will serve the

best interest of the youth and the protection of society pursuant to a jointly written protocol. The below scenarios identify when a joint assessment pursuant to WIC §241.1 apply.

A Minor Who Is a Dependent of the Court Pursuant to WIC §300

1. Dependent minor allegedly commits WIC §602 offense - WIC §602 Petition Not Filed: A minor who is currently a dependent of the Court pursuant to WIC §300 allegedly commits an act or offense resulting in the minor being booked or issued a citation to appear before the Probation Department, and Probation and the District Attorney determine not to file a petition pursuant to WIC §602. WIC §241.1 does not apply.
2. Dependent minor allegedly commits WIC §602 offense - WIC §602 Petition Filed: A minor who is currently a dependent of the Court pursuant to WIC §300 allegedly commits an act or offense resulting in the minor being booked or issued a citation to appear before the Probation Department, and Probation and the District Attorney determine to file a petition pursuant to WIC §602. WIC §241.1 does apply.

A Minor Who Is a Ward Pursuant to WIC §602, Is on Informal Probation, or Deferred Entry of Judgment

3. Delinquent minor alleged victim of abuse or neglect - WIC §300 Petition Not Filed: A minor who is a ward of the court pursuant to WIC §602 or is on probation supervision pursuant to WIC §654.2, WIC §725(a), or WIC §790 and lives in the home of a parent(s) or guardian and appears to come within WIC §300 and a WIC §300 petition is not filed. WIC §241.1 does not apply.
4. Delinquent minor alleged victim of abuse or neglect - WIC §300 Petition Filed: A minor who is a ward pursuant to WIC §602 or on probation supervision pursuant to WIC §654.2, WIC §725(a), or WIC §790 and lives in the home of a parent(s) or guardian and appears to come within WIC §300, and a WIC §300 petition is filed. WIC §241.1 does apply.
5. Delinquent minor alleged abandonment or unsuitable home - Early Termination Request Filed: A minor is a ward pursuant to WIC §602 or on probation supervision pursuant to WIC §654.2, WIC §725(a), or WIC §790 and Probation wishes to seek an

early termination of probation but is unable to return the minor home or there is no suitable home available. WIC §241.1 may apply.

A Minor Who is Not Under the Jurisdiction of Either Court

6. A minor who appears to come within WIC §300 - WIC §602 Petition Filed: A petition is filed pursuant to WIC §300 for a minor who is not currently under the jurisdiction of the juvenile court, and Probation and the District Attorney determines a WIC §602 petition shall be filed. WIC §241.1 does apply.

COMMUNICATING WIC §241.1 APPLICABILITY

California Rules of Court 5.512(a)(1) states a joint assessment must be completed as soon as possible after the minor comes to the attention of either department. Further, Rule 5.512(b) provides that whenever possible, the determination of status must be made before any petition concerning the minor is filed. Therefore, once FCS and Probation have conducted investigations, the outcome or decision arising from such investigation shall be shared between the departments in a timely manner. FCS and Probation must exchange all information known by the social worker and probation officer relating to the minor, that was relevant in department decision-making.

If Probation determines an alleged offense shall be handled by a Diversion Hearing, the exchange of information with FCS shall include the scheduled Diversion Hearing date. If FCS determines an allegation shall be handled by keeping an investigation open for a limited time or a voluntary case is opened, the exchange of information with Probation shall include the details of any voluntary plan or required services or appointments agreed to by the family. The below scenarios identify the timelines to be followed by FCS and Probation to notify and exchange information.

	Current Status	Scenario	Communication	Timeframe
1	Dependency Court	Allegedly committed WIC §602 offense	Probation shall contact FCS to advise a WIC §602 petition will not be filed	Within 72 hours of booking, receipt of a citation and notification from the District Attorney

2	Dependency Court	Allegedly committed WIC §602 offense	Probation shall contact FCS to advise a WIC §602 petition will be filed and of the scheduled delinquent court date	Within (1) business day of decision to file petition
3	Juvenile Justice Court	Alleged victim of abuse or neglect	FCS shall contact Probation to advise a WIC §300 petition will not be filed	Within one (1) business day of conclusion of child abuse/neglect investigation
4	Juvenile Justice Court	Alleged victim of abuse or neglect	FCS shall contact Probation to advise a WIC §300 petition will be filed and of the scheduled dependent court date	Within one (1) business day of conclusion of child abuse/neglect investigation
5	Juvenile Justice Court	Alleged abandonment or unsuitable home	Probation shall contact FCS to advise of the decision to file a Request for Early Termination and of the scheduled Juvenile Justice court date	Within one (1) business day of decision to file petition
6	No Status	Appears to come within WIC §300 and allegedly committed WIC §602 offense	Probation and FCS shall contact each other to advise of the decision to file a petition in their respective courts and of the scheduled court dates	Within one (1) business day of decision to file petition

In the event of scenario five (5) described above, Probation shall schedule a Juvenile Justice court date at least 10 court days from the notification date to FCS. Once FCS is notified by Probation, FCS will begin an investigation of the alleged abandonment or unsuitable home and will provide a decision to Probation no later than three (3) court days before the scheduled Juvenile Justice court date. If FCS, decides to file a petition under WIC §300, FCS will also advise Probation of the scheduled Dependency court date.

PROCEEDINGS IN DIFFERENT COUNTIES

When a petition alleging jurisdiction is filed in one county and the minor is already a dependent or ward in another county, a joint assessment must be conducted by the responsible agencies of each county pursuant to §241.1(c) and Rule of Court 5.512(c).

In the event another county is involved, the Mendocino County department involved shall endeavor to follow the procedures outlined above, noting that this protocol is not binding on other counties, and they may have conflicting protocols. The Mendocino County department

involved shall endeavor to conduct a joint assessment with the other county's involved department.

COURT ORDERED JOINT ASSESSMENT REPORT

Pursuant to California Rules of Court 5.512(a)(4), if a petition has been filed, on the request of the minor, parent, guardian, or counsel, or on the court's own motion, the court may set a hearing for a determination under WIC §241.1 and order the Joint Assessment Report (JAR) be made available as required. The court that holds the minor's current status is the Lead Court and will remain the Lead Court during the joint assessment process. The agency that filed the petition will be the Lead Agency during the joint assessment process. In the event of scenario six (6), where a petition would be filed in both Dependency and Juvenile Justice courts, the Juvenile Justice court shall order the joint assessment and Probation would be the Lead Agency. The below scenarios identify which agency shall be the Lead Agency in the preparation of the JAR.

	Current Status & Lead Court	Scenario	Petition Filed	Court to Order Joint Assessment	Lead Agency
1	Dependency Court	Allegedly committed WIC §602 offense	No	Not Applicable	Not Applicable
2	Dependency Court	Allegedly committed WIC §602 offense	WIC §602 Petition Filed	Juvenile Justice	Probation
3	Juvenile Justice Court	Alleged victim of abuse or neglect	No	Not Applicable	Not Applicable
4	Juvenile Justice Court	Alleged victim of abuse or neglect	WIC §300 Petition Filed	Dependency	FCS
5	Juvenile Justice Court	Alleged abandonment or unsuitable home	WIC §602 Early Termination Request Filed	Juvenile Justice	Probation
6	No Status	Appears to come within WIC §300 and allegedly committed WIC §602 offense	WIC §300 Petition Filed & WIC §602 Petition Filed	Juvenile Justice	Probation

EXCHANGE OF INFORMATION

FCS and Probation may exchange information in accordance with all applicable federal, and state laws relating to confidentiality, including WIC §827 and California Rules of Court

5.552. Further, Mendocino County Superior Court Local Rule 5.8(c) allows for limited and informal disclosure of juvenile records by FCS and Probation to aid in determining what is in the best interests of a minor. Information obtained by FCS or Probation in the performance of this protocol shall not be used for any other purpose, except as may be required by law.

JOINT ASSESSMENT INVESTIGATION & COLLABORATION

Every reasonable effort shall be made by FCS and Probation to jointly determine which status, wardship, dependency, or dual status, best serves the interests of the minor and the protection of society. Consideration will be given to the potential risk of future criminal behavior and the necessity of secure detention.

Once the court has ordered the joint assessment, the Lead Agency shall advise the Support Agency no later than the following business day by communicating through a secure county collaborative platform.

Each agency agrees to assign a specific worker within its agency to investigate and collaborate on the preparation of the joint assessment. At a minimum a joint meeting between FCS and Probation shall be immediately scheduled between the assigned agency workers to share records and to discuss the assessment report information and potential recommendation. During the joint meeting the agencies will identify which sections of the assessment report for which each is responsible for completing. The Lead Agency will also make every effort to hold a Child Family Team (CFT) meeting to assist in gathering information needed for the joint recommendation. All County Letter (ACL) 22-35 states, "In preparation for the WIC 241.1 hearing, it is best practice to hold a CFT meeting and use the findings of the meeting to inform the recommendation to the court as to whether supervision by CWS, JPD, or both CWS and JPD will best serve the youth."

To meet the hearing notice and filing timelines, the Supporting Agency shall submit its investigative information and completed report sections to the Lead Agency, no later than seven (7) calendar days before the WIC §241.1 hearing. Further, the Lead Agency shall prepare the joint assessment report document with the information from the Supporting Agency and submit to the Supporting Agency for review and Supporting Agency signatures, no later than six (6) calendar days before the WIC §241.1 hearing. Once signed the

Supporting Agency shall immediately submit the signed report to the Lead Agency no later than (5) calendar days before the WIC §241.1 hearing for its final review, report signatures, and filing with the court.

Pursuant to WIC §241.1(c) the JAR shall be filed with the juvenile court and the court shall determine the status most appropriate for the minor. All 241.1 hearings will be heard on the dedicated Dual Jurisdiction calendar with the Lead Court determining the finding.

JOINT ASSESSMENT REPORT CONSIDERATIONS

The following factors shall be considered and addressed in the report as required by California Rule of Court 5.512(d), WIC §241.1(b)(2) and/or local court requirement:

- A description of the nature of the referral
- The age of the minor
- The history of any physical, sexual, or emotional abuse of the minor
- The prior record of the minor's parents for child abuse of this or any other minor
- The prior record of the minor for out-of-control or delinquent behavior
- The minor's functioning at school
- The parents' cooperation with the minor's school
- The nature of the minor's home environment
- The records of other agencies or professionals that have been involved with the minor and their family
- Any services or community agencies available to assist the minor and their family
- A statement by any counsel currently representing the minor
- A statement by any Court Appointed Special Advocate (CASA)
- A statement by the Minor's Tribe if the minor is eligible for or enrollment or enrolled in any federally recognized Indian Tribe.

In the event the alleged conduct that appears to bring a dependent minor within the description of Section 601 or 602 occurs in, or under the supervision of, a foster home, or other licensed facility that provides residential care for minors, §241.1(b)(3)(B) states FCS and Probation 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 minor's case plan, needs and services plan, placement agreement, facility plan of operation, or facility emergency intervention plan, in determining which status will serve the best interests of the minor and the protection of society.

The following are additional factors that should be considered and addressed in the report:

- The youth's ability to be rehabilitated prior to obtaining the age of majority
- Biological siblings' status and factors
- Family reunification issues
- History of incorrigibility/Juvenile Justice while under the care of FCS
- Ability of agencies to provide adequate services
- History of substance abuse
- Mental health and medical needs
- Conflicting or problematic court dependency and Juvenile Justice orders
- Necessity for Independent Living Skills and emancipation
- Safety of the youth and the community

JOINT ASSESSMENT REPORT RECOMMENDATION & CONFLICT RESOLUTION

FCS and Probation shall make every effort to agree upon and submit a joint recommendation as to the status that best serves the needs of the minor and society. If FCS and Probation do not reach an agreement, then each department shall include in the assessment report a statement of its position regarding the appropriate status for the minor. FCS and Probation shall prioritize the least restrictive options to ensure the best interests of the minor and the community are served. The following are the legal status options FCS and Probation can recommend:

WIC §300 Status

- Minor is a dependent supervised solely by FCS

WIC §300 & WIC §654.2 Informal Dual Status

- Minor is a dependent and on a grant of informal probation
- Probation terms are minimal and the youth cannot be detained for violating terms
- 602 petitions are not admitted by the youth
- FCS and Probation both supervise collaboratively - Lead and Supporting Agencies to be identified

WIC §300 & WIC §725(a) Informal Dual Status

- Minor is a dependent and on a grant of non-wardship probation
- Probation terms are moderate and the youth cannot be detained for violating terms
- 602 petitions are admitted by the youth
- FCS and Probation both supervise collaboratively - Lead and Supporting Agencies to be identified

WIC §300 & WIC §790 Informal Dual Status

- Minor is a dependent and on a grant of Deferred Entry of Judgment
- Probation terms are significant but youth cannot be detained for violating terms
- 602 petitions alleged are usually felonies and are admitted by the youth but held in abeyance
- FCS and Probation both supervise collaboratively - Lead and Supporting Agencies to be identified

WIC §300 & WIC §602 Formal Dual Status

- Minor is a dependent of the dependency court and a ward of the Juvenile Justice court
- Probation terms are significant, and the youth can be detained for violating terms
- 602 petitions are admitted by the youth
- FCS and Probation both supervise collaboratively - Lead and Supporting Agencies to be identified

WIC §602 Status

- Minor is a ward of the Juvenile Justice court and is supervised solely by Probation

241.1 HEARING TIMELINES

Pursuant to California Rules of Court 5.512(e), if the minor is detained, the hearing on the JAR must occur as soon as possible after or concurrent with the detention hearing, but no later than fifteen (15) court days after the order of detention and before the jurisdictional hearing. If the minor is not detained, the hearing on the JAR must occur before the jurisdictional hearing and within thirty (30) days of the date of the petition. Further, California Rules of Court 5.512(f), states that at least five (5) calendar days before the hearing, notice of the hearing and copies of the JAR must be provided to the minor, the minor's parent or guardian, all attorneys of record, any CASA volunteer, and any other juvenile court having jurisdiction over the minor. The notice must be directed to the juvenile court judicial officer that will conduct the hearing. If ICWA applies, the minor's tribe shall also be noticed of such hearing per local court requirement.

241.1 HEARING COURT DETERMINATION

All parties and their attorneys must have an opportunity to be heard at the hearing. The Court must make a determination regarding the appropriate status of the minor and state its reasons on the record or in a written order.

WIC §241.1(f) mandates whenever the court determines it is necessary to modify the court's jurisdiction over a dependent or ward who was removed from their parent or guardian and placed in foster care, the court shall ensure that all of the following conditions are met:

- (1) The petition under which jurisdiction was taken at the time the dependent or ward was originally removed is not dismissed until the new petition is sustained;
- (2) The order modifying the court's jurisdiction contains all of the following provisions:
 - (a) Reference to the original removal findings and a statement finding that continuation in the home is contrary to the minor's welfare, and that reasonable efforts were made to prevent removal, remain in effect;
 - (b) A statement that the minor continues to be removed from the parent or guardian from whom the minor was removed under the original petition;
 - (c) Identification of the agency that is responsible for placement and care of the minor based upon the modification of jurisdiction.

241.1 HEARING FINDINGS & COMMUNICATION BETWEEN COURTS

The following outlines the court communication that shall occur based on the below scenarios and Court findings heard by the Juvenile Court on the dedicated Dual Jurisdiction calendar:

	Current Status & Lead Court	Scenario	Petition Filed
2	Dependency Court	Allegedly committed WIC §602 offense	WIC §602 Petition Filed
4	Juvenile Justice Court	Alleged victim of abuse or neglect	WIC §300 Petition Filed
5	Juvenile Justice Court	Alleged abandonment or unsuitable home	WIC §602 Early Termination Request Filed
6	No Status	Appears to come within WIC §300 and allegedly committed WIC §602 offense	WIC §300 Petition Filed & WIC §602 Petition Filed

WIC §300 Status

- Scenario 2: If it is decided the minor should only be on WIC §300 status, the Juvenile Justice Court shall dismiss the WIC §602 petition and send a copy of that minute order to the Dependency Court.
- Scenario 4: If it is decided the minor should only be on WIC §300 status, the matter must proceed to jurisdictional and dispositional hearings. Once the petition has been sustained and the minor is declared a dependent of the court pursuant to WIC §300, the minute order should be sent to Juvenile Justice Court so that Juvenile Justice jurisdiction can be terminated.
- Scenario 5: If it is found jurisdiction as a ward is no longer required and it is determined the minor should be on WIC §300 status due to abandonment or unsuitable home, the Juvenile Justice Court's intent should be reflected in the minute order and sent to Dependency Court for that matter to proceed to adjudication. Once the petition has been sustained and the minor is declared a dependent of the court pursuant to WIC §300, the minute order should be sent to Juvenile Justice Court so that jurisdiction can be terminated.
- Scenario 6: If it is decided the minor should only be on WIC §300 status, the Juvenile Justice Court's intent should be reflected in the minute order and sent to Dependency Court for that matter to proceed to adjudication. Once the petition has been sustained and the minor is declared a dependent of the court pursuant to WIC §300, the minute order should be sent to Juvenile Justice Court so the WIC §602 petition can be dismissed.

WIC §300/WIC §654.2, §725(a), or §790 Informal Dual Status

- Scenario 2: If it is decided the minor should be on Informal Dual Status, the Juvenile Justice Court must proceed with adjudication and disposition hearings. Once the minor has been placed on WIC §654.2, WIC §725(a), or WIC §790 status, the Juvenile Justice Court shall send a copy of the minute order to the Dependency Court. The minute order shall also include a finding as to the most appropriate Lead Court and Lead Agency for post disposition Informal Dual Status proceedings and supervision.
- Scenario 4: If it is decided the minor should be on Informal Dual Status, the matter must proceed to jurisdictional and dispositional hearings and the Dependency Court's intent should be reflected in the minute order and sent to Juvenile Justice Court. Once the petition has been sustained and the minor is declared a dependent of the court pursuant to WIC §300, the minute order should be sent to Juvenile Justice Court. The minute order shall also include a finding as to the most appropriate Lead Court and Lead Agency for post disposition Informal Dual Status proceedings and supervision.

- Scenario 5: If it is found jurisdiction on informal probation continues to be required and it is determined the minor should be on WIC §300 status due to abandonment or unsuitable home, the Juvenile Justice Court's intent for Informal Dual Status should be reflected in the minute order and sent to Dependency Court, for that matter to proceed to adjudication. The minute order shall also include a finding as to the most appropriate Lead Court and Lead Agency for post disposition Informal Dual Status proceedings and supervision. Once the petition has been sustained and the minor is declared a dependent of the court pursuant to WIC §300, the minute order should be sent to Juvenile Justice Court.
- Scenario 6: If it is decided the minor should be on Informal Dual Status, the Juvenile Justice Court must proceed with adjudication and disposition hearings. Once the minor has been placed on WIC §654.2, WIC §725(a), or WIC §790 status, the Juvenile Justice Court shall send a copy of the minute order to the Dependency Court. The minute order shall also include a finding as to the most appropriate Lead Court and Lead Agency for post disposition Informal Dual Status proceedings and supervision. Once the petition has been sustained in Dependency Court and the minor is declared a dependent of the court pursuant to WIC §300, the minute order should be sent to Juvenile Justice Court.

WIC §300/WIC §602 Formal Dual Status

- Scenario 2: If it is decided the minor should be on Formal Dual Status, the Juvenile Justice Court must proceed with adjudication and disposition hearings. Once the petition has been sustained and the minor is declared a ward of the court pursuant to WIC §602, the Juvenile Justice Court shall send a copy of the minute order to the Dependency Court. The minute order shall also include a finding as to the most appropriate Lead Court and Lead Agency for post disposition Formal Dual Status proceedings and supervision.
- Scenario 4: If it is decided the minor should be on Formal Dual Status, the matter must proceed to jurisdictional and dispositional hearings and the Dependency Court's intent should be reflected in the minute order and sent to the Juvenile Justice Court. Once the petition has been sustained and the minor is declared a dependent of the court pursuant to WIC §300, the minute order should be sent to Juvenile Justice Court. The minute order shall also include a finding as to the most appropriate Lead Court and Lead Agency for post disposition Formal Dual Status proceedings and supervision.
- Scenario 5: If it is found jurisdiction as a ward continues to be required and it is determined the minor should be on WIC §300 status due to abandonment or unsuitable home, the Juvenile Justice Court's intent for Formal Dual Status should be reflected in the minute order and sent to Dependency Court, for that matter to proceed to adjudication. The minute order shall also include a finding as to the most appropriate Lead Court and Lead Agency for post disposition Formal Dual Status proceedings and supervision. Once the

petition has been sustained and the minor is declared a dependent of the court pursuant to WIC §300, the minute order should be sent to Juvenile Justice Court.

- Scenario 6: If it is decided the minor should be on Formal Dual Status, the Juvenile Justice Court must proceed with adjudication and disposition hearings. Once the minor has been declared a ward of the court pursuant to WIC §602, the Juvenile Justice Court shall send a copy of the minute order to the Dependency Court. The minute order shall also include a finding as to the most appropriate Lead Court and Lead Agency for post disposition Formal Dual Status proceedings and supervision. Once the petition has been sustained in Dependency Court and the minor is declared a dependent of the court pursuant to WIC §300, the minute order should be sent to Juvenile Justice Court.

WIC §602 Status

- Scenario 2: If it is decided the minor should only be on WIC §600 status, the matter must proceed to adjudication and disposition hearings. Once the petition has been sustained and the minor is declared a ward of the court pursuant to WIC §602, the minute order should be sent to Dependency Court so the WIC §300 petition can be dismissed.
- Scenario 4: If it is decided the minor should only be on WIC §600 status, the WIC §300 petition shall be dismissed, and the minute order sent to Juvenile Justice Court.
- Scenario 5: If it is found jurisdiction as a ward continues to be required and it is determined the minor should not be declared a dependent pursuant to WIC §300 the Juvenile Justice Court's intent should be reflected in the minute order and sent to Dependency Court for the WIC §300 petition to be dismissed.
- Scenario 6: If it is decided the minor should only be on WIC §602 status, Juvenile Justice Court must proceed with adjudication and disposition hearings. Once the petition has been sustained and the minor is declared a ward of the court pursuant to WIC §602, the Juvenile Justice Court shall send a copy of the minute order to the Dependency Court for the WIC §300 petition to be dismissed.

Within five (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 minor, including out-of-county jurisdictions.

WIC §241.1 DUAL STATUS PROTOCOL

BACKGROUND

Assembly Bill 129 allows for the establishment of dual status in counties that have developed a protocol to be followed in making a recommendation to the juvenile court for a particular minor. Welfare and Institutions Code §241.1(e) permits the probation department and child welfare services department in consultation with the presiding judge of the Juvenile Court to create a jointly written protocol to allow the departments to jointly assess and recommend that the youth be designated as a dual status youth, thereby allowing the youth to be simultaneously a dependent and a ward of the Juvenile Court. The protocol shall be signed by the Chief Probation Officer, Director of the child welfare agency, and the Presiding Judge of the Juvenile Court. The protocol shall include:

- (1) A description of the process to be used;
- (2) A description of the procedure to assess the necessity for dual-status including the creation of a seamless transition from wardship to dependency status as appropriate;
- (3) A provision for ensuring communications between dependency judges and juvenile justice judges;
- (4) A plan to collect data in order to evaluate the protocol;
- (5) Utilization of an on-hold system or lead/agency lead/Court system that does not involve simultaneous or duplicative case management provided by both the probation department and child welfare services department.

Pursuant to WIC §241.1(e)(5)(A), an “on-hold” system may be adopted for dual-status cases, and dependency jurisdiction shall be suspended while a minor is subject to jurisdiction as a ward of the Court. When it appears that termination of the Juvenile Justice court’s jurisdiction is likely and that return of the minor to the parent or guardian would be detrimental to the minor, FCS and Probation shall jointly assess and produce a recommendation as to whether dependency jurisdiction shall be resumed.

Pursuant to WIC §241.1(e)(5)(B), a “lead agency” system may also be implemented, in which a lead agency is jointly identified. The dual status protocol shall include a method for identifying which court or agency will be the lead court or agency. That agency shall be

responsible for case management, conducting statutorily mandated court hearings, and submitting court reports. The identified supporting agency shall provide ongoing collaboration, communication, and service support to the lead agency to ensure the safety and well-being of the minor, family, and community.

Assembly Bill 12 created California's Extended Foster Care (EFC) Program which allows eligible youth in the child welfare and probation systems to remain in foster care until age 21. Youth may leave extended foster care and later choose to re-enter the program up to age 21. To remain eligible for EFC, youth must meet at least one of five participation criteria. Assembly Bill 212 allows for and determines how youth who fall under §602 petitions can participate in the EFC Program.

Pursuant to WIC §241.1(b)(4) the county protocol must include the following processes:

- (a) a process for determining which agency and court shall supervise a minor whose jurisdiction is modified from juvenile justice to dependency pursuant to §607.2(b)(2) and §727.2(i)
- (b) a process for determining which agency and court shall supervise a nonminor dependent under the transition jurisdiction
- (c) a process that specifically addresses the manner in which supervision responsibility is determined when a nonminor dependent becomes subject to adult probation supervision

LEAD AGENCY SYSTEM

FCS and Probation may recommend either an "On-Hold" or a "Lead Agency" system for dual-status jurisdiction cases, dependent on the needs of the minor and family. However, it is important to ensure that there is no simultaneous or duplicative case management or services and that judges shall not issue conflicting orders. Therefore, Mendocino County agrees to implement the Lead Agency system.

LEAD COURT PROCEDURES

Whenever possible, the Mendocino County Superior Court shall continue its established practice of having one judge hear all WIC §300 and §602 cases. Once dual status has been

established, all reports shall be filed and heard in the Lead Court. All parties in both Dependency and Juvenile Justice courts shall be noticed for the hearings and court appearances scheduled in the Lead Court concerning the dual status youth. Unless the same attorney has been appointed to represent a dual status minor, both dependency and juvenile justice attorneys shall attend court hearings. FCS and Probation shall both attend court hearings.

If for any reason, more than one judicial officer should become involved in a dual status or potential dual status case, said judicial officers shall communicate between themselves as to the status of the minor, and shall make sure that each has access to all relevant court files and reports, including reports filed pursuant to §727.2.

DUAL STATUS CHILD FAMILY TEAM MEETING

Prior to the dispositional hearing of either an Informal Dual Status case or Formal Dual Status case the Lead Agency will schedule a Child Family Team (CFT) meeting to develop a dual status case plan. Child and Family Team (CFT) meetings are the primary engagement process to enable a collaborative discussion of the strengths and needs of the youth and family. The composition of the team is driven by the youth and by family members' preferences.

As specified in CDSS All County Letter (ACL) 22-35, the initial CFT meeting must occur within 60 days of youth's entry into foster care, or no later than the dispositional hearing, whichever is earlier. In cases where it is known, or there is reason to know, the minor is an Indian child, the CFT meeting must be held within 30 days of entry into foster care in order for the dispositional hearing to occur within the time required by WIC §224.2(i)(1) and WIC §352(b).

Additional CFT meetings will be scheduled as statutorily required to assess the youth's progress through review of case planning, safety planning, service delivery progress, placement stabilization, placement changes, changes in visitation and to discuss reunification when appropriate. A CFT meeting may also occur when there is a significant change in family dynamics or placement. The Lead Agency is responsible for scheduling and noticing all CFT participants. If the minor cannot attend, the Lead Agency will meet with the youth prior to the CFT meeting for their input.

The Lead Agency and Supporting Agency will also follow CFT processes in accordance with Assembly Bill 1068 and Assembly Bill 153, relevant CDSS All County Letters (ACL) and ACINs, and the Mendocino County Interagency Children, Youth and Family System of Care (AB 2083) MOU.

The CFT membership shall include:

- Minor
- Family Members
- Current Caregivers
- Resource Parents
- CFT Facilitator
- Social Worker
- Probation Officer

The additional CFT participants shall include as applicable:

- Behavioral Health Provider
- Public Health Foster Care Nursing Representative
- Community Service Providers
- Regional Center Representative
- School Representative
- Educational Rights Holder
- Indian Child Welfare Advocate
- CASA Representative
- STRTP Representative
- Other Relevant and Supportive Participants

DISPOSITIONAL HEARING

FCS and Probation shall each write a disposition report and file it with the Dependency or Juvenile Justice Court that is pending a dispositional hearing. Each report shall include the signed Dual Status CFT case plan. The Lead Court will make any orders necessary to implement the case plan. The Lead Court will be the ultimate monitor of the case plan in terms of implementation and progress and will schedule regular statutory review hearings to monitor the implementation of the case plan.

Following the dispositional hearing the lead agency shall schedule a post-disposition CFT meeting. The goal of the post-disposition CFT meeting is to achieve consensus on the specifics of the dual-status case plan implementation while avoiding simultaneous or

duplicative case management or services. The youth, the social worker, the probation officer, the caregiver, and other relevant individuals should understand completely their respective responsibilities going forward by the time they leave the meeting.

DUAL STATUS PROGRESS HEARINGS

The Lead Agency in collaboration with the Supporting Agency shall prepare and submit a written Dual Status Progress Report for each statutory review hearing scheduled. Each progress report will contain a summary of the joint implementation efforts by FCS and Probation and the minor and family efforts towards completing the case plan goals. At each progress hearing, the Court will make any additional orders necessary for the continued or modified implementation of the case plan. The appearance of the youth is not mandatory at each hearing unless ordered by the Court or requested by the youth or the youth's attorney.

Dual status progress reports shall include the following information as applicable but not be limited to:

- A description of the behavior and needs addressed in the case plan including medical, dental, mental health and special education needs
- Services identified to address each need including person or agency providing the service(s)
- An update on the status of plan implementation including when services began, and anticipated length of time services will be needed
- A summary of the most recent CFT meeting(s)
- Outline of the obligations of the youth, the social worker, the probation officer, the caregiver, and anyone else included in the plan
- Whether there is a need to reassign education rights
 - If so, the Lead Agency shall have completed and submitted a JV-535 Order Designating Educational Rights Holder for the Lead Court review
- Status update on visitation between the youth and family, including siblings
- Status update on minor and family reunification plan goals
- Description of conditions of probation and dependency orders
- Transitional Independent Living Program (TILP) plan, if the youth is sixteen (16) or older
- A recommended amended Case Plan

For non-statutory interim review hearings that may be scheduled by the Court or requested by a party, the Lead Agency, in collaboration with the Supporting Agency, will provide a verbal progress report on the specific topic(s) of the interim review hearing.

LEAD AGENCY VS. SUPPORTING AGENCY RESPONSIBILITIES

The Lead Agency has primary case management, placement and court report responsibilities. The Supporting Agency shall provide collaborative efforts for youth services, report and case management documentation and youth visits. The following chart outlines each agency's responsibilities.

Responsibilities	Lead Agency	Supporting Agency
Placement	X	
Case Management	X	
Schedule court hearings and notice all parties	X	
Prepare and submit court reports	x	
Prepare, submit, and update the JV-220 Application for Psychotropic Medication	x	
Schedule all Child Family Team (CFT) meetings	x	
Monthly visits with minor	x	
Complying with the mandates of §300 and §602 hearings, Division 31, and Title IV-E regulations	x	x
Prepare and submit MDT Referral form	x	x
Attend monthly JAT meetings - joint progress reviews on all dual status cases	x	x
Attend all CFT meetings - minor case plan development, implementation and review	x	x
Attend all MDT meetings - (STRTP recommendation)	x	x
Provide non-duplicative services to youth and family, as determined in the Case Plan	x	x
CWS/CMS Data Entries	x	x
Data Collection	x	X

DUAL STATUS CASE MANAGEMENT

Dual status does not change existing regulatory and statutory guidelines related to children adjudged wards of the Juvenile Justice court or dependents of the juvenile court. Statutory

guidelines pertaining to the care, custody and control; placement; family reunification; periodic review; permanency planning hearings and termination of parental rights proceedings for a minor adjudged a ward of the Juvenile Justice court are outlined in WIC §727, and for dependents of juvenile court in WIC §360, §361, §362, §364 and §366. Regulatory guidelines are outlined in Division 31 of the California Department of Social Services Manual of Policies and Procedures Child Welfare Services Manual.

According to California Department of Social Services (CDSS) All County Information Notice (ACIN) 05-06, services, activities and time frames related to family maintenance, family reunification and permanency placement requirements as specified in regulatory and statutory guidelines must be complied with regardless of how AB 129 is implemented. For example, if a minor is placed in a foster care facility, is later placed in a juvenile detention facility or medical facility, and then returns to a foster care facility, family maintenance and family reunification time frames remain the same and are not interrupted. In addition, the timelines for the 12-month permanency hearing and all subsequent 12-month permanent placement hearings remain the same and cannot be interrupted.

Regardless of which department is the lead agency, both social worker and probation officer will conduct the required monthly visit together whenever feasible. According to CDSS All County Information Notice (ACIN) 05-06, the Dual Protocol may call for both the social worker and probation officer to conduct monthly visits, but for different purposes. Each agency may conduct such visits so long as it is consistent with the existing Title IV-E Foster Care claiming instructions and requirements. If a youth is placed out-of-state, then the Supporting Agency will visit quarterly.

JOINT ASSESSMENT TEAM

The Joint Assessment Team (JAT) is comprised of representatives from FCS and Probation, including the assigned social worker, FCS supervisor, assigned probation officer and Probation supervisor. The JAT will meet once a month to track and discuss all dual status involved cases. During JAT meetings, each case will be reviewed for collaborative resources, referrals needed and completed for youth and families, completion of case assessments and updated assessments, case plan goals and supervision progress and permanency planning. This review also provides a method to ensure there are not duplicative case management

and service deliveries occurring between FCS and Probation. The case conferencing will also take into consideration the discussions held at the CFT meetings. During JAT meetings, FCS and Probation will also collaborate on preparation of Dual Status Progress reports and data collection.

CASE MANAGEMENT SYSTEMS

FCS and Probation minor contacts and services shall be documented in adherence to their department's policy. All contacts made by the Lead Agency and Supporting Agency shall be documented in the agency's respective databases. FCS and Probation shall also enter information into the Child Welfare Services Case Management System (CWS/CMS) as mandated. The following identifies the role and responsibility of each agency for entering dual status case data into CWS/CMS.

FCS Lead Agency

If FCS is the lead agency, it will give Probation secondary assignment and enter the special project code.

Probation Lead Agency

If Probation is the lead agency, FCS will end its case in CWS/CMS using the date the dual status was declared. Probation will open a Non-Child Welfare Department case in CWS/CMS, will give FCS secondary assignment, and will enter the special project code.

Both FCS and Probation will complete and enter the information regarding monthly contact/compliance visits in CWS/CMS. When dual status is terminated and either FCS or Probation continues with the case, the other agency will close its case within five (5) calendar days of dual status jurisdiction being terminated.

TITLE IV-E FUNDING

Program funding for Title IV-E will remain the same with state and federal funds continuing to transfer directly to FCS with funds passed through to Probation. FCS and Probation are permitted to claim costs on the same minor if there is no duplication of cost for the same

activity or service. FCS and Probation shall develop interagency specific procedures and methods for fiscal claiming to ensure no duplication of activities or services occurs, the services are indeed distinct and different, and the cost associated with each is not duplicated.

PLACEMENT

Juvenile justice jurisdiction will only last as long as necessary to address juvenile justice matters and will not continue solely to address placement issues. Identification of and active attempts to secure the least restrictive placement for reunification will be made by FCS and Probation. If reunification is not possible, the least restrictive placement for permanency will be made. FCS and Probation shall work together to find a suitable placement. The Lead Agency will ultimately be responsible for the placement. Placement findings and orders will be made by the Lead Court. Camps and juvenile detention facilities are considered “secured” facilities. For a minor’s placement to be suitable for both FCS and Probation, the Court 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 juvenile justice program or temporarily reside in a secured facility.

If the CFT determines the minor may benefit from a Short-Term Residential Therapeutic Program (STRTP) placement, the Lead Agency, in collaboration with the Supporting Agency, will complete a Referral for Qualified Individual Assessment to the Mendocino County Behavioral Health & Recovery Services Department within two business days of the CFT recommendation, or the minor’s emergency placement into an STRTP. FCS and Probation shall complete and provide agency-specific assessment outcomes identified in the Mendocino County AB 2083 MOU, C. Screening, Assessment and Entry to Care Section, including but not limited to Structured Decision-Making (SDM) tools, the Child and Adolescent Needs and Strengths (CANS) tool, the Level of Care (LOC) tool, the Adverse Childhood Experiences (ACEs) tool, the Positive Achievement Change Tool (PACT), and the Detention Risk Assessment Instrument (DRAI). The Referral for Qualified Individual Assessment shall include, at a minimum, all forms and documents listed on page 4 of the QI Referral Form.

The Lead Agency, in collaboration with the Supporting Agency, will also complete the Multi-Disciplinary Team (MDT) Referral to the Interagency Placement Committee within two

business days of the CFT recommendation for an STRTP or the minor's emergency placement into an STRTP requesting a slot on the MDT schedule within 30 days. The information noted above for the QI referral shall also be provided with the MDT referral, as well as the completed QI Assessment upon completion for the MDT to review and consider

Pursuant to the Mendocino County Interagency Children, Youth and Family System of Care (AB 2083) Memorandum of Understanding the MDT membership shall include:

- Family & Children's Services (FCS) Senior Program Manager
- Probation - Juvenile Division Supervisor or Manager
- Anchor Health Management Designee
- Behavioral Health & Recovery Services (BHRS) Designee
- Mendocino County Office of Education (MCOE) Designee

The goal of the MDT is to support coordinated decision-making and approval for specialized services and placements for youth in foster care. In the event the MDT recommends a STRTP placement the Families First Prevention Services Act (FFPSA) local procedures would be initiated, including the Qualified Individual (QI) referral and assessment process.

DETENTION IN JUVENILE HALL

In those situations, in which a dual status minor becomes a candidate for detention in Juvenile Hall, FCS and Probation staff will assess the minor for trauma indicators that influence a youth's behaviors and collaborate jointly on the detention recommendation. As such, FCS and Probation will consider and possibly develop alternatives to detention in Juvenile Hall to not further traumatize a foster youth or criminalize related behaviors, if possible. Detention paperwork shall be completed by Probation. Detention filings shall be submitted with the Juvenile Justice Court and placed on the arraignment calendar.

WIC §300 Status

Pursuant to WIC §628(a)(2), when a WIC §300 youth is taken into Juvenile Hall and screened for continued detention or possible release, Probation cannot keep the foster youth in Juvenile Hall only because:

- The minor is a current foster youth or has a pending FCS case
- The current placement seems to be contrary to the youth's welfare
- The inability of FCS to locate a placement for the minor

Probation may keep a foster youth in Juvenile Hall, similar to other youth not involved in the dependency system, when:

- Detention is needed for the "immediate and urgent necessity" for the protection of the minor or community safety or third parties
- The minor is likely to flee the jurisdiction
- The minor has violated a court order

Conduct in Foster Care Placement and Failures

Any Formal Dual Status minor with a placement failure or who absconds from an STRTP may be placed in Juvenile Hall pending a WIC §602 detention hearing.

WIC §241.1(b)(3)(B) states that when any alleged WIC §602 conduct by a foster youth occurs in, or under the supervision of, a resource family home, STRTP placement, or other licensed residential care setting, Probation and FCS may consider whether the alleged WIC §602 conduct was within the "scope of behaviors" to be managed or treated by the resource home, placement, or facility. Probation and FCS should look to the minor's case plan, needs and services identified by service providers, and any therapeutic or emergency plans developed by the facility, in determining which housing status will serve the best interests of the minor.

When a youth returns to Juvenile Hall from a placement, the lead agency will inform Juvenile Hall medical staff of the most updated medication, medical status, and any mental health needs of the youth upon return or no later than within 12 hours of the youth's return.

Juvenile Hall Minimum Contact Standards

When it is determined a dual status minor will be detained in Juvenile Hall there shall be an initial face-to-face meeting by the FCS and/or Probation within 2 working days. Following the initial visit, subsequent Juvenile Hall visits shall occur weekly by the Lead Agency and at a minimum a monthly visit by the Supporting Agency.

CHANGE OF STATUS OR LEAD AGENCY

If FCS 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 FCS or Probation services, a special set CFT meeting shall be scheduled and noticed to all involved CFT participants by the agency seeking the change in status. If FCS and Probation are in agreement to the recommended changes, the Lead Agency shall schedule a special hearing and submit a Dual Status Progress Report with the new joint recommendation. If FCS and Probation do not reach an agreement, then each department shall include in the progress report a statement of its position regarding the recommended change(s) to the appropriate status for the minor, lead agency or agency services.

TERMINATION OF DUAL STATUS

At every progress hearing the Court shall consider if the current dual status remains the most appropriate status for the minor and society. If the Court determines dual status should be terminated, the Court will do one of the following:

WIC §300 Status

Terminate jurisdiction in the juvenile justice case, dismiss the WIC §602 petition, and order exclusive jurisdiction with the dependency court.

WIC §602 Status

Terminate jurisdiction in the dependency case, dismiss the WIC §300 petition, and order exclusive jurisdiction with the Juvenile Justice court.

Neither WIC §300 nor §602 Status

Terminate jurisdiction in both the juvenile justice and dependency cases.

The order terminating dual status will be made at a progress hearing or at a special hearing with notice to all parties in both cases. minor

DATA COLLECTION

FCS and Probation shall compile data on dual status cases to identify baseline numbers and to track progress and closure outcome indicators. Data tracking will begin once a 241.1 Joint Assessment Report is ordered and will continue to be tracked until dual status is terminated. FCS and Probation shall jointly prepare an annual Dual Status Outcomes report to be submitted to the Court by August 31st of each year.

On a quarterly basis, the JAT shall collect the following data in preparation of the annual report:

	Data Element	Data Element - Breakdown		
1	The number of dependents arrested or cited	Juvenile Justice petitions not filed	Juvenile Justice petitions filed	
2	The number of delinquent children alleged to be victims of abuse or neglect	Dependency petitions not filed	Dependency petitions filed	
3	The number of delinquent children with alleged abandonment or unsuitable home - Early Termination Request filed	Dependency petitions not filed	Dependency petitions filed	
4	The number of WIC §241.1 FCS - Lead Agency submitted reports	Joint Recommendation report dispositions	No agreement: FCS supervise report dispositions	No agreement: Probation supervise report dispositions
5	The number of WIC §241.1 Probation - Lead Agency submitted reports	Joint Recommendation report dispositions	No agreement: FCS supervise report dispositions	No agreement: Probation supervise report dispositions
6	The number of Dual Status determinations	Informal Dual Status cases	Formal Dual Status cases	
7	The number of exclusive status determinations	Dependency cases	Juvenile Justice cases	
8	The number of Lead Agency status changes	FCS to Probation changes	Probation to FCS changes	
9	The number of Dual Status Terminations	Transition Jurisdiction ordered	Dependency Jurisdiction ordered	Successful Reunification & Juvenile Justice Terminated ordered
10	The number of active Dual Status cases as of June 30 th	FCS Lead Agency cases	Probation Lead Agency cases	
11	The number of active Transition Dependents (previously Dual Status) as of June 30 th	FCS Lead Agency cases	Probation Lead Agency cases	
12	The number of active NMDs (previously Dual Status) as of June 30 th	FCS Lead Agency cases	Probation Lead Agency cases	

TRANSITIONING SUPERVISION PROCESSES

EXTENDED FOSTER CARE & NON-MINOR DEPENDENT

Assembly Bill 12 provides a system for providing child welfare or probation youth access to the Extended Foster Care (EFC) Program. The EFC Program allows eligible youth in the child welfare and probation systems to remain in foster care until age 21 and to receive foster care benefits (Aid to Families with Dependent Children-Foster Care (AFDC-FC) payments) and services. The young adults remain under the jurisdiction of the court, supervision of the county, and must reside in eligible licensed or approved placements to receive AFDC-FC. These young adults are referred to as Non-Minor Dependents (NMDs). Remaining in foster care after age 18 is voluntary. NMDs can exit at age 18 or at any subsequent time before age 21. Youth who exit at age 18 can petition the juvenile court to re-enter foster care at any time before age 21.

Assembly Bill 212 allows for and determines how wards of the court can participate in the EFC Program. Eligible minor wards can transition to WIC §300 dependency status or WIC §450 transition jurisdiction status at the time their juvenile justice jurisdiction is terminated to allow them to remain in foster care and participate in the EFC Program after reaching 18 years of age if they also meet the eligibility criteria for EFC.

To be eligible for the EFC Program a youth must:

- Be at least 18 years old but under 21 years of age
- Be subject to a foster care placement order on their 18th birthday, placing them under the care, custody and control of a county child welfare agency, probation department or tribal agency
- Meet one of the following criteria after reaching age 18:
 - Working towards completion of high school or equivalent program
 - Enrolled in college, community college or a vocational education program
 - Employed at least 80 hours a month
 - Participating in a program designed to assist in gaining employment
 - Unable to do one of the above requirements because of a documented medical condition

If a youth is eligible for participation in the EFC Program, FCS will be the sole agency responsible for the AFDC-FC eligibility determination.

In preparation for potential participation in the EFC Program, a CFT meeting will be held when the minor is the age of 17 years and 5 months to determine the minor's interest in participating in foster care beyond their 18th birthday. Additionally, the JAT will investigate youth's eligibility for transition jurisdiction, determine if dual status supervision should continue, or if resumption of dependency jurisdiction is needed. Dual status youth that have met their rehabilitative goals but a return to the home of their parent or guardian would be detrimental to the youth are eligible for Transition Jurisdiction. Dual status youth that have not met their rehabilitative goals may remain on Dual Status as an NMD to be supervised by the Lead Agency, if the minor chooses to remain in foster care.

The JAT will prepare a Progress Report advising the court of the minor's eligibility, interest in participating in the EFC Program and will provide a joint recommendation. The Dual Status Progress Hearing will be scheduled approximately 6 months prior to their 18th birthday.

TRANSITION JURISDICTION

Pursuant to WIC §450(a) a minor or nonminor who satisfies certain criteria is within the transition jurisdiction of the juvenile court. Transition jurisdiction is for youth who have met the rehabilitative goals set forth in their case plan and who meet the criteria below. Transition Dependents and NMDs are no longer subject to terms of probation, nor are they subject to warrants of protective custody if they leave a placement. Their cases shall be managed as dependents of the court rather than as delinquents. NMDs under transitional jurisdiction have all the decision-making authority of legal adults and the right to make all the decisions regarding their educational rights, health and mental health treatment and records.

Pursuant to WIC §241.1(b)(4)(B), the protocol shall include a process for determining which agency and court shall supervise a nonminor dependent under the transition jurisdiction of the juvenile court. The agency to supervise a youth in transition jurisdiction will be determined at the 17 years and 6 months Progress Hearing by the Lead Court following review of the progress report.

Transition Dependent	Non-Minor Dependent
The ward is older than 17 years and 5 months and younger than 18 years and in foster care placement	A ward at least 18 years of age and under the age of 21 years and has been under a foster care placement order or had a foster care placement order in place on their 18 th birthday
<p>The ward was removed from physical custody of their parents(s) or guardian and was either:</p> <ul style="list-style-type: none"> ➤ Adjudged a ward under WIC §725 and ordered into foster care placement <u>or</u> ➤ Removed from parent(s) as a dependent of the court with an order for foster care placement as a dependent in effect at the time the court adjudged them a ward under WIC §725: <ul style="list-style-type: none"> ➤ Rehabilitative goals of the case plan have been met and jurisdiction over the youth as a ward is no longer required, ➤ Reunification services have been terminated, ➤ A hearing has not been set for termination of parental rights or the establishment of a guardianship, ➤ The return of the minor to the parents or guardian would create a substantial risk of detriment to the minor's safety, protection, or physical or emotional well-being, <u>and</u> ➤ The minor has expressed intent to sign a Mutual Agreement (SOC 162) with the responsible agency for placement in an eligible placement as a NMD and agree to meet one of the five federal participation criteria 	<p>The ward was removed from the physical custody of their parent(s) or guardian and was either:</p> <ul style="list-style-type: none"> ➤ Adjudged a ward under WIC §725 and ordered into foster placement <u>or</u> ➤ A dependent of the court with an order for foster care placement as a dependent in effect at the time the court adjudged them to be a ward of the juvenile court under WIC §725 <ul style="list-style-type: none"> ➤ Rehabilitative goals of the case plan have been met and jurisdiction over the youth as a ward is no longer required ➤ The ward has signed the SOC 162 or the Voluntary Reentry Agreement, with the responsible agency for placement in an eligible placement as a NMD and meets one of the five federal participation criteria

TRANSITION FROM JUVENILE JUSTICE TO DEPENDENCY JURISDICTION

Pursuant to WIC §241.1(b)(4)(A), the protocol shall include a process for determining which agency and court shall supervise a child whose jurisdiction is modified from juvenile justice jurisdiction to dependency jurisdiction pursuant to WIC §607.2(b)(2) or WIC §727.2(i). A ward that does not meet the criteria for WIC §450 Transition Jurisdiction and cannot be returned home safely can have their juvenile justice status modified to dependency status. Wards

eligible for dependency status are those who have met their rehabilitative goals, are younger than age 18 and come within the description of WIC §300. Dual status youth who meet this criterion would be exclusively supervised by FCS, and juvenile justice jurisdiction would be terminated.

NON-MINOR – DUAL STATUS JURISDICTION

A ward can also participate in the EFC Program while remaining under juvenile justice jurisdiction on or after their 18th birthday provided that they are on an order for foster care placement that occurred no later than their 18th birthday and they are participating in, or there is an agreement, to satisfy one of the five (5) EFC Program participation criteria which must be documented in the Transition Independent Living Plan (TILP).

NMDs who continue under juvenile justice jurisdiction and are still subject to the terms and conditions of probation are not voluntarily remaining in foster care and the Mutual Agreement for EFC (SOC 162) is not required. If wards are meeting participation criteria for the EFC Program, the Lead Agency or Probation (if non-dual status) must ensure a ward understands that changes in EFC eligibility and the Six-Month Certification of EFC Participation (SOC 161) must be reported to FCS for authorization of the AFDC-FC payment.

Once the ward has met their rehabilitative goals, the NMD can choose to voluntarily participate in the EFC Program and the JAT would again review the minor's eligibility for WIC §450 Transition Jurisdiction and make a recommendation to the Lead Court at a Progress Hearing.

If a ward declines to participate in the EFC Program, that does not restrict the authority of the Court to maintain juvenile justice jurisdiction pursuant to WIC §607. There may be instances where a youth is on Informal or Formal Dual Status for which jurisdiction is still required.

NON-MINOR DEPENDENT SUBJECT TO ADULT PROBATION

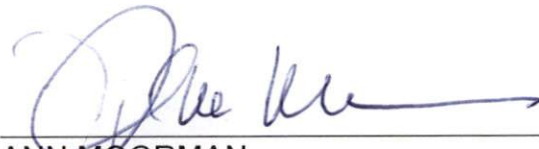
Pursuant to WIC §241.1(b)(4)(C), the protocol shall include a process that specifically addresses the manner in which supervision responsibility is determined when a nonminor dependent becomes subject to adult probation supervision. If an NMD becomes subject to

adult probation supervision, as appropriate, the agency supervising the NMD will coordinate services with Adult Probation. If additional resources or services are needed for an NMD who is under the supervision of Adult Probation, the agency supervising the NMD shall request a JAT meeting. The agency (non-dual status) or Lead Agency supervising the NMD at the time the NMD becomes subject to adult probation will remain the supervising agency unless the JAT determines a different agency would be more appropriate.

§241.1 ASSESSMENT & DUAL JURISDICTION AGREEMENT

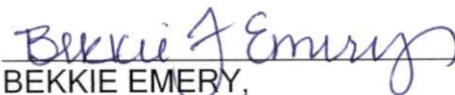
The Mendocino County Department of Social Services - Family & Children's Services, the Mendocino County Probation Department, and the Mendocino County Superior Court do hereby adopt the aforesaid jointly developed WIC §241.1 protocol and dual status protocol to govern jurisdiction matters in the Juvenile Court. This agreement shall be effective on July 1, 2023 and shall remain in effect until modified or terminated by agreement of the parties.

DATE: 5/26/2023



ANN MOORMAN,
Presiding Juvenile Court Judge
Juvenile Division
Mendocino County Superior Court

DATE: May 22, 2023



BEKKIE EMERY,
Director of Social Services
Department of Social Services
County of Mendocino

DATE: 5/17/23



IZEN LOCATELLI,
Chief Probation Officer
Probation Department
County of Mendocino