

13. Dual Supervision Cases MOU



JUVENILE DIVISION

The Superior Court

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MONTEREY PARK, CALIFORNIA 91754-2158

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July 9, 1999

CHAMBERS OF
MICHAEL NASH
PRESIDING JUDGE

TO: All Participants in the Los Angeles County Juvenile Justice System

FROM: Presiding Judge Michael Nash
Juvenile Court

**SUBJECT: MEMORANDUM OF UNDERSTANDING ON DUAL
SUPERVISION CASES**

Attached hereto is a Memorandum of Understanding (MOU) between the Department of Children and Family Services (DCFS) and the Probation Department (Probation) which outlines each Department's responsibilities for the supervision of dependent children who are placed on informal supervision by the Delinquency Court pursuant to Welfare and Institutions Code sections 654 or 725 (a) after the Court has received a joint assessment pursuant to the protocol we developed pursuant to Welfare and Institutions Code section 241.1.

This MOU is effective prospectively as of July 1, 1999. All children who are placed on the dual supervision status on July 1 and after should receive the benefits of this MOU. Included among the outlined responsibilities are reporting obligations to both the Delinquency and Dependency Courts.

This MOU is the latest of our continuing efforts to create communication, cooperation, and coordination between the Delinquency and Dependency systems. It is significant because it creates a defined mechanism for social workers and probation officers to work together to provide services to dependent children who are at the highest risk of becoming wards of the Court in the Delinquency system. Further, by defining the responsibilities of the two systems in this process, it establishes a standard by which each system can be held accountable for failing to meet their responsibilities toward these at-risk children.

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Attachment

**DUAL SUPERVISION CASES
MEMORANDUM OF UNDERSTANDING BETWEEN
LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND FAMILY SERVICES
AND
LOS ANGELES COUNTY PROBATION DEPARTMENT**

PURPOSE:

The Memorandum of Understanding (MOU) between the Department of Children and Family Services (DCFS) and the Probation Department outlines the responsibilities for the supervision of dependent children who are also on probation under Sections 654 or 725(a) of the Welfare and Institutions Code.

GOALS:

The goal in establishing this agreement is to provide consistent quality services which provide for the protection and safety of both the child and the community. Delineation of the departments' responsibility will ensure that needs are addressed in all areas.

PROCEDURES FOR DUAL SUPERVISION CASES:

When an active 300 WIC child is placed on probation, without Delinquency Court wardship, under either 654 WIC or 725 (a) WIC, the child receives dual supervision by the Department of Children and Family Services and the Probation Department. The Department of Children and Family Services remains the lead agency responsible for planning and treatment for such children. The Probation Department enforces conditions of probation related to any delinquent behavior and prepares all reports required by the Delinquency Court.

Treatment and guidance is to be consistent with the best interest of each child while considering accountability for behavior and protection of the community. The following procedures shall be followed to assure proper notification and coordination of efforts to meet the needs of dual supervision children.

- If the child who is the subject of a delinquency filing is not a current Dependent Child of the Court and the DPO feels that the child comes within 300 WIC, an order for a 241.1 WIC joint assessment shall be sought. If the joint recommendation is for dual supervision under 725 (a) WIC or 654.2 WIC the Department of Children And Family Services will file a 300 WIC petition or initiate a Voluntary Family Maintenance Contract or Voluntary Family Reunification Contract.

- ❑ When a dependent child is placed on non-court informal probation supervision as the result of a Section 652 WIC referral, the investigating DPO shall send a copy of the arrest report and 654 WIC contract to the CSW. The CSW shall be notified within five court days when the case is assigned to a supervision DPO.
- ❑ When a Delinquency Court petition results in an order for dual supervision under 654.2 WIC or 725(a) WIC, the investigating DPO shall transmit a copy of the minute order by facsimile to the CSW upon receipt of the order from court. The case shall be transferred to a supervision DPO within five court days of the court order. The supervision DPO will consult with the assigned CSW within five court days of receiving the case to plan and coordinate services for dual supervision.
- ❑ The DPO shall inform the CSW within two court days of learning of any new referrals for law violations. Information regarding the handling of such referrals is shared as it becomes available - i.e. the filing of a petition, rejection by the District Attorney, court dates, etc. The DPO is responsible for reporting violations to Delinquency Court.
- ❑ DPO and CSW will consult with each other when preparing a court report. and/or case plan. The DPO will write the six month report and any other reports required for the Delinquency Court and include information provided by the CSW. The CSW will write any reports required by the Dependency Court and include information provided by the DPO. The CSW will provide a case summary memo to the DPO for a child placed on non-court informal supervision under 654 WIC.
- ❑ In the event of disagreement between the DPO and CSW regarding appropriate handling of violations, the respective supervisors will mediate a settlement.
- ❑ If the DPO is unable to contact the CSW, the DPO shall contact the Dependency Court Liaison Office at (323) 526-6705. If the CSW is unable to contact the DPO, the CSW shall contact Probation Juvenile Headquarters at (562) 940-3522.

DEPARTMENTAL RESPONSIBILITIES FOR CASES UNDER JOINT SUPERVISION

The CSW on dual supervision cases remains responsible for all child safety issues and the comprehensive services normally provided by DCFS, including:

- medical care
- mental health services
- dental care
- visitation between the child and family
- educational services
- emancipation planning
- placement services
- investigation of child abuse allegations

The DPO assumes responsibility for monitoring:

- community service
- substance abuse counseling or treatment
- collection of restitution
- other conditions of probation ordered by Delinquency Court not included in duties encompassed by the CSW

Joint efforts of the CSW and DPO should focus on preventing further delinquent acts or behavior that might cause a minor to move from the Dependency to the Delinquency system. The DPO and CSW are encouraged to work together to see that needed services are provided for children regardless of who has the responsibility as delineated in this memorandum.

Whenever possible, the DPO and CSW are encouraged to make joint home calls. There shall be monthly contact between the DPO and the CSW regarding the child's progress and achievement of case plan goals. The CSW and DPO share responsibility for crisis intervention for acute behavior problems.

In the event that a subsequent delinquency petition is filed on a dual supervision case, a joint assessment pursuant to 241.1 WIC shall be prepared to determine the most appropriate recommendation.



JUVENILE DIVISION

The Superior Court

201 CENTRE PLAZA DRIVE, SUITE 3
MONTEREY PARK, CALIFORNIA 91754-2158

CHAMBERS OF
MICHAEL NASH
PRESIDING JUDGE

October 8, 1997

TELEPHONE
(213) 526-6377

TO: All Participants in the Los Angeles County Juvenile Justice System

FROM: Presiding Judge Michael Nash
Juvenile Court

SUBJECT: **WIC 241.1 PROTOCOL**

Note: This memo supersedes all previous memos on the WIC 241.1 Protocol

BACKGROUND

Welfare and Institutions Code section 241-1 (a) provides that whenever a minor appears to come within the description of both section 300 and 601 or 602, the county welfare and probation departments shall determine which status will best serve the best interests of the minor and the protection of society pursuant to a jointly developed written protocol. Section (b) mandates and describes the protocol to be developed. In November, 1994, the heads of the Departments of Probation, Mental Health, and Children and Family Services agreed on a protocol that was developed pursuant to section 241.1.

It is universally recognized that since the creation of the protocol, implementation has been ineffective in several respects. First, participants in the system are unaware or unsure when it applies. Second, participants are often unaware of the information which should trigger the protocol even when they are generally aware of the existence of the protocol. Third, the joint assessments required by the protocol are not prepared in a timely fashion when they are ordered. Fourth, the assessments do not comply with the standards established by the protocol. It is also agreed by all that training on the protocol has been essentially non-existent.

The Juvenile Services Committee of the 1995-1996 Grand Jury commented on the protocol in its Final Report. Their criticisms are generally consistent with those made by the participants in the juvenile justice system. Since June of this year, a group consisting of representative from the Juvenile Court, Probation Department, Department of Children and Family Services, Department of Mental Health, Dependency Court Legal Services, and the

Public Defender have had a series of meetings to discuss the 241.1 protocol. The goal of all is to promote better communication,

cooperation, and coordination of the agencies which are involved with minors through the juvenile justice system. Unfortunately, there are many minors who crossover from one system to

the other and it is increasingly important that the systems do a better job of communicating with each other so that we can achieve the best possible result for the minors and society.

The protocol is designed to help achieve that result.

DEFINING WHEN WIC 241.1 APPLIES

There are four main situations where the 241.1 protocol applies. The first and most typical situation is where a minor who is a dependent of the court pursuant to WIC 300 allegedly commits a crime or exhibits behavior resulting in a petition being filed in the Delinquency Court pursuant to WIC 601 or 602. In those instances, WIC 241.1 requires a joint assessment by Probation and DCFS. The assessment is to be filed and heard in the Delinquency Court and Probation would be the lead agency in the preparation of the joint assessment.

The second situation is where a minor who is on probation pursuant to WIC 602 or has been declared on WIC 601 status and who is on a home on probation order is the victim of child abuse and/or neglect. In those cases where an emergency response is made by a social worker, the minor, where warranted, would be taken into custody by the social worker and a case filed pursuant to WIC 300. A joint assessment would then be necessary. The case would be heard in the Dependency Court and DCFS would be the lead agency in the preparation of the assessment.

The third situation is where a minor is under the jurisdiction of the Delinquency Court and Probation wishes to seek an early termination of jurisdiction and return the minor home but is unable to do so because the home is inappropriate due to the potential for abuse and/or neglect or there is in fact no home to return to. In this case, Probation would be the lead agency in preparation of the protocol. The case would continue to be heard in the Delinquency Court until it is determined that the minor is better suited for the jurisdiction of the Dependency Court. When that determination is made, an orderly transition to DCFS and the Dependency Court would be made pursuant to the protocol developed between Probation and DCFS on May 22, 1996. A copy of that protocol is attached hereto.

The fourth situation where the protocol applies is when a petition is filed in the Delinquency Court on a minor who is not under the jurisdiction of the Dependency Court but the detention report suggests that child abuse and/or neglect may have some significance in what occurred. A very simple hypothetical is a case where a minor is charged with battery on a parent whom the minor claims perpetrated abuse against the

minor. A joint assessment would then be ordered with Probation being the lead agency and the determination of the appropriate status for the minor would be made in the Delinquency Court.

INFORMATION TRIGGERING PROTOCOL

In order to properly implement the protocol, it is important that all the participants in the juvenile justice system be aware of its applicability to particular minors. DCFS social workers must be aware of a minor's WIC 600 status when a minor is detained by them. They must also become aware when a dependent becomes the subject of proceedings in the Delinquency Court. Attorneys in the Dependency Court must know of contacts their clients have with Probation at the earliest possible time so that they can contact their clients as well as have input to the joint assessment. Probation officers and attorneys in the Delinquency system need to know of a minor's WIC 300 status by the time a minor appears in the Delinquency Court for the first time. Judicial officers in both systems must know of the minor's status with both systems at the time of the minor's first appearance in court.

The ability to keep participants properly informed of the status of a particular minor currently exists within our system. Both DCFS and Probation have access to the Juvenile Automated Index (JAI) which means they have access to information about the WIC 300 or 600 status of any minor who comes into contact with their respective departments. Every minor who is detained or filed upon by DCFS can be run on JAI before that minor's initial appearance in the Dependency Court. With that information in the Detention Report or the Application for Petition, the Court can order that the protocol be implemented at the first hearing. The key is the utilization of JAI by the social worker before the case comes to court. Further, there is no reason that the social worker cannot or should not contact Probation to initiate the joint assessment as soon as the social worker learns of the minor's WIC 600 status.

The same process applies when a minor is detained and/or filed upon by the Probation Department. Probation can also access JAI on every minor it refers for filing in the Delinquency Court. If the minor is under the jurisdiction of the Dependency Court, the probation officer should contact DCFS so that the preparation of the joint assessment can begin before the case gets to court. When the case comes to the Delinquency Court for the first time, the report from Probation should reflect the minor's active WIC 300 status. In addition, the Delinquency Court calendar contains a notation for every minor who has a connection to the Dependency Court. The Delinquency Court calendar is being refined so that it will reflect whether the jurisdiction of the Dependency Court is active or inactive. This is another means to alert the judicial officer, the court officer, and the attorneys about the need to implement the 241.1 protocol if implementation has not already begun.

Another means of communication which can potentially alert participants of the need to implement the protocol is the Dependency/Delinquency Early Alert Report, also known as the DEAR Report. The DEAR Report was introduced to the Dependency Court in 1993. It is a computer generated report which notifies the Dependency Court on a weekly basis of contacts between minors and Probation. The original memo announcing the DEAR Report

with an explanation of the codes in the report is attached. Dependency Court procedures have been modified so that a Copy of the DEAR Report which is generated every Tuesday is sent directly to the attorney for every minor for whom a report has been generated. This should give the minor's dependency attorney an opportunity to quickly contact his/her client to determine what is happening with respect to potential Delinquency proceedings or at least will serve as an alert that particular services may be necessary even though there may not be a Delinquency Court petition filed. The DEAR Report is also provided to the Dependency Court judicial officer, DCFS and Probation.

Currently there are other means of communicating this vital information under consideration. They will be communicated to all participants in our system as they are developed. The main point to be made here is that there are several ways in existence to alert everyone in our system about the system cross-over status of any minor. There is no reason for any minor to fall through the proverbial cracks between the systems.

TIME LINES FOR FILING JOINT ASSESSMENT

In order for the WIC 241.1 protocol to be most effective in court, it needs to be filed in a timely manner. The following time lines have been agreed upon. In the first situation, where a petition is filed in the Delinquency Court on a minor who is a dependent of the court, the joint assessment should be completed and filed in the Delinquency Court on or before the time of the appearance on the pre-plea report. As previously noted, Probation is the lead agency for the preparation of the report. In cases where the minor is detained, the appearance on the pre-plea report is generally eight to twelve days after the detention hearing. It is of course imperative that the agencies communicate with each other quickly in these cases because the time line is short. This issue will be discussed later in this memo. In those cases where the minor is not detained, there should be no problem completing the assessment by the time of the pre-plea appearance or sooner. The most important part of this procedure is ensuring that the assessment is completed before the adjudication without interfering with any statutory speedy trial rights.

In the second situation, where a minor under the jurisdiction of the Delinquency Court becomes the subject of a petition in the Dependency Court, the joint assessment should be filed in the Dependency Court at the time of the Pre Resolution Conference (PRC), the Mediation Conference, or the adjudication, if a no time waiver trial is set. DCFS is the lead agency in this situation, and given the relatively small number of cases in this category, time should not be a problem in completing this report.

In the third situation, where Probation seeks an early termination of jurisdiction of a ward, there is no specific time line. Probation is the lead agency for the preparation of this report which is to be filed in the Delinquency Court. The matter will be placed on calendar in the Delinquency Court only after the agencies have completed the assessment.

In the fourth situation, where there is information suggesting that a minor who is the subject of a petition in the Delinquency Court may have been the victim of child abuse and/or neglect in relation to what occurred, the joint assessment should be filed at or before

the appearance on the pre-plea report. The time lines are the same for the first and fourth situations.

DCFS/PROBATION COMMUNICATION

In order to prepare the assessment in a timely manner, it is important to have a mechanism in place which will guarantee timely contact between the social worker and the probation officer. One of the biggest problems with implementation of the protocol has been the lack of communication between the social worker and the probation officer. It must be emphasized that the responsibility to prepare the assessment is a joint one. The juvenile courts will not accept communication problems as an excuse for the failure to complete and file a joint assessment in a timely manner. Any sanctions that may result from the failure to complete and file an assessment in a timely manner will be imposed on both agencies. The need for both agencies to cooperate with each other in this joint enterprise cannot be over emphasized. Therefore, each agency must have a central number that the other can contact to initiate the process.

When Probation is the lead agency for the preparation of the assessment, the probation officer only needs to call a central number at DCFS to alert DCFS of the need to prepare the assessment. At that point, the DCFS designee will immediately notify the appropriate social worker of the necessity to work on the assessment. The social worker must then contact the probation officer within 24 hours to begin the assessment. If the social worker does not hear from the social worker within 24 hours, the probation officer should call the central number at DCFS for assistance. The probation officer should not have to attempt to track down the social worker in any other way. **DCFS has designated Karel Kearl as the contact person when CSW can not be contacted. Her number is (213) 526-6704.**
Sharon Koga (213) 526-6790

When DCFS is the lead agency for the preparation of the assessment, a similar procedure should apply. The social worker should be able to call a central number at Probation to alert Probation of the need to prepare the assessment. The person designated by Probation must immediately notify the appropriate probation officer of the need to begin work on the assessment. The probation officer must then contact the social worker within 24 hours to begin the assessment. If the social worker does not hear from the probation officer within 24 hours, the social worker should call the central number at Probation for assistance. **Probation has designated Beverly Rush as the contact person** when DPO can not be contacted; **(562) 940-2719.** Mary Bridges, !DC Probation, (213) 226-8566.

Once the probation officer and the social worker have made contact, they are required to arrange a meeting to work on the assessment. In those cases where the minor is in custody or time is of the essence for another reason, the meeting should occur within 48 hours of their initial communication. In those cases where time is not of the essence, the meeting can be arranged at a time which is mutually convenient. The meetings between the probation officer and the social worker will take place in the **Clerk's Office on the second floor of the Edmund D. Edelman Children's Court in Monterey Park.**

DEPARTMENT OF MENTAL HEALTH

The WIC 241.1 protocol includes a role for the Department of Mental Health (DMH). The current protocol states, "The role of DMH will be to assist the representatives from the Department of Probation and DCFS in obtaining records of previous mental health services and /or assessments. DMH will identify services available for the child and agencies to provide the services. Also, DMH will assist the Department's representatives in obtaining a mental health assessment when needed." **DMH has designated Jo Ellen Perkins as the contact person for this process. Her number is (213) 738-3239.**

CONTENTS OF ASSESSMENT

The most important part of the protocol is the assessment itself. The protocol currently in effect in our county is quite adequate. This memo will restate the relevant portions of the current protocol which relate to the contents of the assessment. A modified outline of the report is also attached hereto.

The joint assessment report shall state that the report was jointly developed by both departments and it shall include all of the information requested in the report outline. It shall summarize the assessment findings and state the reasons for the recommendations. Whenever possible, the social worker and the probation officer who collaborated on the report and their respective supervisors shall sign the report. If this is not possible due to time constraints, the report should indicate the names of the persons who collaborated on the report.

The joint assessment shall include interviews with the minor, the minor's parents/guardians, and appropriate collateral contacts including a representative from the minor's current placement. These collateral contacts shall be identified by name and telephone number in the report. The recommendation to the court shall take into account the nature of the referral, the minor's age, current juvenile court status and why, the minor's prior behavioral problems and/or delinquent activities, the number of prior referrals to DCFS and Probation, the number of admissions to mental health facilities, the parents' cooperation with the minor's school and DCFS and/or Probation, the minor's functioning at school, the nature of the minor's home environment, the records of other agencies which have been involved with the minor and the family, and any other relevant information. The assessment shall also include any outside services or financial assistance that the minor is receiving or might be eligible for, and whether the minor would be eligible for each of these services if the minor is declared a dependent or a ward, including but not limited to special education services, regional center services, supplemental security income, and AB3632 mental health services. The departments shall ask the court's assistance in obtaining services from an agency identified as having appropriate services for the child, but which has been uncooperative or unwilling to provide said services in the past.

DCFS and Probation shall notify the minor's dependency and delinquency attorneys and the

minor's Court Appointed Special Advocate (CASA) whenever a joint assessment has been requested pursuant to WIC 241.1 and those individuals should be allowed to provide information and make a statement on the minor's behalf which should be included in the report. Once completed, a copy of the report should be provided to the minor's dependency and delinquency attorneys, the District Attorney, the CASA, the social worker and probation officer who collaborated on the assessment , and the dependency and delinquency judicial officers.

CONFLICT RESOLUTION

WIC 241.1 requires the protocol to contain provisions for resolution of disagreements between the departments regarding the need for dependency or ward status. The current protocol contains such provisions. They will be restated here. Whenever the social worker and probation officer conducting the joint assessment cannot agree on the recommendation to the court regarding the appropriate status for the subject minor, the social worker shall refer the case to the Juvenile Court Liaison Supervising Children's Social Worker, and the probation officer shall refer the case to the Juvenile Supervising Deputy Probation Officer at the Probation work location for resolution. If the supervisors cannot agree on the recommendation, they shall refer the case to their immediate supervisors (the Juvenile Court Liaison Deputy Regional Administrator for DCFS and the Juvenile Field Services Bureau for Probation). The Juvenile Consultant with Juvenile Field Services Bureau shall be the final arbiter for a case that originated with DCFS. The Director of Juvenile Court Services shall make the final decision on a case that originated with Probation.

When there has been a conflict, the report to the court should include a statement of the issues involved in the conflict, the positions taken by the departments, and what steps were taken to resolve the issues. The report shall indicate if the decision was made jointly by DCFS and Probation, or by either department alone.

CONCLUSION

This memorandum contains a complete statement of the discussions held regarding Los Angeles County's renewed efforts to provide a framework for implementation of the WIC 241.1 protocol. Hopefully, with the cooperation of all of the participants in our juvenile justice system, we will be able to effectively utilize this process which can benefit many young people who pass through our systems or we can determine whether we should be seeking another way to coordinate our systems in a more effective way.

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Attachments