

Crossover Youth Practice Model (CYPM/Dual Status) Protocol

PROTOCOL FOR COORDINATION BETWEEN COUNTY OF SAN DIEGO'S
PROBATION DEPARTMENT
AND
HEALTH AND HUMAN SERVICES AGENCY/CHILD WELFARE SERVICES
IN CROSSOVER YOUTH MATTERS BEFORE THE JUVENILE COURT
(Revised 2022)

TABLE OF CONTENTS

I.	Introduction/Legal Background	3
II.	Goals	3
III.	History	5
IV.	Key Terms	5
V.	Roles and Responsibilities	6
VI.	Dependents in Need of Probation Intervention	9
VII.	Wards in Need of HHSA/CWS Intervention	11
VIII.	Joint Assessment Process	12
IX.	Proceedings in Different Counties	18
X.	Dual Status	19
XI.	Extended Foster Care	32
XII.	Agreement	33

I. Introduction/Legal Background

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

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

The County of San Diego is committed to supporting a workplace and community that is healthy, safe, and thriving. In recognition of the unique needs of crossover youth, defined as young people involved in both the Child Welfare and Juvenile Justice systems, the Protocol for Coordination between County of San Diego Probation Department (Probation) and Health and Human Services Agency/Child Welfare Services (HHS/CWS) has been developed and periodically updated to provide guidance that promotes a focus on health and safety of families and the community, equitable outcomes for youth, and seamless coordination between HHS/CWS and Probation.

With the implementation of the Crossover Youth Practice Model (CYPM) developed by the Center for Juvenile Justice Reform at Georgetown University, the Protocol provides mechanisms for agencies to strengthen their organizational structure, enhance efforts at cross-system collaboration, and implement equitable practices to enhance the outcomes for crossover youth, their families, and communities.

The County of San Diego, in collaboration with our CYPM partners, is committed to advancing principles and practices that promote Diversity, Equity, and Inclusion (DEI) and maintain a vigorous, relentless focus on reducing all disparities impacting communities of color and those from otherwise marginalized populations.

Our commitment reflects alignment with the County of San Diego's Strategic Plan for Diversity and Inclusion, which can be found at [DiversityInclusion_StratPlan.pdf](https://www.sandiegocounty.gov/files/developmentandplanning/2019-2022%20Strategic%20Plan%20for%20Diversity%20and%20Inclusion.pdf) ([sandiegocounty.gov](https://www.sandiegocounty.gov)).

II. Goals

The goal of the CYPM is to provide better and more coordinated services to crossover youth. The CYPM Guiding Coalition Committee, comprised of stakeholders representing many of the systems involved with crossover youth, have identified the priorities required to provide better and coordinated services that recognize the health and safety of youth and the community:

- Assign one judge per youth/family to hear both dependency and juvenile justice matters
- Promote appropriate and timely information sharing between agencies and implement consistent practice among collaborative partners
- Increase the use of cross-systems data tracking
- Improve placement outcomes:
 - Reduce the number of placements
 - Reduce the number of youth placed in out-of-home settings
 - Reduce the use of congregate care
 - Create a cross-system value around permanency, well-being, and child and community safety
- Reduce the disproportionate representation of children of color by improving the cultural humility and cultural responsiveness of the workforce and eliminating barriers that have hindered better outcomes
- Reduce the number of youth crossing over and becoming dually involved
- Reduce the length of detention
- Reduce risk of reoffending
- Effectively utilize preventative community services and supports for youth to prevent premature/unnecessary system involvement, whenever possible, while strategically leveraging CYPM for youth at highest risk for crossing over
- Incorporate restorative justice practices, whenever possible, to promote accountability and efforts to make the victim whole
- Assess youth's appropriateness for community interventions or formal processing through a cross-agency collaboration
- Identify and include youth support systems in the decision-making process, to include the youth and family, education liaisons, CAŞAs, and behavioral health providers
- Identify more trauma informed intervention tools for law enforcement
- Provide cross-system education on resources available to youth and families
- Expand collaborative relationships for better service delivery to youth and families
- Develop stronger case plans earlier in the process, specifically at the first referral
- Decrease truancy by engaging school district liaisons
- Increase the intrinsic motivation of youth through Evidence-Based Practices (EBP)
- Integrate educational partners in all aspects of case planning

III. History

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

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

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

IV. Key Terms

Term	Definition
Crossover Youth	Youth who have experienced maltreatment and engaged in unlawful behavior
Dually Involved Youth	A subgroup of crossover youth who are simultaneously receiving services, at any level (e.g., informal probation, community interventions, voluntary cases), from both the child welfare and the juvenile justice systems (probation)
Dually Adjudicated Youth	A subgroup of dually involved youth who are concurrently adjudicated by both the child welfare and juvenile justice systems
Diversity	The range of human differences -- recognizing that each person has layers of diversity, which together make his/her/their perspective unique and essential to the success of the organization. Human differences include, but are not limited to personality, age, life experience, race/ethnicity, socio-economic class, gender, sexual orientation, national origin, ability and religion.

Term	Definition
Equity	The fair treatment, access, opportunity, and advancement for all, while striving to identify and eliminate barriers that have prevented the full participation of some groups. The principle of equity acknowledges that there are underserved and under-represented populations, and equity means increasing diversity by improving conditions of disadvantaged groups. Equity acknowledges and considers differences, disparities, and disproportionality to ensure a fair process and outcome.
Inclusion	Actively and intentionally valuing multiple layers of human differences and viewing such differences as strengths. Inclusion is the degree to which employees and customers of all identities—whether visible or not—are able to be authentic and feel safe and respected.
Cultural Competence	The ability to honor and respect the beliefs, backgrounds, inter-personal styles, attitudes and behaviors of both customers and employees in order to work effectively in cross-cultural situations. A culturally competent organization incorporates these values in its policies, administration and practices. (Adapted from Roberts et al, 1990)
Cultural Humility	A lifelong commitment to self-evaluation and critique, to readdressing power imbalances, and to developing mutually beneficial and non-paternalistic partnerships with communities on behalf of individuals and defined population. It is a lifelong process whereby the individual not only learns about another's culture, but one starts with an examination of her/his/their own beliefs and cultural identities. Cultural Humility suggest that individuals should not view themselves as experts in other people's culture, but as learners. The term is often seen as an alternative approach to cultural competence. (Tervalon & Murray-Garcia, 1998; Campinha-Bacote, 2018; Barsky, 2018; National Institutes of Health).
Culture Responsiveness	Practice that refers to the development of collaborative and respectful relationships with culturally diverse individuals in order to respond to the needs and issues of communities in ways that promote social justice and uphold human rights. Cultural responsiveness practice proposes mistrust in the experience of "competence" and rather it proposes to replace it by the state of mind in which we are interested and open but always tentative about what we understand. Unlike cultural competency, cultural responsiveness requires a response based on the awareness of dynamic cultural factors and the critical thinking of the self in relation to others and the systems in which they interact (modified from Long Island Families Together, Green et al, 2016 and Barsky, 2018).

V. Roles and Responsibilities

Role	Responsibility
Probation Officer	<ul style="list-style-type: none"> • Identifies a referral as a CWS case, contacts the assigned social worker, and maintains consistent communication. • Prepares preliminary reports verifying a youth's family, home, work, financial status (in some cases) and special needs, such as drug, alcohol, medical or behavioral health treatment. • Supervises the youth, monitors progress, and provides resources such as community intervention, wraparound, and other services that could be available to the youth and family. <p><u>Note: Whenever a youth is involved concurrently with Probation and CWS at any level, the expectation is the CWS Social Worker and Probation Officer will communicate with each other regarding case status, recommendations, and any relevant case information.</u></p>
Social Worker	<ul style="list-style-type: none"> • Responds in a timely fashion to the Probation Officer's initial request and works collaboratively to provide an overall view of the youth's strengths, weaknesses, challenges, supports, and needs. • Reaches out to the youth's CASA and the County Office of Education (COE) educational liaison. • In an effort to support collaboration and increase communication between CWS and Probation, the Social Worker will inquire if Probation is involved during an Emergency Response (ER) referral and a Voluntary Services (VS) Case. <p>Emergency Response Referral(s)</p> <ul style="list-style-type: none"> • During an investigation as part of the assessment, the Social Worker will ask the family if any youth in the family is active to Probation. <ul style="list-style-type: none"> ○ If they state yes, the Social Worker will contact the assigned Probation Officer and inquire about the following: <ul style="list-style-type: none"> ▪ What type of services Probation is providing ▪ Any concerns that would warrant further CWS involvement ▪ Invite Probation Officer to the CFT meeting(s)

Role	Responsibility
	<p>Voluntary Services(VS)</p> <ul style="list-style-type: none"> • In a VS case, as part of the ongoing assessment for safety and risk, the Social Worker will inquire if the youth is Probation involved. If so, the Social Worker will contact the Probation Officer. <ul style="list-style-type: none"> ○ Consultation should include: <ul style="list-style-type: none"> ▪ What services are being offered to the youth/family ▪ Requirements of their Probation contact ▪ Invite the Probation Officer to the CFT meeting(s) ▪ Coordinate services to avoid duplication <p>Court Intervention (CI)</p> <ul style="list-style-type: none"> • In a CI case, as a part of the ongoing assessment for safety and risk, the Social Worker will inquire if the youth is Probation involved. <ul style="list-style-type: none"> ○ Consultation should include: <ul style="list-style-type: none"> ▪ What services are being offered to the youth/family ▪ Requirements of their Probation contact ▪ Invite the Probation Officer to the CFT and/or MDT meeting(s) ▪ Coordinate services to avoid duplication • If a youth was previously adjudicated and made a Ward of the juvenile justice system, the CI social worker will complete the following steps: <ul style="list-style-type: none"> ○ Contact County Counsel assigned to Dual Status cases to notify County Counsel of the potential need for a meet and confer to be set. ○ Contact the Dual Status Unit Protective Services Supervisor and/or Senior Protective Services Worker to consult about setting a meet and confer hearing and potential recommendations. ○ Continue to consult with county counsel and dual status unit regarding any dispositional recommendations to ensure compliance with the CYPM protocol. ○ For more information, the CI social worker can refer to the CWS Dual Status policy. <p><u>Note: Whenever a youth is involved concurrently with CWS and Probation at any level, the expectation is the CWS Social Worker and Probation Officer will communicate with each other regarding case status, recommendations, and any relevant case information.</u></p>

Role	Responsibility
Youth	<ul style="list-style-type: none"> • Attends required meetings and provides input related to the alleged offense. • Cooperates with the Probation Officer and Social Worker so the best services possible can be provided. • Discusses the circumstances of the alleged offense and how it may impact his/her/their current situation in the child welfare system. • Provides input on the suggested probation options and their impact on the youth and his/her/their family. • Participates in the case plan and services offered by the Probation Officer and Social Worker to the best of the youth's ability.
Family/Caregiver	<ul style="list-style-type: none"> • Attends all required meetings. • Advocates for the youth. • Shares information that can aid in making the best decision for the youth. • Supports the youth's participation in services.
Court Appointed Special Advocate (CASA)	<ul style="list-style-type: none"> • Provides information that advocates for the youth's best interest. • Supports the youth in complying with the case plan. • Attends court hearings, CFT meetings, and Dual Status MDT meetings.
Educational Liaison	<ul style="list-style-type: none"> • Provides information about the youth's school involvement, grades, truancy, absences, suspensions, expulsions, IEP's, successful subjects and activities. • Identifies potential resources within the educational system. • Obtains the youth's transcript when appropriate. • Obtains school records in the event of a change of placement or school setting. • Participates in MDT and CFT meetings as invited.
Public Health Nurse (PHN)	<ul style="list-style-type: none"> • Reviews and assesses health, medical and dental needs. • Assesses and follows up on medication. • Reviews Medi-Cal options and services.
Community Service Providers	<ul style="list-style-type: none"> • Share information regarding the youth's program involvement, progress, challenges, and goals. • Discuss various program options to fit the youth's needs. • Facilitate transition into any new programs. • Attend Dual Status MDT and/or CFT meetings when requested.

Role	Responsibility
Behavioral Health	<ul style="list-style-type: none"> • Provides relevant feedback regarding treatment, services provided, participation and recommendations. • Attends Dual Status MDT and/or CFT meetings when requested.
Tribal Representative	<ul style="list-style-type: none"> • Provide support and connection to resources through the Tribal Court and/or Tribal Social Service Agency. • Partner with Probation and CWS to ensure culturally appropriate services • Provide options for diversion through the Tribal Court when applicable • Participate in Dual Status MDT and/or CFT meeting when requested.

VI. Dependents in Need of Probation Intervention

A. Intake

When a youth comes to the attention of Probation, the Probation Officer will check CWS/CMS to see if the youth has an active CWS/CMS case.

B. Community Interventions for Offenses/Infractions

In Custody:

If the youth has an active CWS/CMS case and is in custody, the assigned Probation Officer will contact the assigned Social Worker within one business day of receiving the case to discuss the case and determine whether the youth is appropriate for lower level interventions/opportunities. Upon receiving the inquiry from the Probation Officer, the Social Worker or the Social Worker's supervisor will respond and provide the requested information as soon as possible but no later than the following business day.

The goal is for the Social Worker to provide the Probation Officer with as much relevant information as possible, as soon as possible, to make every attempt to secure the youth's release if detention is otherwise unwarranted and to ensure consideration of early community intervention opportunities for the youth. The Probation Officer will review the information the Social Worker provided and will determine if the youth is eligible for release. If the youth is deemed eligible, the Probation Officer will contact the Social Worker for release. The Social Worker and Probation Officer will notify the youth's dependency and juvenile justice attorneys if the youth is released from custody.

If the youth is in Juvenile Hall and has a current JV-220, the Social Worker will provide the most recent, signed JV-220 to the Probation Officer and to the STAT team within one business day. Juvenile Hall/Detention Control Unit staff may contact, if needed after hours or on weekends, the Child Abuse Hotline to request a copy of the JV-220. The Social Worker will also provide any information relevant to other medical conditions, physical disabilities, and/or non-psychotropic medications to maintain the youth's medication regimen and to avoid any interruption in medication.

For a youth who remains in custody/detention: The Probation Officer will wait for the District Attorney (DA) to file a petition. If a petition is filed, no community interventions will be considered at that time. The Probation Officer will notice the Social Worker and the law office representing dependent children of the detention hearing in the juvenile justice case.

Out of Custody:

If the youth is out of custody or has just been released from custody, the goal is to bring together the relevant parties to help the Probation Officer decide whether the youth can be diverted. The Probation Screener will screen the case for potential community intervention pursuant to WIC 653.5. If, after seeking input from the Social Worker, the Probation Officer determines the case is appropriate for community intervention, the Probation Officer will contact the parties to schedule a meeting, which will be held within three weeks. For youth who are dependents of an out of county jurisdiction and were placed in San Diego County at the time of the offense, the Social Worker and Probation Officer will discuss the case and decide whether the referral should be closed, diverted, or referred to the district attorney's office. If the Probation Officer determines the probation referral should be closed, no further action is needed. The Probation Screener will send an email to the Social Worker to inform them of the referral disposition, which may include closure or referral to community intervention.

When a referral is being screened for potential intervention, the Social Worker will notify the minor's attorney within one business day. The Social Worker will inform the minor's attorney of any additional referrals or meetings which result from the referral to Probation.

- C. If, after law enforcement refers the case to the District Attorney, and the District Attorney files a WIC § 602 petition, the Probation Officer will email the law office representing the dependent youth and copy the social worker and the adjudication pending officer for purposes of ensuring a meet and confer is set. If a petition is filed and the court orders a meet and confer, the Probation Officer will contact the assigned Social Worker to inform them of the meet and confer order within one business day, and the meet and confer shall occur within two (2) business days after notification.

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

VII. Wards¹ in Need of HHS/CWS Intervention

WIC § 329 allows any person to apply to commence dependency proceedings in the Juvenile Court. The application is in the form of an affidavit alleging that the youth comes within the provisions of WIC § 300. (See Procedures for Requests Under WIC §§ 329 and 331.) When the youth is already a ward, the WIC § 329 application is investigated. If the applicant requests judicial review of the CWS decision not to commence 300 proceedings through a WIC §331 hearing, then the hearing will be heard on the dual calendar. If a WIC § 300 petition is filed, the meet-and-confer process begins, and a WIC § 241.1 hearing is set.

Even if jurisdiction has not yet been established in the dependency or juvenile justice case, the WIC § 241.1 meet and confer process shall occur, and CWS and Probation shall submit a report with a joint recommendation; however, the court shall not adopt the joint recommendation unless or until jurisdiction is taken by one or both dependency and juvenile justice courts, depending on the recommendation. The declaration of dual status will occur only after the dependency and juvenile justice courts have both taken jurisdiction. Pending the WIC § 241.1 hearing, if a 300 petition is filed on a youth who is the subject of a 602 petition, the dependency judge shall have authority to make detention orders allowing the social worker to detain the minor out of custody in placement upon the youth's release from Juvenile Hall by order of the Juvenile Justice Court in coordination the Probation Officer.

A. The WIC § 329/331 Process

1. Responsibilities of Probation

- a. Probation may consider a referral to HHS/CWS when the youth is to be released from probation AND there is evidence that the youth is described by WIC § 300.
- b. Forty-five days before termination of the youth's wardship, the Probation Officer will fax a written referral to the HHS/CWS Hotline, outlining concerns including copies of pertinent court orders, psychological evaluations, the Probation Department face sheet, and other supporting documentation should be faxed with the referral.
- c. If HHS/CWS decides not to commence 300 proceedings, Probation can request a WIC § 331 hearing within five (5) business days. The request should be made on the appropriate Judicial Council form and filed in the Juvenile Court business office with the original 329 application and the HHS report. If Probation agrees with the recommendation not to commence proceedings, no further action is required.

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

2. Responsibilities of HHS/CWS

- a. When a 329 application is received on an active voluntary case, the Hotline Supervisor will assign the referral to the appropriate region for investigation.
 - b. When a 329 application is received for a case that has no other active CWS involvement, the Child Abuse Hotline will assign the referral to the appropriate program/region according to CWS policy [[WIC 329 Referrals v.2 \(policytech.com\)](http://wic329referrals.v2.policytech.com)].
 - c. The social worker will have no more than three weeks to complete the 329 investigation.
 - d. The Agency/Social Worker will notify the applicant if dependency proceedings are commenced.
 - e. If dependency proceedings are not commenced, the social worker will provide the applicant with a summary of the 329 investigation and the judicial council form for the applicant to request a 331 hearing.
- B.** If a WIC § 300 petition is filed on a youth who is active to Probation, the HHS/CWS Social Worker will notify the Probation Officer in order to initiate the meet-and-confer process (WIC § 241.1). The HHS/CWS Social Worker will coordinate with Probation to conduct the meet and confer, complete the joint assessment, and submit joint recommendations in the court report. The matter will be heard on the Dual Calendar within two weeks after the petition is filed.

VIII. Joint Assessment Process

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

- A WIC § 300 petition has been filed and the minor youth is already a ward of the Juvenile Court or a WIC § 602 petition has been filed but the youth is pending adjudication from the juvenile justice court.
- A WIC § 602 petition has been filed and the minor youth is already a dependent of the Juvenile Court or a WIC § 300 petition has been filed but the youth is pending adjudication from the dependency court.
- A minor youth is the subject of WIC § 300 and WIC § 602 petitions filed simultaneously and is not yet declared a ward or dependent of the Juvenile Court.
- A current Dual Status youth (minor or Non Minor) has been charged with new 602 offense.

NOTE: For youth with new adult charges, please refer to section XI Extended Foster Care, subdivision E (Adult Proceedings).

The Social Worker and Probation Officer will jointly assess the youth's circumstances to make a recommendation for dependency, juvenile justice, or dual status with either HHSA or Probation acting as the lead agency. Prior to the meet-and-confer meeting, the Social Worker and Probation Officer will conduct separate assessments, which should include:

- Interviews with the youth and the youth's parents/guardians
- Collateral contacts, including, if a youth is in an out-of-home placement, a statement from the youth's current placement and the youth's educational liaison if the youth has specialized educational needs.
- Consultation with the youth's tribe or tribal representative
- Any outside services (Mental Health Services and Alcohol Or Drug Services, for example)
- Whether the youth would be eligible for each of these services if the youth is declared a dependent or a ward, including but not limited to, special education services, regional center services, supplemental Social Security income, and behavioral health services
- Review of all police reports associated with the alleged offense, including the circumstances and severity of the alleged offense and any impact/injury to the victim

NOTE: During all discussions up to and including the Meet and Confer, the Probation Officer, Social Worker, and all representatives of HHSA/CWS and Probation shall be mindful of and consider historical trauma and disproportionalities impacting marginalized communities (e.g. communities of color, LGBTQIA+ individuals) when discussing level and method of intervention for each youth belonging to disproportionately impacted communities.

A. Meet-and-Confer Meeting

The meet-and-confer meeting is a phone conversation between the Probation Officer and Social Worker. To facilitate the process, the Probation Officer will contact the Social Worker on every meet and confer that will be heard on the upcoming Dual Calendar. The purpose of this meeting is to have consistent dialogue between the two agencies and to enhance the collaborative process.

The following will occur during the meet-and-confer process:

- Probation will contact HHSA/CWS.
- The assigned Social Worker on the case will attend the meeting. If the Social Worker is unavailable, the Social Worker's supervisor will discuss the case on his/her/their behalf.
- If, during the joint assessment, it appears the youth is appropriate for dual status, the case will be pre-screened with the HHSA/CWS and Probation dual status supervisors to provide input about whether the youth is appropriate for dual status.

- Once a decision has been made, the Probation Officer and Social Worker will include in their report the outcome of the meet-and-confer as well as their joint recommendations to the Court.

During the meet-and-confer meeting, the following topics will be discussed and included in the joint assessment report, as required by CRC 5.512²:

- A description of the nature of the referral (circumstance which brought the youth to the attention of CWS and Probation) ;
- The age of the youth;
- The history of any physical, sexual, emotional abuse, or neglect of the youth and any history of Commercial Sexual Exploitation (CSEC);
- The prior record of the youth's parents for abuse of this or any other youth;
- The prior record of the youth for out-of-control or law breaking behavior;
- The parents' cooperation with the youth's school;
- The youth's overall current performance, amenability to services/treatment, and ability to follow the rules of their current placement and school;
- The nature of the youth's home environment;
- The history of involvement of any agencies or professionals with the youth and his/her/their family;
- Any services or community agencies that are available to assist the youth and his/her/their family;
- A statement by any counsel currently representing the youth;
- A statement by any CASA currently appointed for the youth;
- A statement from a tribe or tribal representative, if applicable.

Additional factors to be considered include but are not limited to:

- The history of the youth's involvement with HHS/CWS and Probation, reasons for placement changes, and all available placement options;
- The history of the youth's out-of-home placement(s);
- The youth's AWOL history, reasons for AWOL, and activities during AWOL if applicable;
- The history of services provided, including psychological services, community based organizations, faith based organizations and school-based services and the level of participation and response to these services/supports by the youth and their parent(s)/caregiver(s);
- The youth's physical and mental health, including the most recent mental health diagnosis, identified mental health needs, recent psychological evaluations, youth's history of psychotropic medication, compliance with medications, and whether changes/interruptions in medications contributed to behaviors leading to the current charges;

² All reports shall take into account California sealing laws (WIC §§ 781, 786.).

- The youth's alcohol and/or drug use, if any;
- The youth's gang affiliation, if any;
- The youth's strengths, support network/permanent connection(s)
- The youth's cultural identity, ties to community of origin, sources of social support, and cultural connections/resources which could be leveraged to support the youth (e.g. faith community, LGBTQIA+ agencies, Family Support Liaisons/Cultural Brokers, mentors, cultural organizations)
- Any statements from the youth, parent(s) and or Child and Family Team (CFT) to ensure their input is considered in the formation of recommendations
- The circumstances and severity of the alleged offense including impact and/or injury to the victim.

B. Joint Assessment Report

During the meet-and-confer process, HHS/CWS and Probation will share their assessment information and make a joint decision that will be set forth in the joint assessment report. Based on the youth's history, behavior, needs, supports, and history of offenses, the most appropriate form of supervision will be recommended. All decisions will be made on a case-by-case basis.

The joint decision will be made with the concurrence of HHS/CWS and Probation, and the recommendation will be one of the following:

- Youth to be only a dependent of the Juvenile Court
- Youth to be only a ward of the Juvenile Court
- Youth to be a dual status youth with the lead agency identified. If no lead agency is identified, the report must explain why a lead agency cannot be identified at the current stage of the court proceedings.
- In cases where the joint recommendation is for the youth to be a dual status youth, HHS/CWS and Probation will engage in determining which agency will assume lead. This joint recommendation of lead agency will be based on a discussion of the combination of factors included in the meet and confer conversation between HHS/CWS and Probation.
- Factors to consider in deciding whether to recommend dual status include, but are not limited to: multiple WIC § 602 referrals; threat to public safety; failed diversion and/or informal probation programs (WIC §§ 654, 725, 790); need for court-ordered curfew, drug testing, or therapy; needs of the youth and/or the youth's family and the ability of Probation and HHS/CWS to meet those needs.
- Any custodial commitment to a Probation facility (not including Juvenile Hall) shall result in a change of lead to Probation for the period of commitment. Prior to the completion of the youth's commitment, a joint discussion between HHS/CWS and Probation will occur to determine which agency will be the lead agency after the youth's commitment ends.

- If HHSA/CWS and Probation would like to elevate the case through their respective chains of command in an attempt to reach an agreement, a report requesting a continuance will be submitted by both HHSA/CWS and Probation.
- If HHSA/CWS and Probation cannot agree on the recommendation for the status of the youth, separate reports will be submitted to the court indicating no concurrence and the reasons why there is no concurrence. The reports will also confirm the matter has been elevated through the Probation and HHSA/CWS chains of command.

If there is concurrence on the recommendation:

- Two reports will be submitted (one by HHSA/CWS and one by Probation). Each report will contain the joint recommendation of Probation and HHSA/CWS as well as a designated lead agency if the recommendation is dual status.
- The reports will evaluate the appropriate court status for the youth and will inform the court of the recommendation of Probation and HHSA/CWS.
- If the recommendation is that the youth be in the dependency system only, HHSA/CWS and Probation will recommend that the 602 petition be dismissed or, in an appropriate case, that the 602 petition be continued for a specified time to monitor the youth's behavior in placement.
- If the recommendation is that the youth be in the juvenile justice system only, HHSA/CWS and Probation will recommend that the youth's dependency status be terminated once the youth is declared a ward. If the youth is not declared a ward within 60 days, the Social Worker will contact County Counsel to set a special hearing on the Dual Calendar.
- If the recommendation is dual status, the reports will also include a recommendation as to whether Probation or HHSA/CWS should be the lead agency. If the Social Worker and Probation Officer do not have enough information to recommend a lead agency at this point, that determination can be deferred to a later date. The lead agency should be determined at the earliest opportunity that is in the best interest of the youth and public safety, but no later than the disposition hearing. After the lead agency is determined, it can be changed if circumstances warrant a change.
- In any case during the meet-and-confer, the Probation Officer can consider recommending an informal program pursuant to WIC § 654, 725 or 790. A youth in an informal program who is not a ward will not be considered dual status. Both the dependency and the juvenile justice cases will remain open, but they will be handled by a single judge. If the youth successfully completes the informal program, the case will revert to the original dependency department.

If there is no concurrence on the recommendation:

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

C. Distribution of the Joint Assessment Report

Notice of the hearing and copies of the joint assessment report(s) must be distributed by noon, five calendar days before the court hearing to the following³:

- Court
- Court clerk
- DA
- Youth's defense attorney
- Youth's dependency attorney
- Probation Officer
- Social Worker
- CASA
- County Counsel
- Parent's Dependency Counsel
- Tribal Representatives (if applicable), provided they are receiving other Dependency reports

³ The youth's attorney will share the report with the youth. As long as parental rights are not terminated, the attorney for the parent or guardian will receive a copy of the report to share with his or her client.

Court reports must be uploaded and distributed by HHS/CWS and Probation electronically via the Judicial Electronic Library System (JELS) Dual Library Exchange. In the event any party does not receive a copy of the report via JELS, the party will receive the report via email or will receive a paper copy of the report.

D. 241.1 Hearing Orders

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

If...	Then the youth will...
Dependency	Be supervised by a Social Worker.
Juvenile Justice	Have a disposition hearing and the Probation Officer will supervise the case.
Dual Status	Be supervised by a Social Worker and a Probation Officer at the same time with a lead agency identified. A Child and Family Team (CFT) meeting will be held subsequent to the youth being declared dual status for purposes of service planning and placement decisions to promote continuity in service coordination and to avoid duplication of efforts.

IX. Proceedings in Different Counties

When a petition alleging jurisdiction is filed in one county and the youth is already a dependent or ward in another county, a joint assessment must be conducted by the responsible agencies of each county (WIC § 241.1; CRC 5.512(c)). The county with the most recently filed petition shall determine whether to proceed on the petition or to handle the matter informally through community intervention, diversion or dismissal of the petition. In San Diego County this hearing takes place on the dual calendar. The court will transfer the matter to the youth's county of residence if the WIC § 241.1 decision is to proceed with taking jurisdiction on the most recent petition.⁴ If the most recently filed petition is under WIC § 602, the case will be

⁴ If a decision is made to remain in dependency and dismiss the most recent unadjudicated petition, the case will not be transferred. If the decision is to proceed with the WIC § 602 petition, the case should be transferred after jurisdiction is taken and prior to disposition. The court in the sending county is encouraged to allow the receiving county to conduct an additional § 241.1 assessment for disposition purposes after the case is transferred to determine whether the youth is best served as dual status (assuming the receiving county is a dual status county) or single status unless the best interests of the youth and public safety indicate single status should be decided by the sending court.

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

transferred after jurisdiction is taken and prior to disposition. If the most recently filed petition is under WIC § 300, the case will be transferred after the detention hearing. The receiving court will make the WIC § 241.1 determination after the case has been transferred. (See: [Southern California Inter-County Transfer Protocol | Superior Court of California - County of San Diego](#))

- The agency in the county where the unadjudicated (most recent) petition is filed must prepare the joint assessment report with input from the county agency where the youth is already a dependent or ward.
- The joint assessment report must comply with WIC § 241.1 and CRC 5.512 in terms of content.
- The joint assessment report shall contain the recommendations and reasoning of both agencies.
- The report must be filed at least five calendar days before the hearing on the joint assessment in the county where the WIC § 241.1 determination will be made.
- The youth's out-of-county dependency attorney must be given notice of the youth's arrest and 602 proceedings; the date, time, and location of any hearings; and the recommendation.

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

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

X. Dual Status

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

to hear all dual status cases.⁵ Jurisdiction will be maintained in both the dependency case and the juvenile justice case, but both cases will be heard by a single judge. If a dual status youth commits a new offense, a new meet-and-confer will take place. A new meet-and-confer should be considered on a case-by-case basis, taking into consideration the seriousness of the offense and the youth's level of cooperation and the other factors required to be considered under CRC 5.512. If the alleged conduct that appears to bring a dependent youth within the description of § 601 or 602 occurs in, or under the supervision of, a foster home, group home, or other licensed facility that provides residential care for minors, Probation and HHS/CWS may consider whether the alleged conduct was within the scope of behaviors to be managed or treated by the foster home or facility, as identified in the youth's case plan, in determining which status will serve the best interest of the youth and the protection of society pursuant to § 241.1(a).

In a case that is designated dual status by the Court, the Probation Officer will transfer the case to an Officer in the Probation Placement Unit. The Probation Officer, regardless of which agency is the lead, will complete the social study and take part in the Dual Status CFT meeting. Similarly, the CWS social worker will transfer the case to the CWS Dual Status Unit per CWS policy.

A. Dual Status Child and Family Team (CFT) Meeting

As the Social Worker and Probation Officer are considering services and placement for the youth, the Social Worker and Probation Officer will convene a CFT meeting to address service planning, placement, and any other relevant issues. The request to a CFT facilitator is to be submitted upon joint decision of dual status recommendation. The CFT meetings will include required and other key participants listed below. The CFT meeting will take place at Juvenile Hall if the youth is in custody. If the youth is out of custody, the CFT meeting will take place at a date, time, and place that is convenient for meeting participants. Teleconference equipment should be made available for the meeting.

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

A Child and Family Team Meeting will also occur in advance of the youth's status review hearing for purposes of discussing placement, engaging in service/case planning, to provide recommendations to the Court, and to review progress, discuss concerns, address any needs pertaining to the youth.

⁵ The presiding judge may assign the case to another bench officer, ideally the originally assigned dependency or juvenile justice department.

NOTE: If a youth declines to attend, both Lead and non-Lead agencies will speak with the youth prior to the CFT and obtain the youth's input on their strengths, needs and case planning. A CFT should not be conducted outside of the presence of the youth and can only occur without the youth if the youth expressly states they do not wish to attend and consent a team member participating on their behalf.

The Dual Status CFT meeting will include the following participants:

- Probation Officer
- Social Worker
- Youth
- Family
- Caregiver/Resource Parent(s)
- Behavioral Health Provider
- Educational Rights Holder
- Court Appointed Special Advocate (CASA), when applicable
- Tribe or Tribal Representative, when applicable

The Dual Status CFT meeting may include the following participants:

- Educational Liaison (who will contact the district educational liaison)
- BHS representative
- Service providers
- Teachers
- Public Health Nurse
- Other stakeholders, e.g. CSG, SAY, etc.
- Social Cultural Supports (e.g. faith community, LGBTQIA+ agencies, Family Support Liaisons/Cultural Brokers, mentors, cultural organizations)

While in-person attendance by all attendees is preferable, teleconference equipment should be made available for those who would not otherwise be able to participate. Particular attention shall be paid to ensuring natural supports (e.g. relatives, non-related extended family, teachers, coaches, mentors, parent/youth partners, cultural organizations, etc.) are invited to attend all CFT meetings to be of support to the youth. Should a youth/family or member of the team require an interpreter, the team will ensure appropriate translation services are made available.

During the Dual Status CFT Meeting, risk assessment factors and all information from assessment tools will be used as a guide to assist in the decision making process and will be discussed at all levels of case planning. Probation's SDRRC and the Child and Adolescent Needs and Strengths (CANS) assessment tool will be discussed for purposes of identifying needs and service planning.

The case plan and the information provided at the Dual Status CFT meeting will be used to write the report to the court for the 602 disposition hearing. If there is reason for any further evaluation or testing, the participants at the Dual Status CFT should decide who will take the lead on paying for, administering and reporting the results of the evaluation.

The report for the 602 disposition court hearing will include:

- A description of the nature of the referral (circumstance which brought the youth to the attention of Child Welfare Services and Probation);
- The circumstances and severity of the alleged offense including impact and/or injury to the victim;
- The age of the youth;
- Current juvenile court status,
- The youth's statement regarding the instant offense and all other relevant topics
- The statement of the parent(s)/caregiver(s) regarding the instant offense and all other relevant topics
- The youth's prior behavioral concerns and/or law breaking behaviors,
- The history of any physical, sexual, or emotional abuse of the youth and any history of Commercial Sexual Exploitation (CSEC)
- The number of prior and history of referrals to HHSA/CWS and Probation,
- The history of past services provided to the youth and family and a summary of the effectiveness of and youth/family's response to services,
- The reasons for and number of admissions to mental health facilities,
- The parents' level of involvement with the youth's school, HHSA/CWS and/or Probation,
- The youth's functioning at school,
- Identification of who holds the educational rights of the youth and whether there is a need to consider reassignment of those rights to another,
- The nature of the youth's environment/family dynamics including any and all cultural considerations
- The records of other agencies/service providers that have been involved with the youth and the family,
- Public safety concerns (Probation report only),
- The history of the youth's out-of-home placement and any unauthorized leaving of placement (AWOL),
- A description of the appropriate services, interventions and placement for the youth,
- The law enforcement record history for the parent(s)/family/residents of the home,
- Companion/codefendant information (Probation report only)
- The youth's strengths, support network/permanent connection
- Any statements from the youth, parent(s) and or Child and Family Team (CFT) to ensure their input is considered in the formation of recommendations

- Any other relevant information.

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

C. Case Plan

Probation and CWS, with the input of the Child and Family Team, will engage in case planning and ensure all services provided to Dual Status youth are individually tailored, culturally responsive, and address Juvenile Justice and Dependency related needs. The Dual Status case plan will ensure needs of both Juvenile Justice and Dependency are addressed in the most concise, streamlined manner, assuring not to unnecessarily duplicate efforts or services.

The case plan will include but not be limited to:

- Services to be provided to address each identified need
- A description of the behavior and needs, including mental health needs, that the youth must address to be successful without court involvement.
- The identified provider, agency, and/or caregiver who will provide the case plan services including timeframe in which services will be provided and anticipated length of services
- The youth's special education needs and how they are being addressed
- Whether there is a need to reassign educational rights; if so, the lead agency is to complete a JV-535 and JV-535A for prompt submission to the court.
- Medical, dental, and mental health care
- Visitation between the youth and family, including siblings
- Independent Living Skills (ILS) services to be provided (when applicable)
- Community resources provided
- Collection of restitution and fines (Probation only)
- Conditions of probation and dependency orders
- Cultural considerations and supports to the youth/family including attending culturally relevant events or faith based community events, church, permanent connections and other activities that will help them stay connected to their culture, traditions, etc.
- For each of the needs and services identified above, a Social Worker and/or Probation Officer will be designated as responsible to either provide the services or to make sure the service is provided by another agency
- A plan for termination of WIC § 602 status when the recommendation is to terminate the youth from Probation.

C. Case Management

The timeframes and requirements for family maintenance and permanency planning remain the same regardless of whether the youth was placed in a juvenile detention facility or medical facility at some point during the case.

Regardless of who is the lead agency, both the Probation Officer and the Social Worker will conduct the required monthly visit together with the goal of joint visits occurring for half of all in-person visits. According to California Department of Social Services (CDSS) [ACIN I-05_06 \(ca.gov\)](https://www.cdss.ca.gov/Programs/ASAP/ACIN/ACIN0506.aspx), 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 claiming instructions and requirements. Federal guidelines require that as many visits are made with the youth in a given month, depending upon the needs of that youth. Thus Social Workers and Probation Officers may need to coordinate additional visits with the youth, depending on what is happening for the youth that month.

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

The Probation Officer and Social Worker will engage in ongoing assessment discussions regarding case and service planning and evaluation of the appropriateness of dual status in serving the needs of the youth.

The Social Worker and the Probation Officer will maintain regular contact (e.g. in person, phone, email) to determine ongoing case needs. The Social Worker and Probation Officer can share information and documents via the County electronic mail system.⁶

D. Placement

Jurisdiction in the juvenile justice cases will last only as long as necessary to address behaviors resulting in the 602 petition and will not continue solely to address placement issues. Similarly, dependency jurisdiction will only last as long as necessary to address safety and protection of the child/youth and will not continue solely to address placement issues. For youth in out-of-home placement, Probation and HHSA/CWS will engage in active efforts to identify the least restrictive placement while the family is receiving reunification services. If reunification is not possible, the least restrictive placement for permanency will be made.

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

1. Suitable Placements

While a youth is dual status, Probation and HHS/CWS will work together to identify a suitable placement. The decision to place a youth shall be made jointly between HHS/CWS and Probation with each department agreeing to the identified placement. Any legal impediments to certain placements due to the youth's dual status shall be taken into consideration. The lead agency will ultimately be responsible for the placement and funding. Placement orders and findings will be made by the lead court. The Social Worker and the Probation Officer will consider placing a youth within proximity to his/her/their identified primary support system, (e.g. approved family, siblings, natural supports) while also considering factors related to public and personal safety.

In the event the youth is an Indian child as defined by ICWA (see U.S.C. § 1903(3)-(5) & (8) and Welf. & Inst. Code § 224.1, subdivision (a)), Probation and Child Welfare Services will comply with the placement preferences for Indian Children in accordance with the Indian Child Welfare Act (ICWA) with input from the youth's Tribe, while accounting for all public safety considerations for dually involved youth.

Camps and juvenile detention facilities are considered "secured" facilities. While youth are committed to a secured facility, the dependency minute order must specify an underlying placement order (e.g. approved resource family, STRTP), with an additional order for the youth to participate in a juvenile justice custodial commitment. When the youth is committed to YOU or DJJ, dependency jurisdiction will be terminated.

A youth who is adjudicated a ward under WIC § 602 may be placed in a facility as allowed by state licensing requirements. Youth who are WIC § 602 wards or who have pending charges will not be detained at Polinsky Children's Center.

2. Discretion

Youth should not be detained in Juvenile Hall simply because a placement is not available. Unless the court has made a finding that the youth should continue to be detained, the youth must be released to a suitable placement as soon as possible. The court has the option to provide discretion to the Social Worker and the Probation Officer to locate a suitable placement for the youth. The court shall schedule 15-day review hearings to obtain updates on efforts to identify placement and to determine reasons for delay to ensure youth are not over detained. Probation and HHS/CWS must work jointly and expeditiously to locate and effectuate placement.

E. Coordinated Case Supervision

The purpose of coordinated case supervision is for the Social Worker and Probation Officer to:

- Provide a united support system;
- Reduce the likelihood of reoffending;
- Improve the overall well-being of crossover youth; and
- Maintain the same Probation Officer and Social Worker to ensure continuity of care

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

F. Lead Agency v. Non-Lead Agency Responsibilities

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

The lead agency will be responsible for:

- Placement (to be made jointly between HHS/CWS and Probation with each department agreeing to the identified placement)
- Coordinating the development of the case plan, preparation of the court report, and provision of reasonable services to the youth and family
- Scheduling and aligning court hearings and submitting court reports in coordination with the non-lead agency
- Complying with the mandates of WIC § 602 and WIC § 300 hearings, Division 31 regulations and Title IV-E rules
- Providing services to the youth and family in coordination with the non-lead agency
- Overseeing the coordination and payment of the youth's medical, mental health and dental needs, except for when a youth is detained in Juvenile Hall in which case Probation assumes responsibility
- Communicating with all parties in both the juvenile justice and dependency cases if the youth is AWOL and assuring reporting to law enforcement and NCMEC
- Coordinating Child and Family Team (CFT) meetings as needed, at least 30-50 days prior to each court hearing
- Having at least monthly communication about the status of the case with the non-lead agency's worker, with communication to take place more frequently as circumstances necessitate

The non-lead agency will be responsible for:

- Assigning a Probation Officer or Social Worker to provide case management support in coordination with the lead agency
- Conducting case management, submitting court reports and attending court hearings per agency policy, in coordination with the lead agency
- Coordinating the development of the case plan, preparation of the court report, and provision of reasonable services to the youth and family
- Complying with the mandates of WIC § 602 and WIC § 300, Division 31 and Title IV-E regulations
- Having at least monthly communication about the status of the case with the lead agency's worker, with communication to take place more frequently as circumstances necessitate
- Participating in all Child and Family Team meetings as well as Multi-Disciplinary team meetings
- Sharing necessary information and documents with the lead agency to facilitate out-of-home placement

When HHSA/CWS is the lead agency, the Probation Officer will be assigned secondary to the case in CWS/CMS.⁷ The assigned Probation Officer will enter contacts and use this system to review court reports and case plans to determine the current status and progress of the youth. When Probation is the lead agency, the assigned Social Worker will not have access to the Probation Case Management System (PCMS).

G. Crossover Liaisons

There will be crossover liaisons to serve as a team:

- CWS Dual Status Policy Analyst
- CWS Dual Status Supervisor
- Meet-and-confer Deputy Probation Officer
- Probation Dual Status Supervisor

The purpose of the crossover liaison team is to:

- Clarify policy and practice pertaining to dually involved youth
- Clarify language and recommendations for reports submitted to Court
- Facilitate cross-system information sharing
- Screen, provide technical assistance, and support social workers and Probation Officers throughout the meet and confer process
- Expeditiously respond to all inquiries regarding pending and current dual status youth

⁷ CWS/CMS is the electronic system that keeps all of the Child Welfare Services information on each youth active to HHSA/CWS.

- Participate in CFT Meetings for youth with higher risks and needs on a case-by-case basis
- Cross-train on roles and responsibilities
- Coordinate and manage the implementation of policies and procedures from both agencies in crossover cases and provide advocacy in specific areas
- Attend and participate in all quarterly and monthly collaborative meetings (e.g. dual team meetings, CYPM Workgroup)
- Both agencies shall have representation in court proceedings

H . Termination of Dual Status

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

- Terminate jurisdiction in the juvenile justice case. Exclusive jurisdiction will remain with the dependency court, with the case returning to the original assigned dependency department, or as assigned by the juvenile court presiding judge. In an appropriate case, the court will consider dismissing the 602 petition.
- Terminate jurisdiction in the juvenile justice case and consider whether it is appropriate to seal the records in the juvenile justice case under WIC § 786.
- Terminate jurisdiction in the dependency case, with appropriate notice to all parties. Exclusive jurisdiction will remain in the original assigned juvenile justice department or as assigned by the juvenile court presiding judge.
- If the youth is age 18 at the time of consideration of termination of Dual Status, the court may:
 - Terminate jurisdiction in both the juvenile justice and dependency cases and maintain general jurisdiction for youth eligible for EFC for purposes of re-entry.
 - Maintain dependency jurisdiction to allow CWS to provide case management through the Extended Foster Care (EFC) program.

The order terminating dual status will normally be made at a review hearing or at a special hearing with notice to all parties in both cases. The order terminating dual status can be made ex parte in an appropriate case. For example, if all parties anticipate a specific event and the court agrees to terminate the youth's dual status when that event occurs, an ex parte order can be submitted when the triggering event occurs. (Examples include but are not limited to a move to transitional housing, participation in Job Corps, or placement by either agency.)

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

The court report prepared by the lead and non-lead agencies should address whether termination of dual status is appropriate and set forth the reasons for the recommendation. When jurisdiction is terminated, a youth who appears to meet the eligibility criteria for Extended Foster Care will be provided with information about Extended Foster Care and nonminor dependent status.

I. Attorneys

If a youth is considered dual status, both the dependency and juvenile justice attorneys will be involved at all court proceedings of the dual status case.

J. Confidentiality

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

K. Conflict Resolution

Disagreements between HHSA/CWS and Probation will be handled at the lowest level possible, moving from the Probation Officer and the HHSA/CWS Social Worker (who both consult with the Dual Status supervisors of their respective agency), to Dual Probation Supervisor and Dual CWS Supervisor, to Probation Placement Division Chief and HHSA/CWS Dual Program Manager, to Assistant Deputy Chief Probation Officer and HHSA/CWS Deputy Director, to Chief Probation Officer and HHSA/CWS Director. If at the time of the meet and confer hearing, a joint agreement has not yet been reached, each agency will submit a report (without the assessment/evaluation) requesting a brief continuance in order to complete the meet and confer and to put forth a joint recommendation.

If after a full elevation within both agencies, HHSA/CWS and Probation have been unable to reach an agreement regarding a joint recommendation despite engaging in the aforementioned conflict resolution process, the report to the court should include a statement of the issues involved in the disagreement, the positions taken by the departments, and what steps were taken to resolve the issue. The court report will indicate if the recommendation was made jointly or solely by HHSA/CWS or Probation.

L. CWS/CMS Data Entry

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

If CWS is declared the lead agency, HHSA/CWS will:

- a. Give Probation secondary assignment
- b. Enter the Dual Status information in the designated section under the client notebook section.

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

- c. Open a Non-CWD case in CWS/CMS
- d. Give secondary assignment to the HHSA/CWS Social Worker
- e. Enter the Dual Status information in the designated section under the client notebook section.

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

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

- f. End the secondary assignment to Probation
- g. End the Dual Status information in the designated section under the client notebook section.

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

M. Data Collection

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

The following data will be collected:

Goal	Data to be collected	Who will collect?
Decrease the number of days a dual status youth remains in Juvenile Hall	The number of days each dual status youth remains in Juvenile Hall	Probation
Decrease the law breaking behavior of each youth	Each re-arrest with a sustained petition for each dual status youth	Probation
Decrease runaway and AWOL behavior	The number of AWOLs one year prior to dual status and the number of AWOLs during dual status	HHSA/CWS
Decrease the number of placements for youth	The number of placements in dependency or wardship before dual status and the number of placements after dual status	HHSA/CWS and Probation
Decrease the number of youth having children	The number of youth who experience a new birth/pregnancy while involved in dual status	HHSA/CWS and Probation
Increase the number of youth graduating high school	Graduation rates of youth in dual status	HHSA/CWS and Probation
Increase the number of youth who are gainfully employed	Employment rates of eligible youth in dual status	HHSA/CWS and Probation
Decrease CSEC concerns and risk factors via the assessment tool score	Number of youth suspected of involvement in CSEC Increase/decrease in CSEC risk levels per the CSE-IT tool.	HHSA/CWS and Probation

The procedure for collecting data:

STEP	WHO	ACTION
1	Probation	Will collect its data and send it to the HHSA/CWS Data Unit quarterly no later than the 15th of each month following the end of each quarter
2	Data Unit	Will collect HHSA/CWS data no later than the 15th of each month following the end of each quarter

STEP	WHO	ACTION
3	Probation, HHS/CWS, Data Staff	Will meet quarterly to discuss: <ul style="list-style-type: none"> • The data • Trends demonstrated by the data • Barriers that are interfering with the ability of Probation and HHS/CWS to meet the goals.

The quarters are:

- a. January 1 - March 31
- b. April 1 - June 30
- c. July 1 - September 30
- d. October 1 - December 31

N. Payment

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

It is paramount that county agencies agree that each agency: (1) perform its duties and functions under the established protocol; (2) ensure no duplication of activities or services occurs; (3) ensure the services are indeed distinct and different; and (4) ensure the cost associated with each is not duplicated.

XI. Extended Foster Care

- A. Wards of the juvenile court who are or have been subject to an order for foster care placement are eligible for the transition of jurisdiction of the juvenile court into nonminor dependent status. Before jurisdiction in the juvenile justice system is terminated for a ward who meets the eligibility criteria listed in WIC § 450, the juvenile justice court will make the required findings regarding the ward's rehabilitation and eligibility and will set a 450 Transition Jurisdiction hearing in the transition court.
- B. All transition cases will be heard by one judge or as designated by the presiding judge of the juvenile court.
- C. The judge in the transition court will terminate jurisdiction in the juvenile justice case. All further proceedings will be in the transition court or as designated by the presiding judge of the juvenile court. The youth will be supervised by Probation unless the agencies agree to a change in lead agency (see Section D).

D. Dual Status: Dual status will be terminated based upon the youth's progress and not simply because the youth has reached age 18 or has run out of custody time. The lead agency can be changed if circumstances warrant, as referenced in Section X (Dual Status) of this protocol. When Dual Status terminates for a youth who is eligible for extended foster care, case management will be provided by the HHS/CWS EFC Program.

E. Adult Proceedings

1. A youth who is in extended foster care and who is also on adult probation continues to be eligible for benefits and services as a nonminor dependent (NMD) so long as s/he is not incarcerated. Such a youth is not covered by this dual jurisdiction/dual status protocol.
2. A dependent youth (minor or non-minor) who is tried and convicted in the adult justice system is not covered by this dual jurisdiction/dual status protocol.
3. A dependent youth charged with a 602 offense who is not a current active Dual Status youth does not come within this protocol, unless the 602 disposition occurs prior to the youth's 18th birthday.
4. If a Non Minor Dependent who is involved in an active Dual Status case (declared Dual Status prior to their 18th birthday) incurs new 602 charges, a meet and confer will occur.

F. EFC Case Management

1. Dual Status Youth

Dual status youth who transition into Extended Foster Care after the termination of the Probation involvement will receive case management through the HHS/CWS Extended Foster Care program.

2. Opt-Out Youth

For youth who opt out of EFC, the Court will retain general jurisdiction for purposes of re-entry. Re-entry requests will be coordinated by the HHS/CWS Extended Foster Care program including providing and processing re-entry paperwork.

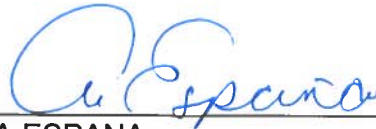
3. Re-entry Youth

For youth who opt out of EFC upon turning 18, or for youth who left EFC for any reason, re-entry into EFC can be requested by the youth prior to age 21. Re-entry requests will be coordinated by the HHS/CWS Extended Foster Care program including providing and processing re-entry paperwork.

XII. AGREEMENT

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

DATE: 3/11/2022



ANA ESPANA,
Presiding Judge
San Diego Superior Court
Juvenile Division

DATE: 2/28/2022



Tamika Nelson,
Chief Probation Officer
Department of Probation
County of San Diego

DATE: 02/17/22



Dr. Kimberly Giardina,
Director
Child Welfare Services
Health and Human Services Agency
County of San Diego

