

PROTOCOL

WIC 241.1 Dual Jurisdiction & Joint Assessment

OVERVIEW

Pursuant to the mandates of the Welfare and Institutions Code (WIC) § 241.1, Children and Family Services, the Juvenile Probation Department along with the leadership of the Juvenile Court with their system partners have developed a joint protocol to ensure local coordination in the assessment of any minor who appears to come within the description of both WIC Sections 300 and 602.

The partners in this protocol are committed to enhanced coordination, integration and cooperation at the administrative and service delivery levels in an effort to improve short-term and long-term outcomes for dually-involved youth. Additionally, the protocol outlines a process for determining which agency shall provide supervision for a minor or non-minor when transition jurisdiction is ordered.

Per the law as stated above, please refer to the attached 241.1 MOU between Contra Costa County Children & Family Services and Contra Costa County Juvenile Probation. The below protocol is for CFS reference and business procedures as it pertains to WIC 241.1.

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DEFINITIONS

Commercially Sexually Exploited Children (CSEC)/Commercially Sexually Exploited Youth (CSEY): Any child under the age of 18 that has been induced to perform a commercial sex act, regardless of whether force, fraud or coercion can be proven and regardless of whether the minor is “doing the act on their own” or has a pimp/trafficker. Any sex act exchanged for anything of value meets the definition of commercial sexual exploitation of children (e.g., a minor stripping in exchange for a place to stay; a mother selling her child in exchange for drugs; a minor performing a sex act in exchange for food).

Joint Assessment: Whenever a child appears to come within both WIC Sections 300 and 602, the county probation department and welfare department convene a Multi-Disciplinary Team (MDT) meeting to review, assess, and determine which status will serve the best interests of the child and help protect society. The recommendations of both departments are presented to the juvenile court on behalf of the child with the court determining which status is appropriate for the child.

241.1 Report: A court report that is written and submitted to the Dependency Court by either the case-carrying Deputy Probation Officer (DPO) and/or CFS Social Worker (SW), following the Joint Assessment.

Joint Assessment Committee (aka Dual Jurisdiction): MDT of select individuals from CFS, Probation, education and mental health who meet as needed to review, assess and make recommendations on 241.1 matters for the Dependency and/or Delinquency Court.

The following individuals may be part of the Joint Assessment Committee:

- Case carrying SW
- Case-carrying DPO
- 241.1 Coordinator-CFS Representative, Manager level
- 241.1 Probation Representative, Manager level
- Mental Health Liaison
- Education Consultant(s)
- CSEC Case Specialist

Pre-disposition, the Joint Assessment Committee is responsible for the following:

- Preparing and conducting all 241.1 Joint Assessments
- Gathering and evaluating information about the youth

Post-disposition, the Joint Assessment Committee is responsible for the following:

- Linking the youth to the necessary services
- Tracking the youth's progress during the delivery of services
- Reporting to the Juvenile Court

Multidisciplinary Team (MDT): Multidisciplinary Team (MDT) is a group of representatives who are experts in different areas with different professional backgrounds, united as a team for the purpose of assessing the needs of the minor who has come to their attention through the Joint Assessment. They work in a coordinated manner with members to determine the most appropriate plan for the minor.

Dependency Court: Is the court that oversees matters that involve child abuse and neglect. Dependency Court can take jurisdiction over a child whose parent(s)/guardian(s) are unable or unwilling to care for a child or are a danger to the child. Dependency Court uses California Welfare and Institutions Code (WIC) 300 as the legal basis to intervene and oversee jurisdiction as well as dependency of the child.

Delinquency Court: Is the court that intervenes matters when minors under the age of 18 violates any California law or of the United States. Delinquency Court can take jurisdiction over a minor when it is deemed the minor is a threat to society. Delinquency Court uses California Welfare and Institutions Code (WIC) 600 as the legal basis to intervene and oversee jurisdiction as well as wardship of a minor.

601 Ward (aka Status Offender): Any minor who is under the supervision of the juvenile delinquency court or probation (non-wardship) who has either admitted to or has gone through adjudication for consistent school truancy, curfew violations, minor offenses, or whom the parent cannot 'control' based on the minor's behavior. This minor can be placed out of the home, but typically not in a secured or locked facility. Most often, they are sent back to the care and custody of the parent's with Home Supervision by Probation under ankle bracelet monitoring.

602 Ward (aka Delinquent offender): Any minor who is under the supervision of the juvenile delinquency court who either admitted to a misdemeanor or a felony crime, or who has gone through an adjudication (trial) for a misdemeanor or felony and the petition (charge) has been found true.

300 Dependent: Any child who has suffered harm or has been deemed at substantial risk of harm by the child's parent or guardian who is under the jurisdiction of the juvenile court and has been adjudged a dependent child of the court.

Non-Minor Dependent: NMD is defined as a dependent or ward who is all of the following:

- At 18 is/was in a foster care placement order or in foster care as a dependent or ward or WIC 450 status, and
- Is participating in one of the five eligibility conditions.

CRITERIA FOR APPLICATION OF WIC 241.1

The 241.1 procedures must be followed if any of the following circumstances apply:

- The child/youth is referred to either Probation and/or Child Welfare and is neither a 600 ward nor 300 dependent. The youth will benefit from remaining in the home with prevention services and a petition will not be filed by either department.
- The child/youth is involved in the Probation Intake Process, and the Probation Intake Worker suspects child abuse and/or neglect (including suspected or known CSEC/Y).
- The child/youth is involved in the child welfare dependency intake process and the Social Worker suspects 602 behavior.
- The child/youth is adjudicated a 602 ward, and the Deputy Probation Officer suspects child abuse and/or neglect and/or probation or child welfare believes that a 300 dependency petition should be filed with regard to the child.

- The child/youth adjudicated a 300 dependent and the Social Worker suspects 602 behavior and probation is proposing to file a 602 petition with regard to the child.

When the Social Worker and/or Deputy Probation Officer determine that the child/youth fits any of the criteria described above, the parties shall consider the following factors:

- at-risk of or victim of commercial sexual exploitation;
- nature of the referral;
- age of the minor;
- prior record of the minor's parents for child abuse;
- prior record of the minor for delinquent behavior;
- parents' functioning and cooperation with the minor's school;
- minor's functioning at school;
- nature of the minor's home environment;
- records of other agencies which have been involved with the minor and his or her family; and other factors deemed relevant by the parties.

JURISDICTION

Either the Social Worker (SW) or the Deputy Probation Officer (DPO) may be ordered by the Juvenile Court to assess a child who could qualify for jurisdiction in either system and determine which status (300 - CPS or 602 - Probation) best serves the child's needs. However, all 241.1 Reports should be a joint collaborative effort between CFS and probation through the Joint Assessment process.

When examining case jurisdictional issues, it is important to evaluate the legal issues involved in the case first. Each agency has very specific legal parameters within which to work. If the elements that are required for jurisdiction are not present, the issue of primary jurisdiction becomes moot, with the agency having legal jurisdiction becoming the primary agency.

Thus, if provable elements of 300 W&I are not present, CFS cannot assume involuntary jurisdiction; likewise, if no arrest (or sufficient evidence) of 602 W&I behavior has occurred Probation does not have jurisdiction. However, if it appears that there are provable elements of both 300 and 602 behavior, it becomes the responsibility of both agencies through the Joint Assessment to determine the most appropriate course of action and to so recommend to the Court. The Court makes the ultimate decision regarding primary jurisdiction.

The probation and social service departments are required to determine which status will serve the best interests of the minor, protect the community, and deliver the most appropriate services to the minor.

SHARING OF INFORMATION

CFS and Probation will share all relevant information in their respective records and files on the child/youth and family. This information will also be shared with the participants in the Joint Assessment meeting. All parties must safeguard the records received from other departments.

Case record information includes:

- Court reports
- Referral information
- School records

- Mental Health Assessments
- Third-party reports
- All information relevant to the WIC 241.1 Joint Assessment
- CSEC-related information e.g., CSE-IT results, CSEC case planning activities

JOINT ASSESSMENT

The Joint Assessment can be conducted in person or via conference call, or a combination thereof and will occur on the 1st and 3rd Tuesday of each month at 9 AM. The location of the meetings will be determined through an agreement by the involved parties.

CFS and Probation staff are responsible for completing the Joint Assessment Referral Form for use by the Dual Jurisdiction Committee in the Joint Assessment.

The following individuals are part of the Dual Jurisdiction Committee and they or their designee, are to be a party to the Joint Assessment:

- The supervisors and / or managers empowered by their respective department to make WIC 241.1 decisions
- The case-carrying SW or the emergency response SW, or supervisor
- The assigned DPO or supervisor

As a best practice, the following parties are to be invited to submit information for consideration in the Joint Assessment, as appropriate, and / or if the youth has identified needs:

- Intensive Care Coordinators (ICCs)
- Assigned Mental Health Worker
- Mental Health Liaison
- CSEC Case Specialist

JOINT ASSESSMENT REPORT RESPONSIBILITIES

- When Juvenile Dependency Court orders a 241.1 Joint Assessment-

The following steps should be taken:

- 1) Be clear about the timeframe the Court is providing for the joint assessment. Typically, since jurisdiction in one or the other system (300 or 600) will hinge on the outcome, the timeframe for completing the joint assessment is generally ten days from the date of the court order.
- 2) Determine whether there is an active Deputy Probation Officer assigned to the child by calling the INTAKE UNIT at **(925) 957-2726**.
- 3) If there is a Deputy Probation Officer, contact the Deputy Probation Officer or their supervisor directly to arrange for a discussion about the minor. It is the Social Worker's responsibility to make every effort to have an active exchange of information with the Deputy Probation Officer or their supervisor.

- 4) If there is no active Deputy Probation Officer, contact the INTAKE UNIT to discuss the minor's situation by calling **(925) 957-2726**.
- 5) Conduct the discussion with the appropriate member of probation staff. Review existing CPS case files if any.
- 6) If a referral form has not been sent to you, please find the form here. Complete the Joint Assessment Referral form and submit to 241.1 Liaison Division Manager at fernan@ehsd.cccounty.us
- 7) Attend the Joint Assessment Hearing and present the concerns and recommendation to the committee.
- 8) Probation with typically complete the 241.1 report, however, if directed complete the 241.1 Report and submit to court by date of hearing.

Note- Once the report is prepared, it must be reviewed by the Social Worker and Social Worker's Supervisor. Court report recommendations will be one of the three following and decided from the Joint Assessment Committee:

CFS and Probation agree about jurisdiction and recommend-

1. 600 status
2. 300 status
3. 300 status with informal probation

- When Juvenile Delinquency Court orders a 241.1 Joint Assessment

If a minor that has been adjudicated a 300 is involved in a 600 matter, and the 600 Bench requests a 241.1 Report, the Deputy Probation Officer (DPO) is responsible to write the "241.1 Report." The DPO is to provide the Social Worker (SW) with the completed 241.1 Report for their review and return to the DPO for submission to the court. Signatures on the 241.1 Report by all parties advises the court that all parties are in agreement with the recommendations within the report. If the SW disagrees with the 241.1 Report as created by the DPO, then an addendum report is to be created & submitted by the SW, to share with the 600 Court why CFS disagrees and the rationale. This addendum is attached to the 241.1 Report created by the DPO and submitted to the court. The DPO can call the CFS's Officer of the Day at (925) 313-4000 to determine the minor's SW. If it is after business hours the DPO can call the Hotline at (877) 881-1116.

JOINT ASSESSMENT (241.1) REPORT

The Report must contain the joint recommendation of the Probation and Child Welfare Departments if they agree on the status that will serve the best interest of the youth and the protection of society. Contra Costa County has adopted a "lead court / lead agency" system; either CFS or Probation will be the lead agency. The lead court/lead agency shall be responsible for case management, conducting statutorily mandated court hearings, and submitting court reports.

The 241.1 Report must also include:

- 1) A description of the nature of the referral;
- 2) The age of the youth;
- 3) The history of any physical, sexual, or emotional abuse of the youth;
- 4) The prior record of the youth's parents for abuse of this or any other youth;
- 5) The prior record of the youth for out-of-control or delinquent behavior;
- 6) The parents' cooperation with the youth's school;
- 7) The youth's functioning at school;
- 8) The nature of the youth's home environment;
- 9) The history of involvement of any agencies or professionals with the youth and his or her family;
- 10) Any services or community agencies that are available to assist the youth and his or her family;
- 11) An evaluation of community protection and the youth's safety;
- 12) A statement by any counsel currently representing the youth;
- 13) A statement by any CASA volunteer currently appointed for the youth
- 14) Other factors deemed relevant by the parties, e.g., identified as at-risk of or a victim of commercial sexual exploitation.

DISPUTE RESOLUTION

All steps of the dispute resolution process must be completed in time to meet any required legal time frames for submittal of required reports. If a dispute arises involving the interpretation or implementation of these 241.1 policies or procedures, the SW and DPO must collaboratively resolve the problem within applicable federal, state and county statutes, regulations, policies, and procedures.

An Addendum Report to the court must be prepared by CFS assigned worker when there is disagreement as to the recommendation on the report. Should a dispute arise between department staff, the next level of supervision and/or management shall be consulted.

Because recommendations to Court should be in part based on what is in the best interest of the child, such recommendations may often include comment regarding different services available from different systems.

Such resources are often limited, and complicated eligibility criteria may exist for access to such services. When 241.1 recommendations are based upon one system having access to a particular service, it is important to verify this information prior to using such rationale, or refrain from commenting on another departments access to such a service.

WIC 602 WITH POSSIBLE WIC 300 ISSUES

When a 602 Ward has a pending release date within 30 days from juvenile hall or their probation placement, and release to the family is unfeasible due to one or more of the following:

- 1) Return home to the parent would put the child/youth at risk for abuse/neglect as defined by WIC 300.
- 2) Return home to the parent is not possible because the parent either refuses to provide provision of care or their whereabouts are unknown.

- 3) Return home to the parent is not possible because this child/youth was previously a dependent before being moved to WIC 602 status and WIC 300 conditions still exist.

However, if the appropriate caregivers are not identified, the DPO will recommend a WIC 241.1 Joint Assessment and the Dual Jurisdiction Committee will conduct a Joint Assessment within 30 days prior, or at least 15 days prior, to the youth's release date. Probation may add the matter to calendar requesting a WIC 300 petition be filed depending on the outcome of the Joint Assessment.

Note- In the event the Delinquency Court unexpectedly dismisses a WIC 602 matter, and release to the family is unfeasible due to one or more of the following:

- 1) Return home to the parent would put the child/youth at risk for abuse/neglect as defined by WIC 300.
- 2) Return home to the parent is not possible because the parent either refuses to provide provision of care or their whereabouts are unknown.
- 3) Return home to the parent is not possible because this child/youth was previously a dependent before being moved to or considered for WIC 602 status, and WIC 300 conditions still exist

The Probation Court Officer shall immediately notify the designated DPO. CFS will commence forthwith, as continued detention of the youth is not an option. Probation will immediately contact CFS regarding the abandoned child / youth. Probation will make efforts to identify and locate appropriate caregivers, and will document those efforts. If appropriate caregivers are not available, Probation will make efforts to identify and locate appropriate caregivers, and will document those efforts. If appropriate caregivers are not available, Probation will notify CFS through the Hotline number to request that CFS conduct an assessment to determine if the minor comes under WIC 300.

For matters where wardship is active and Probation suspects child abuse, as mandated reporters, Probation shall contact CFS and complete a Suspected Child Abuse Report (SCAR). CFS will follow their investigation protocol which may or may not result in an immediate investigation. A WIC 241.1 Joint Assessment may be requested by either agency, or ordered by the Court.

NON-ADJUDICATED YOUTH WITH 300 ISSUES

In the event a child / youth is not under the jurisdiction of either Probation or CFS, but is booked into juvenile hall for a law violation for which the District Attorney does not file a petition by the filing deadline, the child / youth must immediately be released from detention. If release to the family is unfeasible due to one or more of the following:

- 1) Return home to the parent would put the child/youth at risk for abuse/neglect as defined by WIC 300
- 2) Return home to the parent is not possible because the parent either refuses to provide provision of care or their whereabouts are unknown
- 3) Return home to the parent would put the child/youth at risk for abuse/neglect because they have been identified as a CSEC/Y.

Probation will:

- immediately contact CFS regarding the abandoned child / youth at the hotline (877) 881-1116;
- make efforts to identify and locate appropriate caregivers;
- will document those efforts using the Probation Checklist & Discharge Information form;
- If appropriate caregivers are not available, Probation will notify CFS through the Hotline number to request that CFS conduct an assessment to determine if the minor comes under WIC 300.

SPECIAL JURISDICTIONAL MATTERS

Joint Assessment of Non-Minor Dependents

Pursuant ACL 11-85, the WIC 241.1 Joint Assessment protocol reflects which agency and Juvenile Court shall supervise a minor whose jurisdiction is modified from Delinquency to Transition Jurisdiction or modified from Non-Minor Dependent (NMD) under the Transition Jurisdiction of the Court, and the process in which supervision responsibility is determined when a NMD becomes a subject of adult probation supervision.

The above process will continue for minors and will incorporate the following modifications for NMDs:

- 1) The NMD will be invited to participate in the Joint Assessment
- 2) The NMD may voice a preference for which Department to oversee their case

Transition Jurisdiction:

Once a minor or NMD is found to be a subject of Transition Jurisdiction (WIC 450), it is possible for either agency to supervise the NMD.

The minor or NMD, or their attorney, may request the Juvenile Court to order a WIC 241.1 Joint Assessment Report.

In this case, the Dual Jurisdiction Committee will convene to determine which agency shall best serve the NMD. The Committee shall review relevant documentation to ensure the NMD has met his or her rehabilitative goals, is no longer in Family Reunification, and is willing to sign a Mutual Agreement (SOC 162). The Committee shall make its recommendation and a Report shall be submitted to the Juvenile Court from which the WIC 241.1 order originated.

Adult Supervision:

Should an NMD that was previously a Ward pursuant to WIC 602 be placed on Adult Probation, CFS and Probation have agreed that due to its unique issues, the Probation Department shall supervise these cases and the case shall remain in the Delinquency Court. Should a NMD that was previously a Dependent pursuant to WIC 300, and never involved with the Delinquency court be placed on Adult Probation, said NMD will be supervised by CFS and the court case held in Dependency Court.

Transfer In's:

When a ward or a dependent youth of another county comes under 241.1 protocol within that county and their case is subsequently transferred to Contra Costa County jurisdiction a new 241.1 Joint Assessment between CFS and Contra Costa County Probation will be ordered and a disposition hearing in Contra Costa County Juvenile Court should be calendared.

RESOURCES

[WIC 241.1 Memorandum of Understanding between Probation and CFS](#)
[Probation 241.1 Report and Memo After Hearing](#)
[Joint Assessment Referral Form](#)
[Probation DC 23 Certification of Temporary Custody](#)
[Probation-Discharge Checklist](#)

REFERENCES

[Welfare and Institutions Code \(WIC\) 241.1](#)
[2020 Local Rule of Court 5.512](#)