

DSS Policy and Procedure Guide

Division 03: Child Welfare

Chapter 03: General Administration

Item 032: **WIC §241 Protocol for Minors Who Meet Dependency and Delinquency Conditions**

Suggested changes send to: [DSS Child Welfare QA](#)

Issued: **December 7, 2010**

References: WIC §241.1, §300 and §602, County of Fresno Standing Order No: 03-01

Replaces Issue: August 13, 2008

Policy:

Pursuant to Welfare and Institutions Code (WIC) §241.1, Fresno County has adopted an “on-hold” policy in those instances where a minor appears to meet the conditions of both dependency and delinquency. The Department of Social Services (DSS), in collaboration with Juvenile Probation and the Juvenile Courts, will utilize an established protocol to make recommendations to the court. In all cases, the court makes the final decision as to the minor’s disposition.

Purpose:

This PPG establishes the criteria to be used to determine whether a minor meets the WIC §300 or the WIC §602 conditions. It also explains the processes and standards by which WIC §241.1 staffings will be scheduled, and recommendations developed for reporting to the court.

Definitions:

WIC §300 – Describes a minor adjudged, or pending adjudication as, a dependent of the Fresno County Juvenile Dependency Court because of abuse and/or neglect issues.

WIC §602 – Describes a minor who has been adjudged, or pending adjudication as, a ward of the Juvenile Delinquency Court.

Introduction:

Welfare and Institutions Code section 241.1 requires that child welfare and juvenile probation agencies utilize a joint staffing process to make recommendations to the court when a minor appears to meet the criteria for both dependency and delinquency.

The WIC §241.1 process can result in a recommendation to:

- Retain dependency status and refer to Informal Probation (PC 654.2), Probation Without Wardship (WIC 725{a}), or Deferred Entry of Judgment (WIC 790). If deemed necessary, dismiss the WIC §602 petition without prejudice.
- Terminate the WIC §300 status and proceed only with the WIC §602 petition.

The WIC §241.1 staffing process will be utilized again when consideration is being given to termination of the minor’s WIC §602 status, or to develop a recommendation to either resume or terminate the WIC §300 status. The process may also be used in instances where a minor not previously adjudged a dependent may be at risk of abuse or neglect upon termination of WIC §602 status.

Procedures:

Initial Filing of a WIC §602 Petition

- If a minor who is a non-dependent, or is already adjudged a dependent under WIC §300, is charged with committing a crime, and a WIC §602 petition is to be filed, Juvenile Probation becomes the lead agency in the staffing and hearing process. DSS is still responsible for all case management responsibilities during the process. The Deputy Probation Officer (DPO) will initiate the WIC §241.1 protocol.
- If the minor is not a dependent of Fresno County Juvenile Court, the DPO notifies the Emergency Response (ER) Social Worker (SW) liaison for WIC §241.1 staffings. The SW liaison clears the name to see if there is a case manager in ER. If there is, the case manager and his/her supervisor are informed and they arrange the WIC §241.1 staffing with the Probation Department. (If the minor does not have a case manager in ER, then the WIC §241.1 staffing is held at the regularly scheduled WIC §241.1 meeting.)
- If the minor is a dependent of Fresno County Juvenile Dependency Court, the DPO notifies the minor's DSS social worker and supervisor of the WIC §602 petition. The DSS social worker will notify the minor's counsel and CASA, if appointed.
- A preliminary consultation is conducted to examine the child's circumstances and the facts surrounding the pending petition.
- If it is decided that the WIC §602 petition will be filed, the WIC §241.1 staffing will be scheduled prior to the hearing date at a mutually agreed upon date and time. For those minors who are in-custody, there are strict timelines and the parties need to meet as soon as possible.

WIC §241.1 Staffing

- The probation officer will conduct the staffing. It will include the DPO, the officer's Probation Services Manager (PSM) or designee, the assigned social worker, and the social worker's supervisor. The DPO will provide a copy of the WIC § 241.1 staffing report and all court orders to the social worker.
- All information to be considered at the staffing will be provided by the social worker. This will include the WIC §241.1 information sheet that is requested by the Probation Department. The information provided will be in accordance with the Superior Court of California, County of Fresno Standing Order No: 03-01. The staffing will examine the child's history and current circumstances, the services needed by the child and parents, and which court system can best meet those needs. (See Standing Order No: 03-01 <H:\Court Orders\Standing order\DCFS, Probation, Family Court.pdf>)
- The staffing will address at least the following:
 - The nature of the referral

- the minor's age, current court status, and reasons therefore
- the minor's prior behavioral problems and/or delinquent activities
- the number and outcomes of prior referrals to DSS and Probation
- the number and outcomes of minor's admission to mental health facilities
- the minor's home environment and functioning at school
- the minor's special needs or characteristics
- prior records of the minor's parents for child abuse/neglect
- the parents' interaction with the minor's school, DSS, and/or Probation
- records of other agencies involved with the minor and/or family
- relevant services available to the minor and family in the WIC §300 and §602 systems
- which system will best serve the minor's needs, and why

In the event a jurisdictional agreement cannot be reached between DSS and Probation staff, the parties will initiate the Conflict Resolution process described in Attachment A.

When in the best interest of the minor and/or the community, other agencies may participate in the WIC 241.1 staffing, at the discretion of the SW or DPO. Participation will be in accordance with procedures shown in Attachment B.

The DPO will prepare a written report to the court detailing the joint recommendation developed at the staffing. The report will include any specific concerns expressed by the social worker, or by the Probation Department.

Any report containing recommendations or concerns expressed by DSS is subject to DSS review and approval **prior** to the report being submitted to the Court.

WIC §602 Hearing

Subsequent actions will depend upon joint recommendations and the order of the court.

- If the recommendation is to dismiss the WIC §602 petition, or provide services as described in the introduction above (see page 1), the court may order that the minor remain a dependent child under the supervision of the DSS.
- If the recommendation is to terminate WIC §300 dependency and continue the WIC §602 petition, the court may order that the minor become a ward of the court under the supervision of the Juvenile Probation Department. The Fresno County Juvenile Dependency Court will terminate the minor's status as a dependent at the next hearing. If there is a change of circumstances from the

initial WIC §241.1 staffing, both parties shall meet to discuss the matter to determine what is in the best interest of the minor.

- In regards to a non dependent minor, if the decision at the WIC §241.1 staffing is that they would be best served by the DSS, the Juvenile Delinquency Court will dismiss the petition and request the Probation Department place a WIC §300 hold. The court does not have the authority to place a WIC §300 hold.

Termination of WIC 602 status

- If the DPO believes the minor will be at risk for abuse or neglect after termination of the WIC §602 status, or there is insufficient confinement time available, a WIC §241.1 staffing may be requested.
- At the time the initial WIC §602 petition was filed, if the minor was not a WIC §300 dependent child or the minor's WIC §300 status was terminated at the time the WIC §602 status was declared, a WIC §241.1 staffing may be requested.

When feasible the Probation Department will provide as much advance notice as possible in order for DSS to find placement and services to meet the needs of the minor.

Court Process

- If a minor was under the supervision of the Juvenile Dependency Court prior to becoming a WIC §602 ward, the social worker is to file a JV180 and request WIC §300 dependency be reinstated.
- The Delinquency Court shall dismiss the WIC §602 jurisdiction after the Dependency Court has reinstated WIC §300 status.
- If a minor was not under the supervision of Dependency Court prior to becoming a WIC §602 ward, a new petition is to be filed if the minor falls under the provisions of WIC §300 (a-j).

Re: WIC §241.1 Protocol

Attachment A

Conflict Resolution

Should an occasion arise during a WIC §241.1 joint staffing when a jurisdictional agreement cannot be reached between the Department of Social Services (DSS) and Probation, the following protocol should be utilized:

If a resolution cannot be reached between the social worker, the deputy probation officer, and their respective supervisors, the DSS supervisor should immediately notify the DSS program manager of the lack of agreement. The social worker and supervisor should staff the minor's case with the program manager on that same day, but no later than the next business day.

In the event the Probation Services Manager was unable to attend the WIC §241.1 staffing, the lead DPO will immediately notify the supervisor regarding the lack of agreement.

After obtaining all relevant and pertinent information from the respective individuals, managers from both agencies shall discuss the situation immediately in an effort to arrive at an agreement. At the discretion of the DSS and probation managers a second joint staffing may occur, when necessary, with all parties present.

If necessary, the Deputy Director of DSS and Director of Probation may choose to resolve the jurisdictional disagreement between agencies at their level. Although unlikely, should jurisdictional agreement not be reached, the lead agency will file a final WIC §241.1 staffing report with the appropriate court. The report will include the lead agency's recommendation and any dissenting reports or information provided by the other agency. Each agency will accept the court's decision.

NOTE: In most cases, the minors are in-custody and may not waive time for further staffings.

Participation of Other Agencies in the WIC §241.1 Staffing

At times it is necessary to involve other agencies in the minor's case and to include them in WIC §241.1 staffings. Such involvement at WIC §241.1 staffings may prove beneficial, although their attendance is not required or mandatory. If other agencies, such as CASA, Central Valley Regional Center (CVRC), education, or Children's Mental Health, desire to attend a WIC §241.1 staffing, they should be allowed and encouraged to do so. Other agency input may prove valuable in determining appropriate jurisdiction of the minor's case.

It is incumbent upon the lead agency to make the necessary contacts with other involved agencies to discuss the minor's case, obtain information, and provide notification as to the date and time of the WIC §241.1 staffing. Any relevant information provided by other agencies should be incorporated into the WIC §241.1 staffing report prepared by the lead agency.

Other agencies involved in the minor's case may be allowed to attend the minor's court hearings, at the discretion of the court. Following a WIC §241.1 joint staffing, all participating agencies should be given sufficient notification of the minor's next court hearing, including any continued court hearings.

Other agencies participating in a WIC §241.1 staffing may disagree at times with the jurisdictional agreement between DSS and Probation. Consideration and respect should be given to the other agencies' concerns and objections. However, the WIC §241.1 jurisdictional agreement rests with DSS and Probation. Any dissatisfaction with the WIC §241.1 jurisdictional agreement by any involved agency may be expressed to the court at the minor's next hearing, if the court allows the agency representative to attend.