

Interagency Agreement Between the Probation Department
and the Social Services Agency
for Possible Dual Status Youth

Section I. Purpose of Agreement

The Probation Department and the Social Services Agency jointly agree to implement Senate Bill 220 (Chapter 1441, Statutes of 1989) Welfare and Institutions Code, Section 241.1 by implementing the Policies and Procedures in this memorandum.

Section 241.1 of the Welfare and Institutions Code was enacted to best serve the interest of a youth who appears to come within W & I Code Section 300 and Sections 601 or 602. This law requires both the Department of Family and Children's Services (DFCS) and the Juvenile Probation Department (JPD) to present recommendations to the Juvenile Court in these instances of possible dual status. The procedures allow for the resolution of any disagreement between the two departments prior to the recommendation to the Juvenile Court. If agreement cannot be reached, the views of both departments will be presented to the Court.

Section II. Procedures for Preparing Petitions

A. Simultaneous Referrals

When simultaneous referrals are made for 601 or 602 and 300 petitions, the JPD investigator and the DFCS social workers will verbally confer to determine which status will best serve the interest of the minor.

B. Factors To Be Considered In Making the Decision

Following are factors that will be considered by the staff of the two departments. These are not all inclusive and other pertinent data must be considered. These factors are to be included in all written reports:

1. Nature of the referral;
2. Age of the young person;
3. Prior record of out-of-control or delinquent behavior;
4. Parent's cooperation with the school and the two department's staff;
5. The young person's functioning at school;
6. A description of the home environment;
7. Records of other agencies including psychological or pertinent medical evaluations;
8. Views of the other department's staff person;

9. Reason why the two department representatives agree on the recommendation; and
10. A statement regarding the young person's functioning if he/she is placed in Juvenile Hall or the Children's Shelter.

When the staff of the two departments agree upon the appropriate status, the department having responsibility for the petition shall proceed.

C. Procedures For Resolving Disagreements on Recommended Status

1. If the JPO and the Social Worker cannot agree on the recommendation, the matter shall be referred to their respective supervisors.
2. If agreement cannot be reached by the supervisor, the Department which has the young person in custody will prepare the petition. The staff of the other department will provide a supplemental written report which will be incorporated as a part of the petition for the Court's consideration.
3. If the young person is not in custody, the department which received the first report will prepare the petition as in "2" above.

Section III. Review By The District Attorney

- A. Certain sections of the Penal Code (707 (b)) and law violations described in W & I Code, Section 635.5 necessitate a review by the District Attorney's Office. In these cases, the petition shall be forwarded to that office prior to filing. .
- B. If the District Attorney chooses to file a 602 petition, it will preclude the 300 petition.
- c. The DFCS social worker will provide a written report as in "II, B, 1." This will be attached to the 602 petition.

Section IV. Procedures For Youth Who Already Have a Classification

- A. If a referral is received on a young person who has already been classified as a 300, a 601 or a 602, the Department having current jurisdiction shall provide the other department with a written assessment.
- B. The assessment shall include areas outlined in "II, B" above and a recommendation as to why there should or should not be a change in, status.

Section V. Reviews By Other Legal Representatives

If any other legal representative is assigned to the young person, material prepared by both departments will be made available to that representative upon request.

Section VI. Term of Agreement

This agreement shall be effective when both the Directors of the Probation Department and the Social Services Agency have signed.

It shall remain in effect until one or both departments request changes in writing. This will include changes that may be necessitated by State Department of Social Services regulations.

1010 SILVA WJYC
PEDRO R. SILVA
Chief Probation Officer

7/30/90
RICHARD R. O'NEIL, Director
Social Services Agency

7/18/90
DATE

7/30/90
DATE

PRS/RRO/JG:ies