

# ORANGE COUNTY SOCIAL SERVICES AGENCY CFS OPERATIONS MANUAL

Effective Date: January 20, 2016  
Revision Date: April 25, 2024

Number: G-0403

## Crossover Jurisdiction Status

<b>Purpose</b>	To provide guidelines for CFS and Probation when a youth appears to come within the description of both a dependent and a ward.
<b>Approved</b>	This policy was approved by Jyothi Atluri, Director of CFS, and Daniel Hernandez, Chief Probation Officer. <i>Signatures on file.</i>
<b>Most Recent Revision</b>	<p>The most recent revision of the Policy and Procedure (P&amp;P) include the following:</p> <ul style="list-style-type: none"><li>• Terminology changes:<ul style="list-style-type: none"><li>○ Dual Status P&amp;P renamed, Crossover Jurisdiction Status</li><li>○ Replaced the term “Dual” with “Crossover”, (<a href="#">WIC § 241.1</a> uses the term “Dual”. For purposes of this revised P&amp;P, the term “Crossover” has been adopted and is synonymous with the term “Dual”)</li><li>○ Dual Status Handling Team renamed Probation-SSA Consultation Team</li><li>○ Replaced Team Decision Making (TDM) terminology with Child and Family Team (CFT)</li></ul></li><li>• The following attachment was rendered obsolete:<ul style="list-style-type: none"><li>○ Attachment 1 — Identifying the Assigned Social Worker/Probation Officer</li></ul></li><li>• Renumbered the following attachments:<ul style="list-style-type: none"><li>○ Previous Attachment 2 to <a href="#">Attachment 1 — Suggested Guidelines for Completing the 241.1 Joint Assessment</a></li><li>○ Previous Attachment 3 to <a href="#">Attachment 2 — 241.1 Joint Assessment Report Template (CFS)</a></li><li>○ Previous Attachment 4 to <a href="#">Attachment 3 — 241.1 Joint Assessment Report Template (Probation)</a></li></ul></li><li>• Inclusion of new attachment:</li></ul>

- [Attachment 4 — Probation-SSA Consultation Team Protocol \(previously Orange County Dual Handling Team Protocol\)](#)
  - The following forms were rendered obsolete:
    - Referral for Dual Consultation (F063-25-736)
    - Attorneys of Record for Delinquency Proceedings (F063-25-732)
    - 241.1 Screening/Placement Referral (F063-25-734)
  - Updates to the following forms:
    - [Notice of Hearing Worksheet-WIC 366.26 Selection and Implementation Hearing Only \(F063-28-05\)](#)
    - [Notice of Hearing Worksheet \(F063-28-04\)](#)
    - [241.1 Joint Assessment Hearing Notice \(F063-25-735\)](#)
  - Deleted reference to rescinded Orange County Juvenile Court Miscellaneous Order 520.4
  - Updated definitions:
    - Crossover Status
    - Dependent Status
    - Delinquent Status
    - Probation-SSA Consultation Team
    - Wardship Status
  - Incorporation of guidance regarding Non-Minor Dependents (NMDs)
- 

## Background

Children and Family Services (CFS) provides child welfare services through the dependency system to address child maltreatment. Research has shown that there is an increased likelihood of contact with the juvenile justice system for youth who are in the child welfare system.

The Probation Department provides rehabilitative services through the juvenile justice system to address a youth's delinquent behavior.

Per [Welfare and Institutions Code \(WIC\) Section \(§\) 241.1](#), if a youth appears to come within the description of both a dependent (pursuant to [WIC § 300](#)) and a ward (pursuant to [WIC §§ 601](#) or [602](#)), the county probation department and county child welfare department will conduct a joint assessment to produce recommendations as to the status that will best serve the interests of the youth and the safety of society. The recommendations of both agencies will be presented to the Court. If Court determines the youth comes within the

description of both a dependent and a ward, options available to the Court include:

- Dependency
- Wardship
- Crossover Status

Crossover status is a coordinated and collaborative process used in limited circumstances where a family would benefit from involvement of both CFS and Probation. The primary goals of crossover status are to:

- Improve coordination among CFS, Probation, and the Juvenile Court (Court)
- Facilitate access to a broader range of services and resources

Per [WIC § 241.1\(e\)](#), in 2009, Orange County established a dual status protocol under a lead agency model. Dual status was initially limited to select cases assigned to the Dependency and Teen Courts. Since that time, a protocol was established to permit dual status cases outside the Dependency Teen Courts.

In 2021, Orange County's Juvenile Justice Partners received training and technical assistance, from The Center for Juvenile Justice Reform (CJJR) at Georgetown University's McCourt School of Public Policy, on the Crossover Youth Practice Model (CYPM). Crossover youth are youth who have been referred for an investigation and/or involved with both the child welfare and juvenile justice systems concurrently.

Research has shown that crossover youth experience higher rates of substance abuse, behavioral issues and education challenges when compared to youth involved with a single system of care. Orange County's Juvenile Justice Partners adopted elements of Georgetown's CYPM to support cross-systems learning and collaboration.

In 2022, Crossover Youth Court was established to centralize the Court process. Court hearings for cases associated with Crossover Status are calendared together to ensure single judicial oversight in a collaborative court.

This policy details the responsibilities of CFS and Probation when:

- Conducting a 241.1 joint assessment

- Court designates a youth with crossover status and assigns a lead agency
- 

## Definitions

For purposes of this P&P, the following apply:

**Crossover Status:** Pursuant to [WIC § 241.1](#), whenever a youth appears to come within the description of both a dependent (pursuant to [WIC § 300](#)) and a ward (pursuant to [WIC § 601](#) or [WIC § 602](#)).

**Note:** [WIC § 241.1](#) uses the term “dual status.” For the purposes of this revised P&P, the term “crossover status” is synonymous with the term “dual status”.

**Delinquent Status:** Pursuant to [WIC § 602](#), a youth who is between 12 and 17 years old, who violates any law of the state, United States, or an ordinance of a city/county that is not an ordinance based solely on age, may be adjudged a ward of the court.

Pursuant to [WIC § 601](#), a youth between 12 and 17 years old, who persistently/habitually refuses to obey the reasonable and proper orders of the parents/guardian/custodian (or who is beyond their control) or a minor who violates any city/county curfew ordinance based solely on age, or a minor who is habitually truant or fails to respond to school attendance review board.

**Note:** Pursuant to [WIC § 602](#), a youth younger than 12 may be adjudged a ward of the court if alleged to have committed any of the following offenses:

- Murder.
- Rape by force, violence, duress, menace, or fear of immediate and unlawful bodily injury.
- Sodomy by force, violence, duress, menace, or fear of immediate and unlawful bodily injury.
- Oral copulation by force, violence, duress, menace, or fear of immediate and unlawful bodily injury.
- Sexual penetration by force, violence, duress, menace, or fear of immediate and unlawful bodily injury

**Dependent Status:** A youth described by [WIC § 300\(a\)—\(i\)](#).

**Juvenile Justice Partners:** Stakeholders who partner with the Probation-SSA Consultation Team to evaluate youth

participants, provide joint case assessment, engage in consolidated court processing, and plan for permanency by securing services such as mental health treatment, employment, housing, health care, and education support. The Juvenile Justice Partners include the Juvenile Court, District Attorney, County Counsel, Public Defender, Law Offices of Harold LaFlamme and other attorneys.

**Lead Agency:** The agency designated by Court to have primary responsibility for placement, case management, and court-related matters involving a crossover status youth, in accordance with established agency policy, as long as duplication of services/activities do not occur. Regulatory requirements for youth adjudged dependents and wards of the court remain the same for crossover status.

**241.1 Joint Assessment:** An assessment conducted by CFS and Probation, when a youth appears to come within the description of both a dependent and a ward, to produce a recommendation as to the status that will best serve the interests of the youth and the safety of the community.

**Probation-SSA Consultation Team previously referred to as Dual Handling Team:** A team consisting of Probation Officers (DPO)/Senior Social Workers (SSW) and Probation/SSA supervisory staff who conduct joint assessments to produce recommendations as to the status that will best serve the interests of a youth and the safety of the community. This team works as a collaborative unit to provide services to youth involved with child welfare and/or the juvenile justice system, to preserve families, and reduce a youth's engagement in delinquent behavior.

**Transition Jurisdiction:** A status that allows wards who have met their rehabilitative goals to remain in foster care, no longer subject to the terms of their probation. Transition jurisdiction is available to wards older than 17 years, 5 months of age, who meet the eligibility criteria outlined in [WIC § 450](#) and [All County Letter \(ACL\) 11-85](#).

**Wardship Status:** Youth placed on formal probation are considered wards of the court pursuant to [WIC § 602](#), also referred to as wardship status.

---

## POLICY

---

**Initiating CFS  
Involvement with  
Wards**

**A. Child Abuse Hotline**

If Probation has knowledge of, or suspects, a ward (including any youth with a pending 601/602 petition) has been a victim of abuse, neglect, or exploitation, the assigned DPO will contact the Child Abuse Hotline, pursuant to [Penal Code \(PEN\) § 11166](#).

The Child Abuse Hotline will determine whether an in-person investigation is warranted in accordance with CFS P&P [Child Abuse Registry \(CAR\) \(M-0109\)](#). Refer to [Data Entry Standards – Crossover Jurisdiction Status \(F0109\)](#) for guidance on use of the Special Project code when a Child Abuse Hotline referral is received from probation.

**B. Emergency Response**

Assigned referrals will be investigated per CFS P&P [Abuse Investigations—Practice Guidelines \(A-0412\)](#). The Emergency Response (ER) Senior Social Worker (SSW) will:

1. Contact the assigned DPO.

**Note:** Review [Orange County Social Services Agency Child Abuse Report \(F063-04-49A\)](#) to identify the assigned DPO.

2. Determine if protective interventions are necessary to ensure the youth's safety, per CFS P&P [Abuse Investigations—Protective Interventions \(A-0414\)](#).

**C. Factors to Consider Before Filing a Petition**

The decision to file a 300 petition will be based on whether the current level of risk to the youth necessitates Juvenile Court involvement. The following additional factors detailed in [California Rule of Court 5.516](#), will be considered when determining whether to file a 300 petition on a current ward:

1. Whether the alleged condition or conduct (i.e., allegations of abuse, neglect, or exploitation) is in dispute and, if found to be true, whether Court intervention appears desirable.
2. Whether the alleged condition involves a threat to the physical or emotional well-being of the youth.

3. Whether a chronic, serious child abuse, neglect, or exploitation problem exists after other efforts to resolve the problem have been made.
4. Whether the alleged conduct of the youth involved physical harm or the threat of physical harm to person or property.
5. If the alleged condition is not serious, whether the youth has had serious problems in the home, school, or community that indicate formal Court action is desirable.
6. The attitudes of the youth, parent/legal guardian, and any affected persons.
7. The age, maturity, and capabilities of the youth.
8. If the alleged condition is not serious, whether the youth is already a ward or dependent of the Court.
9. Whether the youth is on probation.
10. The recommendation, if any, of the referring party or agency.
11. Whether any other referrals or petitions are pending.
12. Any other circumstances that indicate the filing of a petition is necessary to promote the welfare of the youth or to protect the public.

D. **Dependency Intake**

If an [Application for Petition \(F063-28-43\)](#) is filed, a Dependency Intake investigation will be completed per CFS P&P [Dependency Intake \(A-0502\)](#). The Intake SSW will:

1. Contact the assigned DPO for consultation.
2. Include in the Detention Hearing Report:
  - Available delinquency case information (e.g., case number, relevant court orders, charges, etc.)
  - A recommendation for a 241.1 joint assessment

## **Wards Eligible for Dependency Status**

Assembly Bill 212 (2011) provides that wards who cannot be returned home safely, may have their delinquency status modified to dependency status under WIC § 300. To be eligible, the ward must:

- Have met their rehabilitative goals
- Be younger than 18 years of age
- Come within the description of WIC § 300 and be unable to return home safely

If Probation identifies a ward likely to meet their rehabilitative goals and circumstances suggest there may be difficulty returning the youth home safely, efforts will be made by Probation, at the earliest possible time, to address the circumstances to facilitate the youth's safe return home.

At the hearing to terminate jurisdiction over a ward who meets each of the above criteria, the Court may, per [WIC § 607.2\(b\)](#):

### **A. For Wards Not Previously Declared Dependents Pursuant to WIC § 325**

Order Probation or the ward's attorney to submit an *Application to Commence Proceedings by Affidavit (JV-210)* to CFS to modify the jurisdiction from delinquency to dependency, if the ward:

1. Is a minor.
2. Does not come within the description of [WIC § 450](#) Transition Jurisdiction.
3. Appears to come within the description of [WIC § 300](#) and cannot return home safely.

**Note:** Following CFS investigation, if a 300 petition is filed, Court may order a joint assessment pursuant to [WIC § 241.1](#).

### **B. For Wards Who Were Prior Dependents:**

Resume dependency jurisdiction pursuant to [WIC § 300](#), based on the prior dependency petition, provided the ward was a dependent subject to a foster care placement order at the time adjudged a ward under [WIC § 725](#). Delinquency jurisdiction may be terminated.

## **Initiating Probation Involvement with Dependents**

Probation may become involved with a dependent youth if Law Enforcement submits an Application for Petition. The Non-Custody Intake Unit will assess the Application for Petition to

determine if the case may be handled informally by Probation or whether to submit the case to the District Attorney (DA). If a petition is filed by the DA, Court may order a joint assessment pursuant to [WIC § 241.1](#).

#### **Notification of 241.1 Proceedings**

Designated CFS and Probation staff will promptly alert the SSW and DPO assigned to a case, when notified by Court that:

- A new 601/602 petition has been filed on behalf of a youth subject to a WIC § 300 petition/dependent youth and Court has ordered a Joint Assessment

**–Or–**

- A new 300 petition has been filed on behalf of a youth subject to a WIC 601or 602 petition/ward and Court has ordered a 241.1 Joint Assessment

**Note:** The Juvenile Court Clerk’s office will serve a Notice of Pending Action at the time of the initial/subsequent filings for youth who cross over from WIC § 300 to 601/602, or vice versa.

#### **Joint Assessment**

Per [WIC § 241.1\(b\)](#), if Court orders a joint assessment, CFS and Probation will coordinate efforts to complete the joint assessment; however, only one agency will be responsible for preparing the 241.1 Joint Assessment Report (see “241.1 Joint Assessment Report” Policy section).

##### **A. Timeframe**

In accordance with [California Rule of Court 5.512](#), the 241.1 joint assessment will be completed as soon as possible and prior to the Joint Assessment hearing.

##### **B. Process**

The 241.1 joint assessment will be completed through mutual review (by the assigned SSW and DPO) of the criteria specified in the “Joint Assessment Decision-Making Criteria” Policy section. The assigned SSW/DPO will:

1. Consult their supervisors regarding appropriateness of recommendation.

**Note:** Refer to [Attachment 1—Suggested Guidelines for Completing the 241.1 Joint Assessment](#).

If necessary, schedule a case review with the Probation-SSA Consultation Team. Refer to the Probation-SSA Consultation Team policy section for further guidelines.

2. Exchange information and case records regarding:
  - Youth's history of abuse and/or neglect and out-of-control and/or delinquent behavior
  - Other relevant information
3. The agency responsible for preparing the 241.1 Joint Assessment Report), will conduct interviews with:
  - Youth (unless prohibited by youth's defense attorney)
  - Parents/Legal guardian
  - Victim and/or parents of the victim, per [WIC § 656.2](#) (required for Probation if a new 602 petition is filed)

Per best practice, interviews will be made with necessary collateral contacts such as the youth's caregiver and persons having knowledge of the condition of the youth.
4. Obtaining statements from each of the following, regarding the preferred status of the youth:
  - Youth's attorney
  - Court Appointed Special Advocate (CASA) appointed for the youth (if any)

See [Attachment 1—Suggested Guidelines for Completing the 241.1 Joint Assessment](#), for procedural guidelines.

**Probation-SSA  
Consultation Team**

Per the Orange County Crossover Youth Court Protocol for WIC Section 241.1 Proceedings, the joint assessment may involve case review by the Probation-SSA Consultation Team, if:

- The assigned SSW and DPO disagree as to the recommendation

**–And/Or–**

- Further consultation is required due to extraordinary case circumstances

The agency responsible for preparing the Joint Assessment Report may request a Probation-SSA Consultation Team meeting by emailing the Crossover Youth Court Senior Social Services Supervisor (SSSS) Liaison at [Probation-SSAConsultationTeam@ssa.ocgov.com](mailto:Probation-SSAConsultationTeam@ssa.ocgov.com).

The assigned SSW and DPO will participate in the Probation-SSA Consultation Team meeting, either in-person or by conference call.

Following case review, the assigned SSW and DPO will produce a recommendation as to the status that will best serve the interests of the youth and the safety of the community. For further guidelines refer to the Probation-SSA Consultation Team Protocol.

**241.1 Joint  
Assessment  
Decision-Making  
Criteria**

Per [WIC § 241.1\(b\)](#) and [California Rule of Court 5.512\(d\)](#), the following criteria will be assessed after a new petition has been filed on a current dependent or ward, to produce a recommendation as to the status that will best serve the interests of the youth and the safety of the community:

**A. Nature of Referral**

The behavior leading to the filing of the petition will be evaluated. If the youth has been abused, their safety is in imminent danger, and the basis for the wardship petition is a minor violation of the law, dependency will be preferred.

If the alleged conduct that appears to bring a dependent youth within the description of [WIC § 601](#) or [§ 602](#) occurs in, or under the supervision of a Resource Family Home (RFH), Short-Term Residential Therapeutic Program (STRTP), or other licensed residential facility, consideration will be given to whether the alleged conduct was within the scope of behaviors to be managed or treated by the RFH, STRTP, or residential facility.

**B. Age of Youth**

The younger the youth, the greater the consideration will be towards dependency, subject to the seriousness of the crime alleged and the youth's level of maturity and sophistication.

**C. History of Physical, Sexual, or Emotional Abuse of the Youth**

If the youth's delinquent behavior seems to derive from the youth's attempt to deal with any recent physical, sexual, or emotional abuse, greater consideration will be given to dependency, depending upon the nature and seriousness of the delinquent behavior.

**D. Parent's Prior Child Abuse Record**

If the youth's delinquent behavior seems to derive from the youth's attempt to deal with an abusive home environment, greater consideration will be given to dependency,

depending upon the nature and seriousness of the delinquent behavior.

E. **Youth's Prior Record of Out-of-Control or Delinquent Behavior**

The greater the youth's prior record of out-of-control and/or delinquent behavior, the greater the consideration will be towards wardship, depending upon the nature and seriousness of the delinquent behavior.

F. **Parents' Cooperation with the Youth's School**

The inability of the parents/legal guardian and school to provide appropriate support, education, and behavior controls for the youth will be reason to favor wardship

G. **Youth's Functioning at School**

Disruptive behavior in the school setting, particularly aggressive and destructive behavior, will be reason to favor wardship.

H. **Nature of the Youth's Home Environment**

The ability of the parents/legal guardian to meet the -youth's basic needs and control the delinquent behavior will be assessed. The greater the degree of the parents/legal guardian's inability or unwillingness to provide a minimum sufficient level of care and support, the greater the consideration will be towards dependency. If the home setting is basically sound, but the parents/legal guardian are unable to control the youth's delinquent behavior, wardship will be preferred.

I. **History of Involvement of Other Agencies or Professionals**

Efforts will be made to obtain information from agencies and professionals known to have been involved with the youth and family.

J. **Services, Community Agencies, or Appropriate Out-of-Home Care Resources Available to Assist the Youth and Family:**

Consider services or community agencies available to assist the youth and family, and appropriate out-of-home care resources that consider the safety and well-being of other children. If the facts do not clearly establish a preference for one status over another, the availability of suitable placement resources by each agency may be considered.

K. **A Statement by any Attorney Currently Representing the Youth:**

Efforts will be made to obtain a statement from the attorney representing the youth in dependency and delinquency proceedings, regarding the preferred status of the youth.

L. **A Statement by any Court Appointed Special Advocate (CASA) Currently Appointed for the Youth:**

Efforts will be made to obtain a statement from a CASA appointed for the youth, regarding the preferred status of the youth.

Other factors relevant to the joint assessment may include, but are not limited to:

- Youth's:
  - Placement history and progress in placement
  - Medical, educational, and/or mental health needs
  - History of substance abuse (if known)
- Family's receptiveness to formal intervention by CFS and/or Probation

Per established Orange County Protocol:

- **Dependency will be preferred** when the youth's behavior, within the control and support structure of dependency supervision, does not pose a threat to the youth, others, or to the property of others
- **Wardship will be preferred** when a youth's behavior cannot be controlled in a dependency setting, the youth's behavior poses a threat to self, others, or to the property of others, and custody time is available, due to the nature of the youth's offense, to provide enhanced control of the youth's behavior
- **Crossover Status may be appropriate** when a dependent youth commits a delinquent act requiring the formal intervention of Probation, and the youth would benefit from the continued involvement of CFS

**241.1 Joint Assessment Report**

Per established Orange County Crossover Youth Court Protocol, a Joint Assessment Report will be prepared by:

- Probation, if the youth is already a dependent and a new 601/602 petition is filed
- CFS, if the youth is already a ward and a new 300 petition is filed

A. **Timeframe**

In accordance with [California Rule of Court 5.512\(f\)](#), the Joint Assessment Report will be:

- Completed within the timeframe specified by the bench officer at the time the 241.1 joint assessment is ordered
- Filed with Court at least five calendar days prior to the Joint Assessment hearing

**Note:** If a Joint Assessment hearing requires a “short-set” report, it will be completed as soon as possible, and filed with Court prior to the Joint Assessment hearing.

B. **Content**

The Joint Assessment Report will be prepared pursuant to the guidelines and format detailed in:

- [Attachment 2—241.1 Joint Assessment Report Template \(CFS\)](#)

–Or–

- [Attachment 3—241.1 Joint Assessment Report Template \(Probation\)](#)

The report will include:

1. An assessment of the factors specified in [California Rule of Court 5.512\(d\)](#). Refer to the “Joint Assessment Decision-Making Criteria” Policy section.
2. The recommendation and rationale of the assigned SSW and DPO.

If CFS and Probation disagree on the recommendation and the case has already been reviewed by the Probation-SSA Consultation Team:

- a. The agency preparing the Joint Assessment Report will include its recommendation and rationale in the report.
- b. The other agency will prepare a statement regarding its recommendation and rationale, to be attached to the report. This statement will be provided to the agency preparing the Joint Assessment Report prior to the filing deadline.

3. If crossover status is recommended, include a recommendation as to which agency is best suited to assume responsibilities as the lead agency.

## **Joint Assessment Hearing**

When Court orders a 241.1 joint assessment, a Joint Assessment hearing will be calendared.

### **A. Timeframe for Hearing**

Pursuant to [California Rule of Court 5.512\(f\)](#), if the youth is detained, the hearing will occur no later than fifteen judicial days after detention orders are made. If the youth is not detained, the hearing will occur within 30 days of the date the petition is filed.

### **B. Notice of Hearing**

In accordance with [California Rule of Court 5.512\(f\)](#), notice of the hearing will be provided:

1. By the agency responsible for completing the Joint Assessment Report.
2. To the following parties, using the [241.1 Joint Assessment Hearing Notice \(F063-25-735\)](#):
  - Youth
  - Parents/legal guardian (including alleged parents)
  - All attorneys of record
  - CASA appointed for youth, if any
  - The Juvenile Court of any other county having jurisdiction over the youth

Notice will include a copy of the 241.1 Joint Assessment Report.

3. At least five calendar days prior to the hearing.

**Note:** If a Joint Assessment hearing is scheduled to occur within five calendar days of the date the hearing is calendared, notice will be provided as soon as possible.

4. By personal service or first-class mail.

## **Agency Responsibilities**

Per [All County Information Notice \(ACIN\) I-05-06](#), if Court designates a youth with crossover status, CFS and Probation will:

- Coordinate service delivery
- Comply with all statutory and regulatory requirements related to delinquency/dependency proceedings, Division 31, and Title IV-E

To prevent duplication in case management/services:

- CFS will address dependency issues and child safety
- Probation will address delinquency issues and enforce terms of the youth's probation

Court will assign either CFS or Probation as the lead agency.

A. **Lead Agency Responsibilities**

Per Orange County policy, the lead agency will be responsible for:

1. Placement (refer to the "Placement" Policy section).
2. Compliance contacts (refer to "Compliance Contacts" Policy section).
3. Developing a Case Plan in consult with the child/family and non-lead agency to:
  - Increase or maintain access to available resources and supports
  - Avoid duplication of services and potential conflicts with the non-lead agency's Case Plan

**Note:** Per Orange County Superior Court Local Rule 903.1, CFS and Probation may exchange Case Plans.

4. Monitoring compliance with the lead agency's Case Plan. This includes contacting service providers and relevant collateral contacts (in coordination with the non-lead agency).
5. Arranging visitation for the youth.
6. ICWA compliance (refer to "ICWA" Policy section).
7. Providing Independent Living Program (ILP) services to the youth, when applicable.
8. The youth's medical/dental care, educational, mental health, and other basic needs.

9. Referring the case for child support collection (i.e., collection of restitution), if appropriate.
10. Collaboratively develop the Child and Adolescent Needs and Strengths Assessment (CANS) in accordance with established agency guidelines.

Established agency policies will guide the lead agency in meeting these responsibilities.

**B. Non-Lead Agency Responsibilities**

Per Orange County policy, the non-lead agency will be responsible for:

1. Compliance contacts (refer to “Compliance Contacts” Policy section).
2. Developing a Case Plan in consult with the CFT and lead agency, to:
  - Increase or maintain access to available resources and supports
  - Avoid duplication of services and potential conflicts with the lead agency’s Case Plan
3. Monitoring compliance with the non-lead agency’s Case Plan. This includes contacting service providers and relevant collateral contacts (in coordination with the lead agency).
4. Providing relevant information and documentation to the lead agency to facilitate placement (refer to “Placement” Policy section).

Established agency policies will guide the non-lead agency in meeting these responsibilities.

**Court Hearings**

When a youth is declared a “crossover youth”:

1. The dependency and delinquency cases will be assigned to a collaborative court.
2. For dependency cases: matters requiring a hearing will return to the court room of origin.
3. Upon termination of one jurisdiction, the remaining case will be handled by a collaborative court for uncontested matters.

4. Litigated matters will return to the courtroom of origin for dependency cases only

Per ACIN I-05-06, crossover status does not change or interrupt the statutory guidelines and timeframes related to a youth's dependency and delinquency proceedings.

**Example:** If a crossover status youth in foster care is subsequently placed in Juvenile Hall, and then returns to their foster home, family reunification timeframes remain the same.

Court may calendar dependency and delinquency hearings to occur on the same date and in the same courtroom. These hearings remain separate, distinct, and calendared under the appropriate WIC statute(s).

If dependency and delinquency matters are not heard in the same courtroom:

- CFS will arrange for a courtesy copy of each court report filed in Dependency Court to be provided to the bench officer overseeing delinquency proceedings
- Probation will arrange for a courtesy copy of each court report filed in Delinquency Court to be provided to the bench officer overseeing dependency proceedings

**Note:** The provision of courtesy copies is intended to provide bench officers with important information which may impact subsequent judicial decisions/determinations.

A. **Dependency Hearings**

For dependency hearings, CFS will, in accordance with established agency policies:

1. Prepare and submit court reports by the court filing deadline, including relevant information provided by the assigned DPO.

**Note:** Consult assigned DPO to avoid conflicting recommendations.

2. Provide notice, as required, to all parties of the crossover status proceedings.
3. Provide the court report and Case Plan, as required, to all parties of the crossover status proceedings, including Probation.

B. **Delinquency Hearings**

For delinquency hearings, Probation will, in accordance with established agency policies:

1. Prepare and submit court reports by the court filing deadline, including relevant information provided by the assigned SSW.

**Note:** Consult assigned SSW to avoid conflicting recommendations.

2. Provide notice, as required, to all parties of the crossover status proceedings.
3. Provide the court report and Case Plan, as required, to all parties of the crossover status proceedings, including CFS.

C. **Fifteen Day Review Hearings**

The lead agency will be responsible for Fifteen Day Review hearings, in accordance with [WIC § 367\(b\)](#).

Court Return Detention Hearing Reports and Fifteen Day Review Hearing Reports will be prepared and submitted in accordance with established agency policies. If dependency and delinquency matters are not heard in the same courtroom, court reports will be submitted to:

- Dependency Court (if CFS is the lead agency)
- Delinquency Court (if Probation is the lead agency)

**Compliance  
Contacts**

For crossover status cases, CFS and Probation will comply with the contact requirements in [California Department of Social Services \(CDSS\) Manual of Policies and Procedures \(MPP\) Division 31, Chapter 300](#).

A. **Planned Contacts**

Per Orange County policy, CFS and Probation will each complete monthly compliance contacts unless a contact exception/waiver has been approved. Contacts will be completed in accordance with established agency policy.

Per CDSS MPP Division 31-206.24:

- The schedule of planned contacts will be specified in each agency's Case Plan

- Contact exceptions/waivers will be documented in the Case Plan and case file

Refer to the “CWS/CMS” Policy section for information on documenting compliance contacts in CWS/CMS.

**B. Joint Visits**

Per Orange County policy, CFS and Probation will complete a joint visit with a youth placed within Orange County, on at least a quarterly basis.

**C. Placement in a Non-Adjacent County/Out-of-State**

Per Orange County policy, CFS and Probation may coordinate efforts to fulfill contact requirements if a youth is placed:

- In a non-adjacent county and courtesy supervision will not be provided
- Out-of-state and ongoing supervision will not be provided through the Interstate Compact on the Placement of Children (ICPC)

This decision will be made on a case-by-case basis, in consultation with the Program Manager (or equivalent).

**Communication**

Refer to [Attachment 1— Suggested Guidelines for Completing the 241.1 Joint Assessment](#) to identify the assigned SSW or DPO assigned to a case and to obtain contact information.

**A. Authorization**

Per established Orange County Protocol and Orange County Juvenile Court Local Rule 903.1, CFS and Probation may exchange information and provide mutual access to records when:

- Completing a joint assessment
- Case planning, determining eligibility, and/or coordinating service delivery on a crossover status case

**B. Guidelines**

Per established Orange County Crossover Youth Protocol, the spirit of cooperation and candid communication will prevail in the exchange of information between CFS and Probation.

Per best practice:

- When completing a joint assessment, the assigned SSW and DPO will maintain ongoing communication and respond to one another within one business day
- For crossover status cases, the assigned SSW and DPO will, at a minimum, maintain monthly verbal contact

C. **Team Meeting Notification**

CFS and Probation will notify all parties of team meetings scheduled on behalf of the youth such as:

- Child and Family Team Meeting (CFTM)
- Individualized Education Program (IEP)
- Transitional Planning Conferences (TPC)
- Wraparound

If a party is not able to attend, that party will be provided copies of notes.

D. **Confidentiality**

CFS and Probation will maintain the confidentiality of case record information exchanged, in accordance with [WIC § 827](#) and [California Rules of Court, Rule 5.552](#).

**Indian Child Welfare Act (ICWA)**

A. **Inquiry**

Pursuant to [WIC § 224.3](#), CFS and Probation have a continuing duty to inquire about a youth's possible American or Native Alaskan Indian heritage status in:

- Dependency proceedings
- Delinquency proceedings where the youth is in foster care or at risk of foster care placement

ICWA inquiries will be completed and documented in accordance with established agency policies.

B. **Notice**

Pursuant to [WIC § 224.2](#), CFS and Probation will comply with ICWA notice requirements unless the youth is placed in foster care for reasons solely based on delinquent or criminal behavior (In Re W.B., Jr., 55 Cal. 4th 30 [2012]).

C. **Other Provisions**

The lead agency will comply with other provisions of ICWA.

These ICWA provisions include:

- Active efforts
- Expert witness testimony
- ICWA placement preferences
- Tribal involvement in case plan development

Established agency policies will guide the lead agency's application of ICWA.

## Placement

Per [ACIN I-05-06](#), the lead agency will retain placement responsibility for a crossover status youth.

A. The lead agency will place the youth in accordance with established agency policies:

1. In consult with the non-lead agency to identify the safest, least restrictive placement that is best suited to meet the youth's needs.

**Note:** Whenever possible, the assigned DPO will be invited to participate in CFT meetings held on behalf of the youth.

2. In compliance with [WIC § 16514](#):
  - a. A youth adjudicated pursuant to [WIC § 300](#) may be placed in an emergency shelter, foster family home (FFH), Resource Family Home (RFH), or foster family agency (FFA) with a youth adjudicated pursuant to [WIC § 601](#).
  - b. A youth adjudicated pursuant to WIC § 300 or 601 will not be placed in an emergency shelter with a youth adjudicated under [WIC § 602](#).

**Note:** To remain compliant with WIC § 16514, youth adjudicated under WIC § 602 will not be admitted to Orangewood Children and Family Center (OCFC).

- c. A youth (or non-minor dependent) adjudicated pursuant to WIC § 300, including a youth for whom a petition has been filed to initiate dependency proceedings, will not be placed in a Short-Term Residential Therapeutic Program (STRTP), FFH, or FFA with a youth adjudicated pursuant to WIC § 601 or § 602 unless the assigned SSW or DPO determine:

- The placement has a program that meets the specific needs of the child

–And–

- There is a commonality of needs among the youths in the placement

**Note:** A crossover status youth may be detained in Juvenile Hall for a Probation Violation ([WIC § 777](#)) if the youth is a ward pursuant to [WIC § 602](#). If a crossover status youth is detained in Juvenile Hall, the assigned DPO (or designee) will file a WIC § 777 Notice of Hearing/Probation Violation petition.

B. Per Orange County Juvenile Court Miscellaneous Order No. 524.4 and *Orange County Superior Court Local Rule 903.1* the non-lead agency may assist in facilitating placement by:

1. Sharing information with the lead agency regarding the youth's placement history and needs.
2. Providing the following documentation/resources, as available:
  - Court reports
  - Copies of Youth's:
    - Certified birth certificate
    - Social security card
    - Immunization record
  - Placement resources
3. Providing available clearance information regarding a prospective caregiver. This may include:
  - Historical information regarding prior CFS/Probation involvement
  - Child abuse and neglect records (per [CDSS MPP Division 31-001](#) and [31-405](#), and [PEN § 11167.5\[b\]\(4\)](#))

**Note:** The lead agency will obtain criminal clearance information regarding a prospective caregiver, as required, independent of information provided by the non-lead agency.

## Funding

A. **Placement:**

Per [ACIN I-05-06](#), Foster Care Eligibility will make AFDC-FC eligibility determinations for a crossover status youth, based on existing eligibility requirements.

The lead agency will submit eligibility-related documentation, per established county claiming procedures.

**B. Time Studying to Administrative Activities**

Per [ACIN I-05-06](#), the lead agency and non-lead agency may time study to administrative activities for crossover status cases, if there is no duplication of activities or services, and the cost associated with each is not duplicated

**For Example:** The assigned SSW and DPO may time study to the appropriate code for:

- Involvement in Multi-Disciplinary Team meetings (if each agency provides unique information and expertise)
- Provision of referrals and/or services that are distinct and different
- Monthly compliance contacts (if the focus/purpose of visits are different)
- Preparation of court reports (for either dependency or delinquency hearings)

**CWS/CMS**

Crossover status cases will have an open CWS/CMS case. Established agency policies will guide use of CWS/CMS.

**A. Primary/Secondary Assignment**

The lead agency will retain primary assignment of the CWS/CMS case. The non-lead agency will be given secondary assignment until crossover status is terminated.

If Probation is designated as the lead agency, CFS will close the CWS/CMS case and notify Probation of key personnel that will need secondary assignment. Probation will open the case as a “Non-CWD” case and give secondary assignment, as requested.

Refer to [CWS/CMS Data Entry Standards—Crossover Jurisdiction Status \(F0109\)](#) for further information.

**B. Documenting Monthly Compliance Contacts**

Per [ACL 11-18](#), CFS and Probation will document compliance contacts in CWS/CMS.

Refer to [CWS/CMS Data Entry Standards—Qualifying Referral/Case Monthly Contact \(E0304\)](#), for instructions on documenting CFS and Probation contacts.

C. **Special Projects Codes**

The following CWS/CMS special project codes will be used to gather data and track outcomes:

- Probation Referral
- Crossover Jurisdiction Cases
- Probation-SSA Consultation Team

**Note:** Probation cases referred to the Probation-SSA Consultation Team will be flagged in the Integrated Case Management System (ICMS).

Refer to [CWS/CMS Data Entry Standards—Crossover Jurisdiction Status \(F0109\)](#), for instructions on using the CWS/CMS special projects codes.

**Absent Without Leave (AWOL)**

Per Orange County policy, if a crossover status youth goes AWOL, the lead agency will, in accordance with established agency policies and timeframes:

A. Provide notification regarding the youth's AWOL status, to:

- Parents/Legal guardian
- Court (**Note:** Notify bench officer[s] overseeing dependency and delinquency proceedings.)
- Youth's attorney
- Law enforcement
- Foster Care Eligibility
- Other relevant parties (e.g., service providers, CASA, siblings, etc.)

B. As applicable, request:

- A bench warrant through Dependency Court, pursuant to [WIC § 340](#) (if CFS is the lead agency)

—Or—

- A "No Bail" warrant through Delinquency Court (if Probation is the lead agency)

**Failed Family Maintenance (FM)**

For crossover status cases under FM supervision, if new information is received concerning suspected child abuse/neglect:

- A. The agency receiving the information will contact the Child Abuse Hotline per [PEN § 11166](#).
- B. The Child Abuse Hotline will determine whether an in-person investigation is warranted in accordance with CFS P&P [Child Abuse Registry \(CAR\) \(M-0109\)](#).
- C. New child abuse referrals opened for investigation will be investigated by CFS in accordance with CFS P&P [Abuse Investigations—Open Case \(A-0402\)](#).
- D. CFS will identify protective interventions necessary for the safety of the youth. As necessary and appropriate, CFS will:
  - File a Supplemental ([WIC § 387](#)) or Subsequent ([WIC § 342](#)) petition with Dependency Court
  - Obtain a protective custody warrant to re-detain the youth (when exigent circumstances do not exist)
- E. If the youth is re-detained, the lead agency will retain placement responsibility.

### **Terminating Crossover Status**

For a crossover status youth, if circumstances change, and the continued involvement of CFS and Probation no longer appears necessary, CFS or Probation may request that Court calendar a hearing to reconsider the appropriate status of the youth.

**Note:** Court may order a new 241.1 Joint Assessment Report.

A recommendation to terminate or modify a youth's crossover status will be made in consult with the DA, County Counsel, and the youth's attorney.

If a youth's crossover status is terminated or modified:

- CFS and Probation will coordinate efforts to ensure services are not disrupted
- The youth will be provided written notice of available benefits/services and proof of wardship/dependency, in accordance with [WIC § 391](#) and [WIC § 607.5](#)

### **Transition to Extended Foster Care (EFC)**

The lead agency retaining placement responsibility for a crossover youth upon their 18<sup>th</sup> birthday will be responsible for transitioning the youth into extended foster care (EFC), when appropriate, in accordance with established agency policies. This may include, but is not limited to:

- Providing required EFC advisements to a youth approaching 18 years of age
- Determining eligibility for EFC (and completing required forms)
- Collaborating with the youth to develop a Transitional Independent Living Case Plan, which includes a plan to meet at least one EFC participation requirement
- Identifying an agency-approved placement that will support the youth's transition to independence
- Initiating proceedings to determine eligibility for resumption of Court jurisdiction, if a non-minor elects to re-enter EFC

After a crossover youth transitions into EFC, the lead agency will remain responsible for placement of the NMD, and for verifying ongoing compliance with EFC participation requirements. The Court will determine the level of continued involvement, if any, of the non-lead agency.

## Resolution of Conflicts

Disagreements between CFS and Probation will be resolved in accordance with the Orange County Crossover Youth Court Protocol for Welfare and Institutions Code Section 241.1 Proceedings.

## REFERENCES

### Attachments and CWS/CMS Data Entry Standards

Hyperlinks are provided below to access attachments to this P&P and any CWS/CMS Data Entry Standards that are referenced.

- [Attachment 1—Suggested Guidelines for Completing the 241.1 Joint Assessment](#)
- [Attachment 2—241.1 Joint Assessment Report Template \(CFS\)](#)
- [Attachment 3—241.1 Joint Assessment Report Template \(Probation\)](#)
- [Attachment 4 — Probation-SSA Consultation Team Protocol \(previously Orange County Dual Handling Team Protocol\)](#)
- [CWS/CMS Data Entry Standards—Crossover Jurisdiction Status \(F0109\)](#)
- [CWS/CMS Data Entry Standards—Qualifying Referral/Case Monthly Contact \(E0304\)](#)

### Hyperlinks

Users accessing this document by computer may create a direct connection to the following references by clicking on them.

- CFS P&P [Abuse Investigations—Open Case \(A-0402\)](#)
- CFS P&P [Abuse Investigations—Practice Guidelines \(A-0412\)](#)
- CFS P&P [Abuse Investigations—Protective Interventions \(A-0414\)](#)
- CFS P&P [Child Abuse Registry \(CAR\) \(M-0109\)](#)
- CFS P&P [Dependency Intake \(A-0502\)](#)

**Other Sources** Other printed references include the following:

None.

## FORMS

**Online Forms** Forms listed below may be printed out and completed, or completed online, and may be accessed by clicking on the link provided.

Form Name	Form Number
<a href="#">Orange County Social Services Agency Child Abuse Report</a>	F063-04-49A
<a href="#">Application for Petition</a>	F063-28-43
<a href="#">Notice of Hearing Worksheet</a>	F063-28-04
<a href="#">Notice of Hearing Worksheet—366.26 Selection and Implementation Hearing Only</a>	F063-28-05

### Hard Copy Forms

Forms that may be completed in hard copy (including multi-copy NCR forms) are listed below. ***For reference purposes only***, links are provided to view these hard copy forms, where available.

Form Name	Form Number
Notice of Pendency Action (For use by Orange County Juvenile Court)	CP018

### CWS/CMS Forms

Forms that may **only** be obtained in CWS/CMS are listed below. ***For reference purposes only***, links are provided to view these CWS/CMS forms, where available.

Form Name	Form Number
<a href="#">241.1 Joint Assessment Hearing Notice</a>	F063-25-735

### Brochures

Brochures to distribute in conjunction with this policy may include:

None.

---

## LEGAL MANDATES

---

[California Rule of Court 5.516](#) provides factors to consider in determining whether to file a petition for a child who appears to come within the description of both WIC § 300 and WIC § 601 or 602.

[California Rule of Court 5.520](#) provides the social worker has sole discretion to determine whether to file a petition under WIC § 300.

In Re W.B., Jr., 55 Cal. 4th (2012) details application of the Indian Child Welfare Act (ICWA) as it relates to delinquency cases.

[CDSS Operations Manual, Chapter 29-400](#) and [CDSS ACL 99-96](#) address the written agreement mandated by WIC § 11404 to claim AFDC-FC for foster children supervised by Probation.

[CDSS Manual of Policies and Procedures \(MPP\), Division 31](#), identifies requirements for the administration of child welfare services, including requirements for Probation when a child is placed in out-of-home care.

[CDSS Eligibility and Assistance Standards \(EAS\) Regulation 45-201.4](#) identifies general requirements for Title IV-E funding, including service requirements of the agency responsible for placement and care of a child in foster care.

[CDSS All County Information Notice \(ACIN\) I-05-06](#) provides guidance for dual status, as it relates to funding, services, placement, data entry, and the “lead agency” system.

[CDSS All County Letter \(ACL\) 11-18](#) provides compliance contacts completed by Probation and CFS be entered into CWS/CMS.

[CDSS ACL 11-85](#) details how a ward that does not meet the criteria for WIC § 450 transition jurisdiction may have their delinquency status modified to dependency status.

[Orange County Juvenile Court Administrative Order No. 12/003-903](#) authorize SSA and Probation to exchange information about dependents and wards, for case planning, eligibility, and/or services delivery.

*Orange County Juvenile Court Miscellaneous Order No. 524.4* authorizes SSA and Probation to exchange information and have mutual access to files and records when formulating assessments and recommendations pursuant to WIC § 241.1.

*Memorandum of Understanding (MOU) Between Orange County Social Services Agency and Orange County Probation Department Regarding Foster Care and Title IV-*

*E Claims (August 29, 2011)* establishes an agreement among Probation and SSA, to claim AFDC-FC for foster children supervised by Probation.

*MOU Between Orange County Probation Department and Social Services Agency* details the responsibilities of Probation and SSA when a child appears to come within the description of both WIC § 300 and WIC § 601 or 602. [PEN § 11166\(a\)](#) describes reporting responsibilities for mandated reporters.

*Orange County Superior Court Local Rule 903.1* authorizes the exchange of information concerning wards and dependents between SSA and Probation when providing case planning, eligibility, and or service delivery.

*Orange County Teen Court Protocol for Welfare and Institutions Code Section 241.1 Proceedings*, dated October 2010, permits dual status for cases assigned to the Dependency Teen Courts.

*Orange County Juvenile Court Protocol for Welfare and Institutions Code Section 241.1 Proceedings*, dated October 8, 2015, permits dual status for cases assigned outside the Dependency Teen Courts.

[Penal Code \(PEN\) § 14205](#) mandates law enforcement agencies accept missing person's reports without delay.

[WIC § 224.2](#) requires ICWA notice in dependency and delinquency proceedings.

[WIC § 224.3](#) mandates a duty to inquire about a child's Indian status in dependency and delinquency proceedings.

[Welfare and Institutions Code \(WIC\) § 241.1](#) details the protocol to be developed between Probation and SSA, to coordinate assessments and recommendations when a child appears to come within the description of both WIC § 300 and WIC § 601 or 602.

[WIC § 241.1\(b\)](#) and [California Rule of Court 5.512](#) detail the 241.1 joint assessment, content of the 241.1 Joint Assessment Report, notice requirements and conduct of the 241.1 Joint Assessment hearing.

[WIC § 241.1\(e\)](#) authorizes Probation and SSA to create a protocol permitting dual status.

[WIC § 300](#) describes the conditions of abuse or neglect under which a child may be adjudicated a dependent of the Court.

[WIC § 325](#) provides that the commencement of dependency proceedings begins with the social worker filing a petition with the court.

[WIC § 340](#) provides if a dependent child runs away from a court-ordered placement, a protective custody warrant for the child may be issued.

[WIC § 367\(b\)](#) mandates court hearings be held at least every fifteen days pending suitable placement of a dependent child.

[WIC § 450](#) provides that a ward who satisfies certain criteria is within the transition jurisdiction of the juvenile court.

[WIC §§ 601 and 602](#) describe delinquency issues under which a child may be adjudicated a ward of the Court.

[WIC § 607.5](#) and [CDSS ACIN I-29-11](#) provide if jurisdiction is terminated over a ward who was previously in foster care as a dependent, the child be provided written notice of available benefits/services and proof of wardship/dependency.

[WIC § 656.2](#) details the rights of a victim concerning any petition filed pursuant to WIC § 602.

[WIC § 827\(a\)](#) provides a juvenile case file may be inspected by persons or agencies providing treatment or supervision of the child, and authorizes its use in connection with a proceeding to declare a child a dependent or ward of the Court.

[WIC § 11404](#) and [42 United States Code § 672\(a\)\(2\)](#) require a written agreement between Probation and the SSA to claim Aid to Families with Dependent Children–Foster Care (AFDC-FC) funding for foster children supervised by Probation.

[WIC § 16514](#) details placement restrictions for children adjudged wards of the Juvenile Court pursuant to WIC § 601 or 602.

---

## REVISION HISTORY

---

Since the Effective Date of this P&P, and prior to the Current Revision Date, the following revisions of this P&P were published:

January 20, 2016