

July 23, 2004

TO: All Participants in the Los Angeles Juvenile Court System

FROM: Michael Nash, Presiding Judge  
Juvenile Court

**SUBJECT: WIC 241.1 AND PERMANENCY**

Development of a permanent plan is a key part of the delinquency process for youth in out-of-home care. It is the responsibility of Probation and the Courts, as well as attorneys representing youth in the Delinquency Court to develop, implement, order, advocate for appropriate permanent plans for wards of the court in out-of-home care.

The WIC 241.1 process can be very helpful in the development of a permanent plan for many of these youth, specifically those youth under Delinquency Court jurisdiction who no longer need supervision, are eligible for termination of jurisdiction, but do not have a home or a safe home to which they can return. In those cases, WIC 241.1 will be utilized as follows:

The Delinquency Court, on its own motion, or on the motion of the Probation Department, a minor's attorney, the minor, or any other interested person, may order Probation and DCFS to prepare a joint assessment to recommend to the Court whether a minor, who is currently a ward of the Court, shall remain a ward or shall become the subject of a WIC 300 petition upon the following showing:

1. Specific reasons why Delinquency jurisdiction is no longer necessary or appropriate.
2. Specific reasons why return home is inappropriate such as, there is no home or the minor is at risk of abuse or neglect at home.
  - a. Specific reasons why the minor is at risk of abuse or neglect must be stated.

3. The minor's perspective on the possibility of Dependency jurisdiction in place of Delinquency jurisdiction.
4. All efforts made to develop a permanent plan with a relative, guardian, or other caretaker.

After the above showing has been made, the Delinquency Court shall order Probation and DCFS to prepare a WIC 241.1 assessment with Probation as the lead agency. The joint assessment shall recommend which court's jurisdiction is most suitable for the minor and the development of a permanent plan, and which court's jurisdiction is best for the community. This joint assessment may also recommend other suitable alternatives for the Court to consider in the development of a permanent plan which can be accomplished through the jurisdiction of the Delinquency Court.

If the Court decides that Dependency jurisdiction is most appropriate, it shall order DCFS to file a WIC 300 petition, and shall terminate Delinquency jurisdiction and order Probation to transfer custody and control of the minor to DCFS in accordance with existing transfer protocols.

The procedures outlined in this memo are intended to supercede any procedures previously created for the utilization of WIC 241.1 to consider WIC 300 jurisdiction for a youth who is currently a declared ward of the court pursuant to WIC 602.

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