

June 15, 2000

To: All Participants in the Los Angeles County Juvenile Justice System

From: Michael Nash, Supervising Judge, Juvenile Dependency Court

Subject: **W.I.C. 241.1 PROTOCOL — SUBSEQUENT ASSESSMENTS**

A question has arisen as to the need for subsequent assessments by the Probation Department and the Department of Children and Family Services on cases where a youth has already been the subject of an assessment pursuant to Welfare and Institutions Code section 241.1.

Generally, the situation arises where a youth who is a dependent of the court has a petition filed in the Delinquency Court and is placed on supervision pursuant to W.I.C. 654 or 725. There is no dispute that a joint assessment is necessary if a subsequent delinquency petition is filed. Both Probation and DCFS agreed in the 1999 Memorandum of Understanding on Dual Supervision Cases that a joint assessment is appropriate under that circumstance. However, there is a question whether a subsequent assessment is needed where it is alleged that a youth should be declared a delinquent because of a failure to comply with the terms of supervision pursuant to Section 654 or 725. For the following reasons, our policy will require a subsequent assessment.

Welfare and Institutions Code section 241.1(a) specifically states,

“Whenever a minor appears to come within the description of both Section 300 and Section 601 or 602, the county probation department and the county welfare department shall, pursuant to a jointly developed written protocol..., initially determine which status will serve the best interests of the minor and the protection of society.” (Emphasis added.)

The language of the code clearly states that a joint assessment is necessary when a youth can fall within both the 300 and 600 sections of the code.

In addition to the code, Los Angeles County has developed a protocol for joint supervision of a youth who is a dependent of the court and is placed on informal supervision pursuant to section 654 or 725. The dual supervision protocol establishes the duties and responsibilities of the probation officer and social worker with respect to that youth. When it is alleged that the youth should be declared a ward of the court because of failure to comply with the terms of 654 or 725 supervision, it stands to reason that both the probation officer and the social worker should have input before that youth is declared a ward because of their joint responsibility toward that youth. Therefore, a joint assessment should be required as a matter of policy as well as law.

This subsequent assessment should not restate what was stated in the original assessment. It shall incorporate the original assessment and provide new information to the court in the same categories required for the original assessment. The same individuals who have input for the original assessment shall have an opportunity to provide input to the new assessment. Finally, the same process for conflict resolution which currently exists shall be utilized.