

# **OPERATIONAL AGREEMENT BETWEEN THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES (DCFS), PROBATION DEPARTMENT (PROBATION), AND ATTORNEYS REPRESENTING JUVENILE COURT YOUTH - CHILDREN'S LAW CENTER OF LOS ANGELES (CLC) AND JUVENILE COURT BAR ASSOCIATION (JCBA)**

## **A. PURPOSE**

This Operational Agreement is designed to do the following:

1. Ensure that the decision on whether to detain a youth under Dependency Court Jurisdiction who has been arrested is based upon appropriate legal factors and not on
  - the youth's foster care status, or
  - a placement facility or caretaker's reluctance to house the youth, or
  - the unavailability of an immediate placement or difficulty in securing a placement for that youth
2. Inform the youth's dependency attorney at the earliest possible time of the youth's arrest, detention, and release so that the attorney can provide appropriate assistance or input at each critical point.
3. Delineate the roles and responsibilities of Probation and DCFS at each critical event.

Ultimately, it is the goal of this agreement

- to promote the protection and safety of each dependent youth
- to ensure that dependent youth are not detained unnecessarily or any longer than necessary.
- to establish procedures for the sharing of pertinent information among Probation, DCFS, and the youth's dependency attorney.

## **B. SUMMARY OF PROCEDURES**

1. Procedures Following Arrest

When a dependent youth is arrested and delivered to the custody of Probation, the following shall occur:

- A. Probation shall determine if the facts and circumstances of a particular case warrant detention of the youth.
- B. If Probation determines that detention is warranted, Probation shall, as soon as possible;
  - i. Notify DCFS of the decision to detain the youth.
  - ii. Notify the youth's dependency attorney, if identified, of the decision to detain the youth.
- C. If Probation determines that detention is not warranted, Probation shall attempt to return the youth to the youth's foster care placement. Once the youth has been returned to placement, Probation shall notify DCFS and the youth's dependency attorney, if identified, as soon as possible.
- D. If Probation is unable to return the youth to placement, Probation shall notify DCFS so that DCFS can expeditiously resume custody of the youth, **and** shall notify the youth's dependency attorney, if identified, so that the dependency attorney can take any appropriate action on behalf of the youth.

2. Procedures on Release Prior to Detention Hearing

If it is determined prior to a Juvenile Court Detention Hearing that

- the District Attorney has rejected the case, or
- there has been a probable cause (PCD) rejection by the Court, or
- there has been no filing by the arresting agency,

the following shall occur:

- A. Probation shall attempt to replace the youth in the youth's foster care placement. If Probation is able to return the youth to placement, Probation shall notify DCFS and the youth's dependency attorney, if identified.
- B. If Probation is unable to return a youth to placement, Probation shall notify DCFS so that DCFS can expeditiously resume custody of the youth, **and** shall notify the youth's dependency attorney, if identified, so that the dependency attorney can take any appropriate action on behalf of the youth.

**C. RESPONSIBILITIES OF EACH ENTITY UNDER SECTIONS B1 and B2**

**PROBATION RESPONSIBILITIES TO DCFS**

1. Probation shall call the Child Protection Hotline (1-800-540-4000) and press the Law Enforcement number (6) when prompted to do so.
2. Probation will inform the Intake CSW that he/she is calling from Probation regarding the release of a dependent youth back to DCFS.
3. Probation shall provide the following information, if known:
  - a. name of youth
  - b. age, date of birth
  - c. parents' names, addresses and phone numbers
  - d. name, phone number and office location of the youth's CSW
  - e. current location of youth and reasons why the placement facility is unwilling to re-accept the youth
  - f. specific charges and future court dates, if any
  - g. any special needs or observed behaviors
  - h. name and phone number of the Deputy Probation Officer
  - i. the location where the youth is to be released to DCFS
4. Probation shall obtain a referral number from the Intake CSW.

**PROBATION RESPONSIBILITIES TO ATTORNEYS FOR DEPENDENT YOUTH**

1. Upon arrest of any youth determined to be a dependent, Probation will attempt to identify the youth's dependency attorney using JAI.
2. If the attorney for the dependent youth is identified during business hours, Probation will contact CLC or the 317 panel attorney representing the youth and inform them of the youth's arrest and detention/release decision.
3. If the dependency attorney is identified after-hours, Probation will attempt to contact the appropriate CLC law firm or 317 panel attorney using the after-hours phone numbers provided by those organizations and inform them of the youth's arrest and detention/release decision.

**RESPONSIBILITIES OF ATTORNEYS FOR DEPENDENT YOUTH**

1. Both CLC and JCBA will provide Probation and DCFS with after-hours phone numbers.

2. The youth's dependency attorney will interface with the placement facility if it refuses to reaccept the youth.
3. If helpful, the dependency attorney will also contact the DCFS CSW to ascertain the youth's placement status.

#### DCFS RESPONSIBILITIES

##### 1. HOTLINE CSW/SCSW

- a. Shall give priority to the call from Probation, code it as an Immediate Response (IR) and will identify it as a Probation referral and process it within one hour.
- b. The Hotline SCSW will immediately assign the referral as an IR to the appropriate regional office during business hours or the Emergency Response Command Post (ERCP), if after hours.
- c. If the referral is assigned during business hours, Hotline support staff shall call and verify that the regional office has received the IR. Additionally, Hotline support staff will contact the CSW's Assistant Regional Administrator to alert him/her of the immediate referral for control purposes.
- d. If the referral is after hours, the Hotline support staff will phone the on-duty ERCP SCSW to verify the receipt of the referral as an IR.

##### 2. REGIONAL CSW OR ERCP CSW

- a. Will contact the Deputy Probation Officer to verify the location of the youth and give an estimated time of arrival.
- b. Will take custody of the youth from Probation for placement within two hours.
- c. Will place the youth and complete all necessary detention reports and placement paperwork.
- d. Will notify the youth's dependency attorney of the replacement at the earliest practicable moment, and in no event later than within 72 business hours.

## AGREEMENT DURATION

This agreement shall be effective upon execution by the parties and shall remain in effect until modified or terminated by agreement of the parties.

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MARJORIE KELLY, INTERIM DIRECTOR  
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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DATE

\_\_\_\_\_  
RICHARD SHUMSKY, CHIEF PROBATION OFFICER  
PROBATION DEPARTMENT

\_\_\_\_\_  
DATE

\_\_\_\_\_  
MIRIAM KRINSKY, EXECUTIVE DIRECTOR  
CHILDREN'S LAW CENTER OF LOS ANGELES

\_\_\_\_\_  
DATE

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PAMELA RAE TRIPP, PRESIDENT  
JUVENILE COURT BAR ASSOCIATION

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DATE

