

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



March 13, 1990

ALL-COUNTY INFORMATION NOTICE NO. I-19-90

**TO: ALL COUNTY WELFARE DEPARTMENTS
ALL COUNTY PROBATION DEPARTMENTS
ALL COUNTY COUNSELS**

SUBJECT: SENATE BILL 220 (CHAPTER 1441, STATUTES OF 1989)

The purpose of this notice is to inform Counties of the provisions of Senate Bill (SB) 220 (Chapter 1441, Statutes of 1989), which became effective January 1, 1990. This legislation specifies that whenever a minor appears to be both a dependent child and a ward of the court, the County welfare department and County probation department shall both make recommendations to the juvenile court, which will determine the appropriate status of the child.

This legislation added Welfare and Institutions Code (W & IC) Section 241.1, which specifies that whenever a minor appears to come within the description of both W & IC Section 300 and Section 601 or 602, the County probation department and 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. The recommendations of both departments shall be presented to the juvenile court with the petition which is filed on behalf of the minor, and the court shall determine which status is appropriate for the minor.

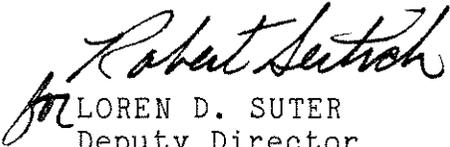
The probation department and the welfare department in each County shall jointly develop a written protocol to ensure appropriate local coordination in the assessment of a minor and in the development of their recommendations to the court. General requirements and provisions to be contained in the protocol are described in the text of SB 220, a copy of which is enclosed.

The provisions of SB 220 shall not be construed to authorize the filing of a petition or petitions, or the entry of an order by the juvenile court, to make a minor simultaneously both a dependent child and a ward of the court.

Child welfare services (CWS) are to be (1) initiated as appropriate upon receipt of referrals and (2) continued for any child who has entered the Emergency Response Program or who is currently receiving services in another CWS program until a decision has been made that the minor is a ward of the court instead of a dependent child.

Manual of Policies and Procedures Division 30 handbook material will be developed to reflect the SB 220 provisions.

If you have questions regarding the implementation of this legislation, please contact your Adult and Family Services Operations consultant at (916) 445-0623.


for LOREN D. SUTER
Deputy Director
Adult and Family Services

Enclosure

cc: County Welfare Directors Association

Senate Bill No. 220

CHAPTER 1441

An act to add Section 241.1 to the Welfare and Institutions Code, relating to juvenile court law.

[Approved by Governor October 2, 1989. Filed with Secretary of State October 2, 1989.]

LEGISLATIVE COUNSEL'S DIGEST

SB 220, Petris. Juvenile court law.

Existing law authorizes the juvenile court to declare a minor a dependent child or a ward of that court, as specified.

This bill would provide that whenever a minor appears to be both a dependent child and a ward of the court, as specified, the county probation department and the county welfare department shall, pursuant to a jointly developed written protocol, as described, initially determine which status will serve the best interests of the minor and the protection of society. The bill also would require the recommendations of both departments to be presented to the juvenile court with the petition which is filed on behalf of the minor, and the court shall determine which status is appropriate for the minor. The bill would specify that these provisions shall not be construed to authorize the filing of a petition or petitions, or the entry of an order by the juvenile court, to make a minor simultaneously both a dependent child and a ward of the court.

Because the bill would impose new duties on local county probation and welfare departments, it would constitute a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would include declarations of legislative intent and would limit the reimbursement of those costs by providing that if the statewide cost does not exceed \$125,000, reimbursement shall be made from the State Mandates Claims Fund.

The people of the State of California do enact as follows:

SECTION 1. Section 241.1 is added to the Welfare and Institutions Code, to read:

241.1. (a) 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 described in subdivision (b), initially determine which status will serve the best interests of the minor and the protection of society. The recommendations of both departments shall be presented to the juvenile court with the petition which is filed on behalf of the minor, and the court shall determine which status is appropriate for the minor.

(b) The probation department and the welfare department in each county shall jointly develop a written protocol to ensure appropriate local coordination in the assessment of a minor described in subdivision (a), and the development of recommendations by these departments for consideration by the juvenile court. These protocols shall require, which requirements shall not be limited to, consideration of the nature of the referral, the age of the minor, the prior record of the minor's parents for child abuse, the prior record of the minor for out-of-control or delinquent behavior, the parents' cooperation with the minor's school, the minor's functioning at school, the nature of the minor's home environment, and the records of other agencies which have been involved with the minor and his or her family. The protocols also shall contain provisions for resolution of disagreements between the probation and welfare departments regarding the need for dependency or ward status and provisions for determining the circumstances under which a new petition should be filed to change the minor's status.

(c) Nothing in this section shall be construed to authorize the filing of a petition or petitions, or the entry of an order by the juvenile court, to make a minor simultaneously both a dependent child and a ward of the court.

SEC. 2. The Legislature declares that this act mandates a new program or higher level of service on local government. As required by Section 6 of Article XIII B of the California Constitution, reimbursement to local agencies and school districts for costs mandated by the state pursuant to this act shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code and, if the statewide cost of the claim for reimbursement does not exceed one hundred twenty-five thousand dollars (\$125,000), shall be made from the State Mandates Claims Fund. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

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