

**PROTOCOL FOR IMPLEMENTATION
OF
WELFARE & INSTITUTIONS CODE §241.1
(updated January 2008)**

Section 1. Purpose

The purpose of the Juvenile Court Committee for Assessment & Status Evaluation (CASE) is to assess a minor's family, educational, medical, emotional and behavioral history in order to recommend to the Juvenile Court whether dependency or delinquency jurisdiction will best serve the minor's interests and protection of society.

Section 2. Participating Agencies

One standing member to CASE shall be appointed by the department head of each of the following departments: (1) Juvenile Probation; (2) Human Services; (3) City Attorney's Office. The Juvenile Probation Department's representative shall hold the position of supervising supervision probation officer, or above. The Department of Human Services; CASE representative shall hold the position of section manager, or above. Every effort shall be made to secure the attendance and participation of the minor's assigned probation officer and child welfare worker at each meeting at which specific cases are evaluation.

Section 3. Non-Agency Participants

In addition to the participants detailed in Section 2, the minor's dependency attorney may be invited to attend the CASE meeting. The minor's dependency attorney may attend the first five minutes of the portion of the CASE meeting dedicated to discussing the attorney's client. The attorney may present any relevant information that might prove helpful to CASE in completing its assessment and evaluation. Upon completion of the presentation, the attorney will be asked to leave the meeting. In the event that the minor's dependency attorney is unable to attend the CASE meeting, the attorney may make a written submission for consideration.

Every effort shall be made by the City Attorney's CASE representative to provide notice to the minor's dependency attorney 24 hours in advance of the CASE meeting. Notice shall be provided by telephone and include the date, time and place of the meeting. Notice of the CASE meeting may not be possible in all cases due to the exigent need to complete CASE review. Failure to notice the minor's dependency attorney of the CASE meeting, or failure of the minor's dependency attorney to attend, or otherwise provide information to CASE, shall not constitute grounds for postponing the CASE meeting or invalidating CASE's recommendation to the court.

Nothing in this protocol is intended to create a right of dependency attorneys, or any other person, to seek postponement of the CASE meeting. Nothing in this protocol is intended to permit any other person, other than the minor's dependency attorney, to attend CASE meetings.

Section 4. Committee Structure and Administration

(a) The Juvenile Probation Department's representative and the Department of Human Services' representative shall serve as standing members of CASE and as Co-Chairs.

Each Co-Chair shall be responsible for notifying the staff members from their respective agencies of the date, time and location of each meeting and for coordinating the collection of appropriate information from their agency related to the cases to be assessed.

(b) CASE shall meet weekly.

(c) The recommendation of appropriate Juvenile Court jurisdiction shall be based upon a vote of the two standing CASE members from the Juvenile Probation Department and the Department of Human Services. The case-carrying probation officer and case-carrying child welfare worker shall not be voting members of CASE. In the event of a tie vote, the City Attorney's representative shall determine the appropriate recommendation of inclusion in the assessment report.

(d) The Co-Chair from the agency responsible for preparation of the assessment report pursuant to Section 7, below, shall sign the assessment report.

(e) In the event of a scheduled or unscheduled absence from work, a standing member of CASE may designate a substitute representative from the CASE member's agency to temporarily serve and execute CASE responsibilities.

Section 5. Initiation of Status Assessment Review Process

Every case that presents the possibility of dual jurisdiction by the dependency and delinquency divisions of the Juvenile Court shall be referred to CASE for assessment. In all cases in which the minor is a current dependent or ward, and a subsequent petition has been, or is likely to be, filed in another division of the Juvenile Court, the minor's case shall be referred to CASE for assessment and review. The referral to CASE shall be made at the earliest possible time.

Probation officers shall immediately determine from the Court Clerk's Office whether a minor who is, or is likely to be in the imminent future, the subject of a delinquency petition, is an active court dependent. If so, the probation officer shall immediately notify the Juvenile Probation Department's CASE representative of the need for CASE review. Prior to filing an initial dependency petition on a minor aged 10 years or older, child welfare workers shall contact the Juvenile Probation Department to determine if the minor is an active ward. If so, the child welfare worker shall immediately notify the Department of Human Services' CASE representative of the need for CASE review.

Either Co-Chair may place a minor's matter onto the CASE for review at CASE's next regularly scheduled meeting.

Section 6. Appropriate Cases for Assessment

Only those cases in which the minor is actively under the jurisdiction of either the dependency or delinquency division of the Juvenile Court at the time of the filing of a subsequent petition are appropriate for CASE review.

CASE shall review, assess and report to the Juvenile Court only on cases that come within either of the following categories:

- a) the minor is an active dependent of the Juvenile Court whose conduct has given rise to the filing of a delinquency petition; or,
- b) the minor is an active ward of the Juvenile Court, currently on formal or informal probation, is placed in the home of a parent or guardian, and is

subject to the filing of a dependency petition as the result of a substantiated referral for child abuse or neglect perpetrated in the home.

Section 7. Investigative Duties and Assessment Reports

The Juvenile Probation Department shall assume primary responsibility for necessary investigation and preparation of assessment reports in cases coming within Section 6, paragraph (a). The Department of Human Services shall assume primary responsibility for necessary investigation and preparation of assessment reports in cases coming within Section 6, paragraph (b).

Following CASE assessment, a report shall be generated in compliance with the attached "CASE Assessment Report Format."

No documents considered or received by CASE for use in formulating its recommendation shall be attached to the assessment report or disseminated in any other manner.

Section 8. Dissemination of Assessment Reports

All assessment reports prepared pursuant to this protocol shall be filed in both dependency and delinquency court files, assuming both such court files exist. If one division of the Juvenile Court has not yet opened a file for the minor, the report shall be filed as soon as practicable following the opening of that file.

The Juvenile Probation Department shall be responsible for ensuring that CASE assessment reports are filed in the minor's delinquency court file and that copies of the assessment report are disseminated to the DHS CASE representative, the minor's delinquency counsel of record, and the District Attorney's Office.

The Department of Human Services CASE representative shall be responsible for ensuring that CASE assessment reports are filed in the minor's dependency court file and that copies of the assessment report are disseminated to the JPD CASE representative, the minor's dependency counsel of record, dependency counsel of record for the minor's parent(s) or legal guardian(s), the minor's court-appointed CASA, if any, and the City Attorney's Office.

Sections 9. Rights to a Hearing

Nothing in this protocol is intended to create additional rights, not afforded by statute or other provisions of law, to a court hearing on the contents of the assessment report.

Section 10. Unaccompanied Minors

As codified in San Francisco Administrative Code Chapter 12H, the City and County of San Francisco is a City and County of Refuge. In accordance with the Code, the best interest of the unaccompanied minor is the overarching policy for the CASE committee in considering whether dependency or delinquency jurisdiction will be the recommendation to the Juvenile Court.

Currently, the CASE meetings are held every Wednesday. For unaccompanied minor's cases to be reviewed by the committee, the following steps must be taken:

- Probation Officer signs up the case with the Juvenile Probation Department's CASE Coordinator nine (9) business days prior to the case being reviewed by the Committee. For example, for a case to be heard on Wednesday, the Probation Officer must include case on CASE's list two Fridays before the Wednesday review.
- Materials for review will be delivered via facsimile to the City Attorney's Office and the Department. Materials must include the petition and police report, in addition to the case summary.
- Probation will flag these cases with the notation "unaccompanied minor" to ensure that an investigation is done by the assigned Department.
- Upon receipt of materials, the Department will assign staff from the bilingual Emergency Response unit to investigate prior to the scheduled CASE meeting.
- At the CASE review, which will be attended by the investigating child welfare worker, a non-binding recommendation will be made to the Juvenile Court.
- Minors' delinquency attorneys may attend these 241.1 for their unaccompanied clients. Juvenile Probation will notify the attorneys.
- If the Juvenile Court decides that DHS shall commence dependency proceedings concerning the minor, the clerk of the court shall provide notice of the court's orders to DHS and to the City Attorney consistent with section 11, below.

Section 11. Notice of Court Orders

Anytime the juvenile court orders DHS to commence dependency proceedings concerning a minor, the clerk of the court issuing the order shall serve a copy of the minute order immediately by facsimile on DHS and the City Attorney and by first class mail within three judicial days, consistent with section 248.5 of the Welfare and Institutions Code.

Date:



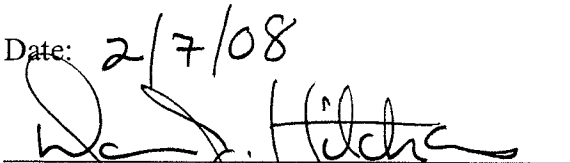
DEBBY JETER
Deputy Director
Family and Children's Services
Department of Human Services

Date:



WILLIAM P. SIFFERMAN
Chief Probation Officer
Juvenile Probation Department

Date:

2/7/08


HONORABLE DONNA J. HITCHENS
Presiding Judge, Unified Family Court
San Francisco Superior Court