

MARIN COUNTY SUPERIOR COURT - UNIFORM LOCAL RULES

APPENDIX A

LOCAL FORMS ON WEBSITE LISTED BY NAME <i>forms are designated "Optional" unless otherwise indicated</i>	FORM #		ADOPT/AMEND DATE
ADMINISTRATIVE			
MENTAL HEALTH PROFESSIONAL FEE SCHEDULE	ADM007		6/21
REQUEST FOR JUDICIAL ADMINISTRATIVE RECORDS	ADM022		8/15
UNCLAIMED FUNDS INSTRUCTIONS AND FORMS	ADM027	(d)	4/21
CIVIL			
ADMINISTRATIVE APPEAL - CDA - PROOF OF SERVICE	CV034		6/15
ADMINISTRATIVE APPEAL - GENERAL - PROOF OF SERVICE	CV033		6/15
ALTERNATIVE DISPUTE RESOLUTION INFORMATIONAL NOTICE	CV006		7/15
AMENDMENT TO COMPLAINT	CV025		7/07
APPLICATION TO SERVE AS JUDICIAL ARBITRATOR	CV058		11/15
APPLICATION TO SERVE AS VOLUNTEER CIVIL DISCOVERY FACILITATOR	CV056		11/15
APPLICATION TO SERVE AS VOLUNTEER SETTLEMENT CONFERENCE PANELIST FOR CIVIL & FAMILY LAW (Attorneys & MHP's) & QUALIFICATIONS	CV055/FL055		11/15
ATTORNEY'S FEE SCHEDULE - CIVIL CASES	CV044		6/15
BODY ATTACHMENT & WARRANT OF ARREST	CV016		5/15
CHANGE OF NAME FILING INFORMATION	CV078W		1/20
DECLARATION REGARDING NOTICE OF EX PARTE APPLICATION FOR ORDERS AND/OR ORDER SHORTENING TIME - CIVIL	CV065		6/15
LEGALLY ADJUDICATED NEWSPAPERS FOR PROBATE & NAME CHANGE PUBS	CV080/PR028		2/25
NOTICE OF ADMINISTRATIVE APPEAL - CDA	CV028		8/15
NOTICE OF ADMINISTRATIVE APPEAL - GENERAL	CV027		8/15
NOTICE OF APPEAL - PARKING	CV029		8/15
NOTICE OF DECISION - FOLLOWING DE NOVO HEARING ON PARKING APPEAL	CV030		8/15
PARKING APPEAL - PROOF OF SERVICE	CV031		6/15
STIPULATION & ORDER TO DISMISS ACTION & SUBMIT CAUSES OF ACTION TO SMALL CLAIMS JURISDICTION	CV032		5/15
STIPULATION & ORDER TO STAY ON PREMISES & ORDER TO MAINTAIN CONFIDENTIALITY STATUS	CV092		12/20
STIPULATION & ORDER TO VACATE PREMISES & ORDER TO MAINTAIN CONFIDENTIALITY STATUS	CV093		12/20
STIPULATION TO USE OF ALTERNATIVE DISPUTE RESOLUTION PROCESS	CV002	(a)	7/15
COURT REPORTING			
REQUEST FOR COURT REPORTING SERVICES IN CIVIL, FAMILY LAW & PROBATE PROCEEDINGS	REP004		8/24
CRIMINAL			
COMMUNITY SERVICE WORK TIME SHEET	TR001/CR001		3/16
CRIMINAL CALENDAR ADD-ON REQUEST	CR099		8/20
DUI ADVISEMENT OF RIGHTS, WAIVER AND PLEA FORM – VEHICLE CODE §§ 23103, 23152 & 23153	CR204		4/25
FELONY ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM	CR053		6/25
FELONY ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM ADDENDUM	CR053a		4/25
PETITION FOR DISMISSAL (Penal Code Sections) - Instructions	CR112		8/24
PLEA OF GUILTY – MISDEMEANOR	CR078		1/14
PROOF OF SERVICE	CR047/TR047		10/17

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FAMILY LAW			
APPLICATION TO SERVE AS VOLUNTEER SETTLEMENT CONFERENCE PANELIST FOR CIVIL & FAMILY LAW (Attorneys & MHP's) & QUALIFICATIONS	FL055/CV055		11/15
CASE PROGRESS CONFERENCE QUESTIONNAIRE	FL003/SP		9/13
CITATION TO APPEAR	FL023		3/16
DECLARATION OF PROPOSED GUARDIAN'S VIEWING OF FILM	FL033/PR033		1/15
DECLARATION REGARDING ADDRESS VERIFICATION POST JUDGMENT	FL070		10/13
DECLARATION REGARDING NOTICE OF EX PARTE APPLICATION FOR ORDERS AND/OR ORDERS SHORTENING TIME - FAMILY LAW	FL048		11/20
DISSOLUTION OF MARRIAGE, LEGAL SEPARATION & NULLITY OF MARRIAGE FILING INFORMATION	FL069W	(b)	1/20
FAMILY COURT SERVICES – COMMUNITY RESOURCES	FL071		11/25
FAMILY COURT SERVICES CHILD CUSTODY RECOMMENDING COUNSELING PROGRAM	FL005/SP		2/24
FAMILY COURT SERVICES CHILD CUSTODY RECOMMENDING COUNSELING PROGRAM APPOINTMENT LETTER INFORMATION	FL079/SP		6/24
FAMILY COURT SERVICES INTAKE SHEET - ENGLISH	FL016	M	5/25
FAMILY COURT SERVICES INTAKE SHEET - SPANISH	FL016SP	M	12/24
FAMILY LAW AT ISSUE MEMORANDUM	FL018		9/18
FAMILY LAW RESOURCES	FL063/SP	(b)	6/24
FAMILY LAW TENTATIVE RULINGS	FL 078/SP		5/23
HOW TO COMPLETE YOUR FAMILY LAW CASE - PETITIONER'S GUIDE	FL061/SP	(b)	9/13
HOW TO COMPLETE YOUR PARENTAGE CASE - PETITIONER'S GUIDE	FL059/SP	(c)	9/13
NOTICE TO PARTIES IN FAMILY LAW CASES	FL008/SP		4/23
PETITION TO DECLARE CHILD FREE FROM PARENTAL CUSTODY & CONTROL	FL022		7/15
STATEMENT OF AGREEMENT/DISAGREEMENT WITH FAMILY COURT SERVICES RECOMMENDATIONS	FL027		10/13
STIPULATION & ORDER REGARDING APPOINTING PARENTING COORDINATOR	FL041		1/22
STIPULATION & ORDER TO CONTINUE CASE PROGRESS CONFERENCE	FL007/SP		8/19
STIPULATION FOR COURT COMMISSIONER to ACT as TEMPORARY JUDGE for ALL PURPOSES	FL081		1/25
SUMMARY DISSOLUTION OF MARRIAGE FILING INFORMATION	FL068W	(b)	1/20
TRIAL READINESS CONFERENCE STATEMENT	FL064		10/13
YOU'VE BEEN SERVED - RESPONDENT'S GUIDE - PARENTAGE	FL060/SP	(c)	9/13
YOU'VE BEEN SERVED - RESPONDENT'S GUIDE - FAMILY LAW CASE	FL062/SP	(b)	9/13
JURY SERVICES			
FULL-TIME CHILDCARE / CARE PROVIDER REQUEST FOR EXCUSAL FROM JURY DUTY	JUR004		3/25
MARIN PUBLIC TRANSIT JUROR REIMBURSEMENT FORM	JUR017		1/25
REQUEST FOR MEDICAL EXCUSE FROM JURY DUTY	JUR001		3/25
JUVENILE			
CONSENT TO ELECTRONIC SERVICE AND NOTICE OF ELECTRONIC SERVICE ADDRESS	JUV022		1/20
EX PARTE MOTION AND ORDER	JUV016		9/14
PETITION TO TERMINATE SEX OFFENDER REGISTRATION (JUVENILE)	JUV024		7/21
PROOF OF SERVICE – SEX OFFENDER REGISTRATION TERMINATION	JUV025		7/21

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(JUVENILE)			
MISCELLANEOUS			
REQUEST FOR TELEPHONIC APPEARANCE	MISC001		2/18
PROBATE			
AFFIDAVIT UNDER CALIFORNIA PROBATE CODE § 13101	PR009		2/20
APPLICATION FOR ORDER TRANSFERRING VENUE	PR030		10/23
ATTORNEY FEE DECLARATION	PR035		1/14
CONFIDENTIAL CONTACT INFORMATION	PR015		6/15
CONSERVATORSHIP FILING INFORMATION	PR026W		4/23
CONSERVATORSHIP GENERAL PLAN	PR017		1/14
COURT INVESTIGATOR SCHEDULE OF FEES	PR019		7/12
DECLARATION OF PROPOSED CONSERVATOR'S VIEWING OF FILM	PR034		1/15
DECLARATION OF PROPOSED GUARDIAN'S VIEWING OF FILM	FL033/PR033		1/15
FIDUCIARY FEE DECLARATION	PR036		1/14
GUARDIANSHIP FILING INFORMATION	PR027W		5/23
INSTRUCTIONS FOR APPLYING FOR TRANSFER OF VENUE	PR029		1/20
LEGALLY ADJUDICATED NEWSPAPERS FOR PROBATE & NAME CHANGE PUBS	PR028/CV080		2/25
NOTICE OF TRANSFER OF ESTATE PLANNING DOCUMENTS	PR014		8/15
ORDER APPOINTING COURT INVESTIGATOR	PR040		4/23
ORDER APPOINTING PROBATE REFEREE	PR010		6/15
ORDER APPOINTING REGIONAL CENTER	PR039		3/22
ORDER FOR TRANSFER OF VENUE	PR031		4/23
PROPOSED GUARDIAN INFORMATION FORM	PR007		4/23
STEPPARENT ADOPTION QUESTIONNAIRE	PR021		6/18
SMALL CLAIMS			
SMALL CLAIMS FILING INFORMATION	SC013W		5/25
SMALL CLAIMS EVIDENCE COVER SHEET	SC015		4/25
TRAFFIC			
CERTIFICATE OF CORRECTION	TR019		4/17
COMMUNITY SERVICE WORK TIME SHEET	TR001		3/16

◆ LEGEND - LOCAL FORMS CAN BE FOUND UNDER THE FOLLOWING HEADINGS:

(a)	Forms Related to Alternative Dispute Resolution
(b)	Forms Related to Dissolution (Divorce)
(c)	Forms Related to Parentage
(d)	Forms Packets

NOTES REGARDING FORM NAMES & NUMBERS:

INST	Instructions Only - Form is Separate
incl. INST	Instructions Included
M	Mandatory
SP	Form is either bilingual or available on a separate form in Spanish
W	Form duplicated specifically for Website - contains hyperlinks to Judicial Council Forms & Local Forms

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	<i>ADMINISTRATIVE</i>		
ADM007	MENTAL HEALTH PROFESSIONAL FEE SCHEDULE		6/21
ADM022	REQUEST FOR JUDICIAL ADMINISTRATIVE RECORDS		8/15
ADM027	UNCLAIMED FUNDS INSTRUCTIONS AND FORMS	(d)	4/21
	<i>CIVIL</i>		
CV002	STIPULATION TO USE OF ALTERNATIVE DISPUTE RESOLUTION PROCESS	(a)	7/15
CV006	ALTERNATIVE DISPUTE RESOLUTION INFORMATIONAL NOTICE		7/15
CV016	BODY ATTACHMENT & WARRANT OF ARREST		5/15
CV025	AMENDMENT TO COMPLAINT		7/07
CV027	NOTICE OF ADMINISTRATIVE APPEAL - GENERAL		8/15
CV028	NOTICE OF ADMINISTRATIVE APPEAL - CDA		8/15
CV029	NOTICE OF APPEAL - PARKING		8/15
CV030	NOTICE OF DECISION - FOLLOWING DE NOVO HEARING ON PARKING APPEAL		8/15
CV031	PARKING APPEAL - PROOF OF SERVICE		6/15
CV032	STIPULATION & ORDER TO DISMISS ACTION & SUBMIT CAUSES OF ACTION TO SMALL CLAIMS JURISDICTION		5/15
CV033	ADMINISTRATIVE APPEAL – GENERAL – PROOF OF SERVICE		6/15
CV034	ADMINISTRATIVE APPEAL – CDA – PROOF OF SERVICE		6/15
CV044	ATTORNEY'S FEE SCHEDULE – CIVIL CASES		6/15
CV055/FL055	APPLICATION TO SERVE AS VOLUNTEER SETTLEMENT CONFERENCE PANELIST FOR CIVIL & FAMILY LAW (Attorneys & MHP's) & QUALIFICATIONS		11/15
CV056	APPLICATION TO SERVE AS VOLUNTEER CIVIL DISCOVERY FACILITATOR		11/15
CV058	APPLICATION TO SERVE AS JUDICIAL ARBITRATOR		11/15
CV065	DECLARATION REGARDING NOTICE OF EX PARTE APPLICATION FOR ORDERS AND/OR ORDER SHORTENING TIME - CIVIL		6/15
CV078W	CHANGE OF NAME FILING INFORMATION		1/20
CV080/PR028	LEGALLY ADJUDICATED NEWSPAPERS FOR PROBATE & NAME CHANGE PUBS		2/25
CV092	STIPULATION & ORDER TO STAY ON PREMISES & ORDER TO MAINTAIN CONFIDENTIALITY STATUS		12/20
CV093	STIPULATION & ORDER TO VACATE PREMISES & ORDER TO MAINTAIN CONFIDENTIALITY STATUS		12/20
	<i>COURT REPORTING</i>		
REP004	REQUEST FOR COURT REPORTING SERVICES IN CIVIL, FAMILY LAW & PROBATE PROCEEDINGS		8/24
	<i>CRIMINAL</i>		
CR001	COMMUNITY SERVICE TIME SHEET		3/16
CR047/TR047	PROOF OF SERVICE		10/17
CR053	FELONY ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM		6/25
CR053A	FELONY ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM ADDENDUM		4/25
CR078	PLEA OF GUILTY – MISDEMEANOR		1/14
CR099	CRIMINAL CALENDAR ADD-ON REQUEST		8/20
CR112	PETITION FOR DISMISSAL (Penal Code Sections) – Instructions		8/24
CR204	DUI ADVISEMENT OF RIGHTS, WAIVER AND PLEA FORM – VEHICLE CODE §§ 23103, 23152 & 23153		4/25

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FL003/SP	CASE PROGRESS CONFERENCE QUESTIONNAIRE	9/13
FL005/SP	FAMILY COURT SERVICES CHILD CUSTODY RECOMMENDING COUNSELING PROGRAM	2/24
FL007/SP	STIPULATION & ORDER TO CONTINUE CASE PROGRESS CONFERENCE	8/19
FL008/SP	NOTICE TO PARTIES IN FAMILY LAW CASES	4/23
FL016	FAMILY COURT SERVICES INTAKE SHEET - ENGLISH	M 5/25
FL016SP	FAMILY COURT SERVICES INTAKE SHEET – SPANISH	M 12/24
FL018	FAMILY LAW AT ISSUE MEMORANDUM	9/18
FL022	PETITION TO DECLARE CHILD FREE FROM PARENTAL CUSTODY & CONTROL	7/15
FL023	CITATION TO APPEAR	3/16
FL027	STATEMENT OF AGREEMENT/DISAGREEMENT WITH FAMILY COURT SERVICES RECOMMENDATIONS	10/13
FL033/PR033	DECLARATION OF PROPOSED GUARDIAN'S VIEWING OF FILM	1/15
FL041	STIPULATION & ORDER REGARDING APPOINTING PARENTING COORDINATOR	1/22
FL048	DECLARATION REGARDING NOTICE OF EX PARTE APPLICATION FOR ORDERS AND/OR ORDERS SHORTENING TIME - FAMILY LAW	11/20
FL055/CV055	APPLICATION TO SERVE AS VOLUNTEER SETTLEMENT CONFERENCE PANELIST FOR CIVIL & FAMILY LAW (Attorneys & MHP's) & QUALIFICATIONS	11/15
FL059/SP	HOW TO COMPLETE YOUR PARENTAGE CASE - PETITIONER'S GUIDE	(c) 9/13
FL060/SP	YOU'VE BEEN SERVED - RESPONDENT'S GUIDE - PARENTAGE	(c) 9/13
FL061/SP	HOW TO COMPLETE YOUR FAMILY LAW CASE - PETITIONER'S GUIDE	(b) 9/13
FL062/SP	YOU'VE BEEN SERVED - RESPONDENT'S GUIDE - FAMILY LAW CASE	(b) 9/13
FL063/SP	FAMILY LAW RESOURCES	(b) 6/24
FL064	TRIAL READINESS CONFERENCE STATEMENT	10/13
FL065	DOMESTIC VIOLENCE (WITH / WITHOUT CHILDREN) RENEWAL PACKET	1/20
FL068W	SUMMARY DISSOLUTION OF MARRIAGE FILING INFORMATION	(b) 1/20
FL069W	DISSOLUTION OF MARRIAGE, LEGAL SEPARATION & NULLITY OF MARRIAGE FILING INFORMATION	(b) 1/20
FL070	DECLARATION REGARDING ADDRESS VERIFICATION POST JUDGMENT	10/13
FL071	FAMILY COURT SERVICES – COMMUNITY RESOURCES	11/25
FL078/SP	FAMILY LAW TENTATIVE RULINGS	5/23
FL079/SP	FAMILY COURT SERVICES CHILD CUSTODY RECOMMENDING COUNSELING PROGRAM APPOINTMENT LETTER INFORMATION	6/24
FL081	STIPULATION for COURT COMMISSIONER to ACT as TEMPORARY JUDGE for ALL PURPOSES	1/25
	JURY SERVICES	
JUR001	REQUEST FOR MEDICAL EXCUSE FROM JURY DUTY	3/25
JUR004	FULL-TIME CHILDCARE / CARE PROVIDER REQUEST FOR EXCUSAL FROM JURY DUTY	3/25
JUR017	MARIN PUBLIC TRANSIT JUROR REIMBURSEMENT FORM	1/25
	JUVENILE	
JUV022	CONSENT TO ELECTRONIC SERVICE AND NOTICE OF ELECTRONIC SERVICE ADDRESS	1/20
JUV016	EX PARTE MOTION AND ORDER	9/14

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JUV024	PETITION TO TERMINATE SEX OFFENDER REGISTRATION (JUVENILE)		7/21
JUV025	PROOF OF SERVICE – SEX OFFENDER REGISTRATION TERMINATION (JUVENILE)		7/21
	MISCELLANEOUS		
MISC001	REQUEST FOR TELEPHONIC APPEARANCE		2/18
	PROBATE		
PR007	PROPOSED GUARDIAN INFORMATION FORM		4/23
PR009	AFFIDAVIT UNDER CALIFORNIA PROBATE CODE § 13101		2/20
PR010	ORDER APPOINTING REFEREE		6/15
PR014	NOTICE OF TRANSFER OF ESTATE PLANNING DOCUMENTS		8/15
PR015	CONFIDENTIAL CONTACT INFORMATION		6/15
PR017	CONSERVATORSHIP GENERAL PLAN		1/14
PR019	COURT INVESTIGATOR SCHEDULE OF FEES		7/12
PR021	STEPPARENT ADOPTION QUESTIONNAIRE		6/18
PR026W	CONSERVATORSHIP FILING INFORMATION		4/23
PR027W	GUARDIANSHIP FILING INFORMATION		5/23
PR028/CV080	LEGALLY ADJUDICATED NEWSPAPERS FOR PROBATE & NAME CHANGE PUBS		2/25
PR029	INSTRUCTIONS FOR APPLYING FOR TRANSFER OF VENUE		1/20
PR030	APPLICATION FOR ORDER TRANSFERRING VENUE		10/23
PR031	ORDER FOR TRANSFER OF VENUE		4/23
PR033/FL033	DECLARATION OF PROPOSED CONSERVATOR'S VIEWING OF FILM		1/15
PR034	DECLARATION OF PROPOSED GUARDIAN'S VIEWING OF FILM		1/15
PR035	ATTORNEY FEE DECLARATION		1/14
PR036	FIDUCIARY FEE DECLARATION		1/14
PR039	ORDER APPOINTING REGIONAL CENTER		3/22
PR040	ORDER APPOINTING COURT INVESTIGATOR		4/23
	SMALL CLAIMS		
SC013W	SMALL CLAIMS FILING INFORMATION		5/25
SC015	SMALL CLAIMS EVIDENCE COVER SHEET		4/25
	TRAFFIC		
TR001	COMMUNITY SERVICE WORK TIME SHEET		3/16
TR019	CERTIFICATE OF CORRECTION		4/17

❖ LEGEND - LOCAL FORMS CAN BE FOUND UNDER THE FOLLOWING HEADINGS:

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- (b) Forms Related to Dissolution (Divorce)
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NOTES REGARDING FORM NAMES & NUMBERS:

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MARIN COUNTY COMPETENCY PROTOCOL FOR JUVENILE COURT JANUARY 1, 2023

I. INTRODUCTION

A. This protocol shall apply when it appears that there is a doubt as to the competency of a minor to stand trial or to participate in Juvenile proceedings in a delinquency case.

B. This protocol is intended to supplement the provisions of Welfare & Institutions Code §709, California Rule of Court 5.645, as well as relevant case law. In the event that a conflict arises between this protocol and the statute or rule, the statutory and rule provisions control.

C. This protocol is created to further the goals and obligations of Welfare & Institutions Code §202 and to enable a collaborative approach toward issues of competency. The Court should always consider the rehabilitative needs and best interests of the minor as well as the interests of public safety and protection of the community.

II. INFORMAL RESOLUTION

A. Formal competency proceedings in some cases may be contrary either to the goals of protecting public safety or rehabilitating the minor. Where substantial evidence exists that a minor may be incompetent to stand trial, the Court may consider resolving the matter without initiating formal competency proceedings.

B. In determining whether informal resolution is appropriate the Court may:

1. Consider dismissal of the action pursuant to Welfare and Institutions Code §782.
2. Work with the parties to establish a voluntary service plan
3. Consider WIC 654 or 654.2 alternatives
4. Refer the minor for evaluation under WIC§705, or (Parents/Guardians may seek under Lanterman-Petris – Act.)
5. Refer minor to a local social service provider to develop and implement a service plan
6. Enlist assistance of Probation and Defense Counsel or others to:
 - a. Assist family to enroll in Medi-Cal and/or SSI,
 - b. Obtain services of local regional center
 - c. Obtain services through individuals with Disabilities Education Act
 - d. Obtain services through the Mental Health Services Act or Title IV-E
 - f. If the minor's parents are not available to authorize treatment, order that needed medical and mental care be provided pursuant to WIC §739
 - g. Use the joinder provisions of WIC §727 subdivision (b)(1) to join as a party an agency that has failed to meet a legal obligation to the minor, provided that the Juvenile Court may not impose duties on the agency beyond those mandated by law.

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C. The court may, with the consent of the parties, conduct progress review hearings and continue the case until the court is satisfied that the situation that brought the minor to the attention of the juvenile court has been addressed, or that the matter cannot be addressed by the juvenile court intervention. At that time, the court shall dismiss the petition under WIC §782 on the grounds that “the interests of justice and the welfare of the minor require such dismissal.” Or the “minor is not in need of treatment and rehabilitation.”

III. LEGAL STANDARD FOR JUVENILE COMPETENCE

A minor is incompetent if the minor lacks sufficient present ability to consult with counsel and assist in preparing his or her defense with a reasonable degree of rational understanding, or lacks a rational as well as a factual understanding of the nature of the charges or proceedings against the minor. Incompetency may result from the presence of any condition or conditions, including, but not limited to, mental illness, mental disorder, developmental disability or developmental immaturity. WIC §709(a).

IV. INVITATION OF FORMAL COMPETENCY PROCEEDINGS

A. During the pendency of any juvenile proceeding, the court may receive information from any source regarding the minor’s ability to understand the proceedings. The minor’s counsel or the court may express a doubt as to the minor’s competency. WIC §709(a). The Court may allow defense counsel to present his/her opinion regarding the minor’s competence *in camera* if the court finds there is reason to believe that the attorney-client privileged information would be inappropriately revealed in open court. (California Rules of Court, Rule 4.130(b)(2))

B. If the Court finds substantial evidence that raises a doubt as to the minor’s competency, the proceedings shall be suspended. The Court and parties are referred to Appendix 3, for summary of various findings on the issue of substantial evidence.

C. Unless the parties stipulate to a finding that the minor lacks competency, or the parties are willing to submit on the issue of the minor’s lack of competency, the court shall appoint an expert to evaluate the minor and determine whether the minor suffers from a mental illness, mental disorder, developmental disability, developmental immaturity, or other condition affecting competency and, if so, whether the minor is incompetent as defined. (WIC§709)(b)(1)).

V. QUALIFICATIONS, APPOINTMENT OF EXPERT PSYCHOLOGIST

A. Qualifications of Expert Psychologist. The expert shall have expertise in child and adolescent development and forensic evaluation of juveniles for purposes of adjudicating competency, shall be familiar with the competency standards and accepted criteria used in evaluating juvenile competency, shall have received training in conducting juvenile

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competency evaluations, and shall be familiar with competency remediation for the condition or conditions affecting competence in the particular case. WIC§ 709(b)(2)

B. Court Psychologist Panel. The Court shall maintain a panel of Psychologists doing competency evaluations for the juvenile Court who meet the above criteria. Panel members shall have met the requirements of CRC 5.645(d)(1)(B).

C. Assignment of Psychologist from Court Panel. The Court or Probation shall appoint a Psychologist from the Court panel to evaluate the minor. Court approval must be obtained to retain a Psychologist outside the approved panel.

D. Payment of Psychologist. The Court will contribute \$750 towards payment of the psychologist evaluation.

E. Retention of Expert by Parties. The Prosecuting Attorney or the minor may retain an expert witness to testify at a competency hearing. Said experts must meet the requirements of CRC 5.645. Any costs incurred as a result of contracting with expert witnesses in this manner shall be borne by the requesting party or agency. The Court does not pay for separately retained defense or prosecution experts. Experts must be disclosed at least five court days prior to the hearing.

F. Evaluation/Report by Court Appointed Psychologist.

1. The Psychologist shall conduct an examination in conformance with the requirements of WIC §709(b)(3) which include:
 - a. personal interview of minor,
 - b. review of available records,
 - c. consult with minor's counsel and any other person who has provided information to the court regarding the minor's lack of competency,
 - c. gather a developmental history of the minor,
 - e. administer age appropriate testing specific to the issue of competency,
 - f. be proficient in the language preferred by the minor or employ the services of a certified interpreter and use assessment tools that are linguistically and culturally appropriate for the minor
2. The Psychologist shall prepare a written report which will
 - a. opine whether the minor has sufficient present ability to consult with his or her counsel with a reasonable degree of rational understanding.
 - b. opine whether the minor has a rational and factual understanding of the proceedings against the minor.
 - c. state the basis for these conclusions.
 - d. give the expert's opinion on whether the minor is likely to attain competency in the foreseeable future (assuming finding of incompetency),
 - e. make recommendations regarding the type of remediation services that would be effective in assisting the minor in attaining competency.

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G. Setting Date for Receipt of Competency Report. A psychologist should be afforded at least 15 court days to complete the evaluation. The 15 day time frame balances the need for speedy resolution of the competency issues, and adequate time to complete an evaluation. In the Court's discretion the psychologist may be given additional time to complete the evaluation.

The scheduled for Receipt of the Competency Evaluation shall be set 17 court days after the Court initially suspends criminal proceedings and appoints an expert to evaluate the minor's competency. (Receipts for Competency Evaluations for out of custody minors shall be set within 30 days) The Competency Evaluation Report shall be delivered to the Judge, Probation Officer, District Attorney and Defense Counsel two court days before the Competency Hearing. This will allow all parties to review the report prior to the hearing.

H. Proceedings at Receipt of Competency Report

On the date of Receipt of the Competency Evaluation Report, three things can happen:

1. The parties can stipulate to the findings of the Competency Evaluation Report. If Petitioner and Defense Counsel stipulate that the minor is competent and the Court accepts this stipulation, then criminal proceedings are reinstated. If Petitioner and Defense Counsel stipulate that the minor is incompetent and the Court accepts this stipulation, then criminal proceedings remain suspended (or are dismissed, see Section VII B below). The Court need not accept the stipulation. If the Court does not accept the stipulation of the parties, the Court should set a Competency Trial. At the trial, the parties could still stipulate to the Competency Evaluation Report and the Court would make whatever findings the Court deems appropriate at the hearing;
2. The parties can submit the matter for a court determination based on the Competency Evaluation Report. The parties would not take a position and leave it up to the Court to decide. If the Court finds that the minor is competent, then criminal proceedings are reinstated. If the Court finds that the minor is incompetent, then criminal proceedings remain suspended (or dismissed see Section VII B below); or
3. The parties can contest the opinion and set the matter for a Competency Hearing.

If the Court appointed expert opines that the minor is developmentally disabled, the Court shall order the Probation Department to refer the minor to the Director of the Golden Gate Regional Center to further evaluate the minor for eligibility for services.

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VI. COMPETENCY HEARING

A. Timing of Competency Hearing. If the minor is in custody, a Competency Hearing should be set within 15 court days from the Receipt of Competency Evaluation Report, unless there is good cause to extend the time for a short period to accommodate the availability of expert witnesses or to allow for completion of additional evaluations. If the minor is out of custody, a Competency Hearing shall be set within 45 days from the Receipt of Competency Evaluation Report date. De facto good cause would exist for a reasonable continuance if an attorney needs further time to prepare for trial, or to secure his/her own expert to render a second opinion.

B. Trial Judge. There is no requirement that the Competency Hearing be held before the same judge who declared a doubt about the minor's competence to stand trial. (*People v. Hill* (1967) 62 Cal. 2d 105, 113, fn. 2; *People v. Lawley* (2002) 27 Cal.4th 102, 133-134 [Adult cases].)

C. Presumption of Competence; Burden of Proof. The minor is presumed competent. The party asserting the Minor's incompetency bears the burden of proof. (Welfare and Institutions Code §709; *In Re R.V.* (2015) 61 Cal. 4th 181; *Bryan E. v. Superior Court* (2014) 231 Cal.App.4th 385.). However, for minor's under the age of 14 at the time of the commission of the alleged offense, the court shall first make a determination as to the minor's capacity pursuant to Penal Code§26. WIC§709(c). The burden of proof is by a preponderance of evidence. WIC §709(h)(1)

D. Competency Hearing Procedure:

1. Either counsel may offer an opening statement.
2. Defense Counsel presents evidence of the minor's incompetence.
3. Petitioner presents evidence of the minor's competence.
4. Each party may offer rebuttal testimony.
5. Defense Counsel makes final argument, followed by Petitioner.

E. Minor's Statements in Subsequent Proceedings. Neither statements made by a minor to any evaluator, nor any evidence derived from these statements may be used by the Petitioner to prove its case-in-chief as to the minor's guilt. (California Rules of Court 4.130(d)(3); *People v. Jablonski* (2006) 37 Cal.App.4th 774, 802-804; *People v. Arcega* (1982) 32 Cal.3d 504,520. Statements made during competency examinations may not be used to impeach the minor if he or she testifies at a regular trial. *People v. Pokovich* (2006) 39 Cal. 4th 1240, 1246-1253.)

F. Express Finding After Competency Trial. The Court must expressly state on the record, either orally or in writing, its determination whether the minor is competent or incompetent to stand trial, as well as the evidence considered and the reasons in support of its finding. (California Rules of Court 4.130(e)(4)(B)).

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VII. PROCEDURE FOLLOWING FINDING OF COMPETENCY/INCOMPETENCY AT COMPETENCY HEARING

- A. If the court finds the minor to be competent, the court shall reinstate the proceedings.
- B. If the court finds the minor to be incompetent and the petition contains only misdemeanor offenses, the petition shall be dismissed. WIC §709(f)
- C. If the court finds the minor to be incompetent and the petition contains felony offenses:
 - 1. All offenses shall remain suspended for a period of time that is no longer than reasonably necessary to determine whether there is a substantial probability that the minor will attain competency in the foreseeable future, or the court no longer retains jurisdiction and the case must be dismissed.
 - 2. The court may make orders that it deems appropriate for services and rule on motions that do not require the participation of the minor. WIC§709(e).
 - 3. The court shall refer the minor to services to help the minor attain competency in accordance with WIC §709(g)(1). Services shall be provided in the least restrictive environment consistent with public safety. The goal should be to assist the improvement of the overall functioning of the minor in addition to answering the narrow issue of competency.

D. New Offenses. Where the minor is alleged to have committed a new offense or violation of probation, the deputy probation officer should not avoid filing a new notice or petition merely because there is a pending competency process. The Probation Department should proceed as if there were no competency process under way, and should not wait until the next scheduled court hearing. For wards of the court whom have violated conditions of their probation, the deputy probation officer may make the decision to immediately bring the minor into custody, which would trigger a detention. The Probation Department can also choose to leave the minor out of custody and set an immediate hearing if they believe there is no threat to either the child or public safety.

The minor is presumed to be competent. The minor's attorney would have to petition the court for a review of the minor's current competency. Starting anew by applying this Protocol to the new petition/notice, the court must make findings. A new Competency Evaluation may be ordered after consideration of the timing and nature of the alleged violations. If there is substantial evidence the minor may be incompetent, the new case will be suspended and the court will order the minor's treatment for the new alleged offense to be added to the pending attempt to restore competency. If the court determines there is not substantial evidence the minor is incompetent, the new case will not be suspended and the court will proceed with the new underlying juvenile proceedings. The issue of the minor's competence on the previously suspended petition/notice will remain as is, until the court makes a finding regarding competence on that matter.

Of course a determination by the court on the new case can significantly affect the competency issue on the formerly suspended case because the standard for competency is

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“current” status of the minor. If the minor is competent on the new case, it is a factor to be considered on the pending competency issue.

VIII. COMPETENCY ATTAINMENT PROGRAM

Where incompetency has been found and services ordered, the Probation Officer will collect and provide Department of Health and Human Services with the following information:

1. Competency Evaluation;
2. All psychiatric and psychological evaluations;
3. All behavioral health records;
4. Relevant educational records, including Individualized Education Plans, if applicable;
5. Available health and medical information (including medication);
6. All Delinquency and Dependency petitions or notices;
7. A list of all previous referrals to Probation, Human Services Agency and/or Child Protective Services, and reports generated;
8. Name, phone number and email of the Probation Officer, Minor’s attorney and Assistant District Attorney;
9. Location, phone number and address of the minor; and
10. Names, phone numbers, addresses and emails for the parents or guardians for the minor.

A. Initiating Competency Attainment Service:

The court may make orders that it deems appropriate for services to “assist the minor in attaining competency” based on the expert report or other relevant testimony. The court shall order a deputy probation officer to initiate services for the attainment of competence by referring the matter to Golden Gate Regional Center (If the competency assessment indicates it is related to a developmental delay see below) or to Health and Human Services (if competency assessment indicates it is related to another issue). The court may order the responsible person or entity to do specific things, including but not limited to seeking evaluation for eligibility for particular programs or services, or arranging for those services to be provided.

B. Placement of the Minor. Many minors can successfully participate in restoration services while they are living in their homes, attending their regular schools, and participating in their normal activities. Community-based wraparound services may assist in the minor’s progress in attaining competency. The minor may be placed at home or in a §709 placement with Home Detention Orders.

C. Developmentally Disabled Minors. If the minor is developmentally disabled he or she shall be referred to the Golden Gate Regional Center for services. In order for a minor to qualify for these services, the Golden Gate Regional Center must examine and accept the client.

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1. If the minor is already a Golden Gate Regional Center client, the assigned Probation Officer will submit a plan to work collaboratively with Golden Gate Regional Center staff in order to obtain appropriate community supports and services.
2. If the minor is not already a Golden Gate Regional Center client, the assigned Probation Officer will work with the minor's family to facilitate the completion of a Golden Gate Regional Center evaluation within the 120 days allowed through the application process. If the minor's parent or guardian is unable or unwilling to participate in this process, the Court will order the evaluation but designate the minor's attorney or the assigned Probation Officer to facilitate the arrangements.
3. The assigned Probation Officer will request that the Golden Gate Regional Center provide progress reports at each court hearing for the minor.

IX. PERIODIC REVIEWS OF REMEDIAL STATUS

- A. The court shall review remediation services at least every 30 calendar days for minors in custody and every 45 days for minors out of custody during the remediation period. WIC §709 (g)(1).
- B. For minors in custody, the County Mental Health Department shall provide the court with suitable alternatives for the continued delivery of remediation services as part of the Court's review of remediation services. The court shall consider appropriate alternatives to juvenile hall confinement and make orders necessary to assist with the delivery of remediation services in an alternate setting. WIC §709(g)(1) (A-G) and WIC §709(g)(2).
- C. Within six months of the initial finding of incompetency, the court shall hold an evidentiary hearing on whether the minor is remediated or is able to be remediated (absent stipulation to the recommendation of the remediation program). See WIC§709(h)(1) for burdens of proof and presumptions.
- D. The court shall consider the factors outlined in WIC §709(h)(5)(A) (B) (C) whenever confinement over six months is being considered.
- E. If the court finds the minor has been remediated, the court shall reinstate the proceedings. WIC§709(h)(2)
- F. If the court finds the minor has not yet been remediated, but is likely to be remediated within six months, the court shall order the minor returned to the remediation program. The total remediation period shall not exceed one year. WIC§709(h)(3).
- G. If the court finds the minor will not achieve competency within six months, the court shall dismiss the petition. The court shall invite persons and agencies to the dismissal hearing (or other agreed upon forum) the following issues and to discuss any services that may be available to the minor.

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1. Possible danger the minor presents to himself/herself or the community;
2. A short time to bridge the minor's return to the community/home and make sure appropriate mental health services are in place;
3. Conservatorship, with an assessment that needs to be completed before dismissal;
4. Civil Commitment, with an assessment that needs to be completed before dismissal;
5. Educational needs before dismissal;
6. Referral to other agencies.

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APPENDIX - C

MARIN COUNTY

Memorandum of Understanding and Protocol for Duall)'' -Involved Youth

L. Introduction

This Memorandum of Understanding and Protocol is entered into between Marin County Children and Family Services and the Marin County Juvenile Probation Department to establish a collaborative process between the two agencies that complies with Welfare and Institutions Code Section 241.1 and California Rule of Court 5.512. In implementing this protocol, the agencies seek to ensure that youth and families are treated in a manner that is fair, strength-based, and supportive, without compromising youth safety and well-being or public safety.

Welfare and Institutions Code (WIC) Section 241.1 requires that whenever a minor appears to come within the description of both WIC Sections 300 and Section 601 or 602, the county probation department and the county child protective services department shall, pursuant to a jointly developed written protocol, initially determine which status will best serve the interests of both the minor, family, and the protection of society. The recommendation will be made jointly in one report to the juvenile court with the petition that is filed on behalf of the minor, and the Court shall determine which status is appropriate for the minor.

Assembly Bill 120 / Section 241.1(e) Welfare and Institutions Code, authorizes "the probation department and the child welfare services department in any county to create a protocol which would permit a minor who meets specific criteria to be designated as both a dependent child and a ward of the juvenile court, as specified. A minor who is designated as both a dependent child and a ward of the juvenile court would be known as a "dual status child" [AB129 (2004), Cohn].

For the purposes of this document, "juvenile court" includes both Dependency and Delinquency Court. The following Memorandum of Understanding and Protocol will serve as a guide to assist in a coordinated approach to services and handling of both dependents and wards of the court. It cannot be emphasized enough the value to the individual youth, their family, and the community that the coordinated services approach contemplated under Section 241.1 will bring.

Marin County Children and Family Services and the Juvenile Division of the Probation Department both work to strengthen youth and families so that they can be healthy and safe in their community. There are families that have found themselves involved with issues that may touch both the child welfare and juvenile justice systems. When this occurs, Children and Family Services and Juvenile Probation are committed to communicating and coordinating with each other to determine which system, or whether a coordinated Dually-Involved or Dual Jurisdiction approach, will best serve the needs of the youth and family, and which combination of services will help achieve health and safety for all involved.

II. Applicability and Amendment

The provisions of this MOU and Protocol are applicable whenever a Social Worker or a Deputy Probation Officer becomes aware that a youth may come within the provisions of both Welfare and Institutions Code 300 and 602.

This MOU and Protocol may be amended only by written agreement of its signers or their successors.

III. Screening and Assessment

Definitions:

Initial screening and assessment will begin with intake to ensure that juveniles and their families with involvement in the Dual Systems of Child Welfare and Probation are identified and their needs, risks, and safety issues are properly assessed.

- A. *Dual Status Youth*: Youth simultaneously adjudicated in both the child welfare and juvenile justice systems, meaning the youth is declared a dependent and a ward of the juvenile court.
- B. *Dually-Involved Youth*: Concurrent involvement (diversionary, formal, or a combination of the two) with both the child welfare and juvenile justice systems.

Policy:

- Agencies must still seek the least restrictive level of care to meet the needs of the youth, family, and community safety.
- 241.1 Protocol will continue to be the process of identification and assessment for Dual Jurisdiction.
- Workers will use a model of Structured Decision Making and Risk Assessment to help determine the level of intervention and family services.
- Agency staff will work together to address the youth and family needs in a comprehensive, holistic, and **collaborative** fashion.
- The originating agency shall continue to provide case management of the case status while the 241.1 legal determination is being processed through the Court.

Procedure:

1. **When youth is working with probation and abuse/neglect is suspected**
 - a. **Existing law/rule:** Per Rule of Court 5.512, when a child is detained, the Court may schedule a 241.1 assessment hearing as far out as 15 court days, to occur before the Jurisdictional hearing. Additionally, notice of the hearing and copies of the assessment report must be provided to parties 5 days before the hearing.
 - b. **Local procedure:** In order to facilitate a more expeditious determination of which jurisdiction can best meet the child's unique needs, Marin County agrees in most circumstances to adopt the following local procedure:

1. **Youth in custody:** When a youth is in custody, and a 241.1 assessment is ordered, the joint assessment hearing date will be set out 10 Court days. Notice of the hearing will be given to all parties at least five days before the hearing date. Copies of the joint assessment report will be provided to parties at least two days before the actual hearing. In certain circumstances, the Court may determine that the joint assessment hearing may need to be set out the full 15 Court days in order to facilitate the completion of a more complex assessment. In this case, the report will be filed with the court five days before the hearing. In the event time is waived, the Probation Department will ask the Court for the maximum time possible to complete the report.
11. **Youth not in custody:** If a youth is not detained, the 241.1 joint assessment hearing date will be set before jurisdiction and within 30 days of the petition. A copy of the report and notice of the hearing will be given to all parties at least 5 calendar days before the hearing.

2. **When youth is working with CFS and comes to the attention of probation**
 - a. The Child Welfare Social Worker can request a 241.1 assessment in Court, but must have communicated with Probation Supervisor (473-****) to find out whether the youth has been detained or has an active citation or an open referral that may be cause for probation involvement. The Social Worker, with support of their supervisor, will use Probation to help determine if the legal considerations exist for possible Probation involvement.
3. **Completing the 241.1 Report: Procedure**
 - a. When a 241.1 assessment is requested in court, the Deputy Probation Officer assigned to the case will notify the CFS intake email list (HHSCFS-Hotline@marincounty.org) as soon as possible during the next business day. The Court will forward a copy of the court minute order to both probation and CFS. The following information is required to be sent regarding the youth, parents, siblings and caregivers (if any):
 - Names
 - Dates of birth
 - Phone numbers
 - Addresses
 - Name of school
 - b. The email will also include the youth's history with the Probation Department and the assigned Deputy Probation Officer's name and phone number. This email should convey the facts regarding what the worry or concern is that makes the Deputy Probation Officer or Public Defender believe that the child may fall under WIC 300. This information is crucial for CFS to be able to identify an allegation

of abuse/neglect. If a detention report is available, this will also be emailed to the CFS Social Worker. Using information in email, CFS Intake staff will create a referral and forward to Emergency Response Supervisor for assignment.

- c. Emergency Response Supervisor (or other supervisor as necessary) will assign 241.1 to an ER worker for completion. If the case is currently assigned to a staff person, ER worker will consult with manager about whether this person should be assigned to conduct the 241.1 assessment. ER supervisor will contact the Deputy Probation Officer as soon as possible on the next business day after receipt of 241.1 request and provide them with the contact information of the assigned Social Worker and their supervisor.
- d. The Deputy Probation Officer will email the assigned CFS Social Worker and the CFS supervisor the portions of the 241.1 report they completed as soon as possible but no later than 5pm on the second business day after the Court ordered the 241.1 assessment (see sample court report for who is responsible for which sections). If this timeframe is not possible due to extenuating circumstances, the Probation Officer will contact the Social Worker and inform them as soon as possible. (*See Dependency/Delinquency Options below for types of recommendations possible*).
- e. The Social Worker will contact the Deputy Probation Officer once they are assigned the 241.1 and the Social worker and Deputy Probation Officer will collaborate by phone, and in person if possible. Best practice would be to coordinate a joint home visit, or other in-person meeting with the family.
- f. Any 241.1 Assessment will consider the following points:
 - i. Nature of the referral
 - ii. Age of the Minor
 - iii. History of physical, psychological, and sexual abuse (Child Welfare History)
 - iv. Prior Criminal or Child Welfare Record of the minor's parents
 - v. Minor's prior delinquent record and out of control behaviors
 - vi. Parental cooperation with school
 - vii. Minor's functioning at school
 - viii. Nature of Minor's home environment
 - ix. Family/ Minor history of involvement with service agency / professional community services
 - x. Any services available in the community
 - xi. Any collateral feedback regarding the minor and parents. i.e. Court Appointed Special Advocate. Attorney, other relatives.
- g. Workers will use either Structured Decision Making (SDM) and/or the

Probation Risk Assessment. and follow the recommendations for delivery of service and intervention.

- h. Workers will identify whether a single agency, dual-involvement, or Dual Jurisdiction recommendation is appropriate. If a Dual Jurisdiction recommendation is appropriate, a Lead Agency will be identified (see Dependency/Delinquency Options below).
 1. The Court, based upon agency recommendations, shall determine the Jurisdiction, level, and type of agency involvement.
- J. If CFS and Probation are unable to reach an agreement on the 241.1 recommendation, the Social Worker and Probation Officer will alert their supervisors about the possibility of a need for separate recommendations as soon as they are known. Supervisors will contact each other to discuss the different recommendations and determine if there is a possibility of resolving any disagreements. If no resolution can be reached, then each will state their separate recommendations in the joint recommendation section and the court will make the final determination.
- k. The CFS Social Worker shall notify the Deputy Probation Officer of their recommendation as soon as it is known. The Social Worker will complete the remaining sections of the report, print it out and obtain required signatures. CFS staff will make arrangements to deliver an original copy of the report to Juvenile Services Center at 4 Jeanette Prandi Way. The Probation Department staff will file the report with the court at least two business days before the court hearing when possible.
- l. The Deputy Probation Officer and Probation Supervisor will be responsible for notifying the CFS email (HHSCFS-Hotline@marincounty.org) if a Court hearing is moved ensuring everyone is updated regarding actual hearing dates.
- m. The Judicial Officer overseeing the case will request the social worker to attend the 241.1 hearing when necessary. However, if the Probation Department and CFS have not agreed on a recommendation, both the Social Worker and the Deputy Probation Officer will attend the hearing to discuss the matter.

IV. Dependency/ Delinquency Options and Court Communication

Definition:

Options for type of dual agency and/or dual court involvement. Instructions for case communication based on originating court (Delinquency or Dependency).

Procedure:

Either WIC § 300 OR§ 602 status can be recommended under four circumstances:

- (1) When a WIC § 300 dependent youth is charged in Delinquency Court;
- (2) "When a WIC § 602 youth has a petition filed in Dependency Court;
- (3) When a youth is charged in Delinquency Court and child abuse is suspected;
- (4) "When termination of WIC § 602 status is sought because the youth has completed their probation and rehabilitation programs, but their family home is unsafe or non-existent.

Options for-Dually Involved/Dual Status Recommendation

There are seven possible recommendations:

- (1) WIC § 300 dependent status only;
- (2) WIC § 602 matter (in 654,654.2, 725(a), or 790 DEJ status) + WIC § 301 voluntary family preservation services
- (3) WIC § 602 matter (in 654, 654.2, 725(a), or 790 DEJ status)+ WIC § 300 dependency
- (4) WIC § 300/602 dual jurisdiction status (with one agency being deemed the leadagency)
- (5) WIC § 602 ward status+ WIC § 301 voluntary family preservation services
- (6) WIC § 602 ward status+§ 300 dependency in post-permanency status "on hold" until completion of§ 602 matter;
- (7) WIC § 602 wardship only

WIC § 300 + § 654/725/790 (forms of formal child welfare involvement but informal probation involvement) status can be recommended when a WIC § 300 dependent youth is charged in Delinquency Court but it is felt his/her § 602 matter can be handled under one of the provisions that provides for probation supervision without adjudication of wardship.

Voluntary Family Preservation Services from Child Welfare can be combined with any of the above probation options.

Probation status terms

WIC 654 Contract:

An alternative to formal court involvement-no petition filed. This is a six-month contract between the Probation Department and a youth whom Probation believes would come within the Court's jurisdiction if a petition were filed. Conditions should include referrals to local agencies for treatment/counseling interventions and supportive services. Conditions may also include: drug testing, community service hours, reflective essay, and/or any other conditions the DPO deems appropriate. If after 60 days, the youth is non-compliant with the contract, the Probation Officer may refer to the DA for filing of a petition in Court.

WIC 654.2 Court Informal:

602 petition is filed, but the hearing on the petition is continued to determine whether the matter can be resolved through a program of supervision as described in Section 654 (above) but with Court oversight. The delinquency matter is suspended during this period without the youth admitting to the petition. The youth is to complete the terms ordered by the Court, if they do not, then the case must return to Court with the possibility of further entering the criminal justice system.

WIC 725: Non-Wardship Probation (six-month term):

The greatest difference between this and 654.2 status is that there is an admission/true finding of the petition for non-wardship probation under § 725(a). Aside from this, the conditions of Non-Wardship Probation and informal probation can be the same. A DPO cannot book a youth in Juvenile Hall for violating the terms of his/her Non-Wardship probation, but the Court can order the minor into custody (wardship) for failure to abide by the terms of his/her probation. However, the process for making the youth a 602 ward is easier in that there is an admission/finding of the petition. Therefore, if the youth does not do well on Non-Wardship probation, it is likely the Court will place them on 602 wardship probation. Note that Non-Wardship probation terms are not available for certain types of serious offenses.

WIC 790 (DEJ):

Deferred Entry of Judgment is a type of juvenile probation where a minor admits committing a felony offense. Judgment is deferred, or "not entered." The minor is then placed on probation for one to three years and ordered to perform certain terms and conditions (Felony Diversion). DEJ is not available unless statutory criteria are met.

WIC 602 Wardship (at least one year term):

Wardship probation has two categories: custody retained (child still resides with parent, but court can detain youth and place in juvenile hall at any time) and custody removed from the parents.

Custody Retained: Most of the wards in juvenile probation fall into the first category since DPOs do not ask that custody be removed unless the DPO is recommending out-of-home care. Wardship allows DPOs to file a petition with the court asking the youth to be detained in Juvenile Hall for non-compliance. This occurs either by booking the youth, using the VOP scale, and then preparing a Violation of Probation petition under 777(a)(2). The petition is completed as soon as the youth is booked along with a Short Detention Form. A 777(a)(2) petition can also be filed with the court while the minor is still out of custody; the DPO recommends to the court how they would like the petition handled.

Custody Removed: When physical custody is removed from parents and youth is ordered placed out of the home, the youth generally is placed in a Short-Term Residential Treatment Program (STRTP) or a Resource Family home. A youth can complete a STRTP in as little as six months and must demonstrate they have made substantial progress toward rehabilitation and are able to either return home, step down in the continuum of care, or transition into Non-Minor Dependent status.

Inter-Court Communication

If the originating court (Delinquency or Dependency), upon receipt of a joint assessment for dual status youth, decides that the youth should only be on the opposite status (e.g. delinquency court determines minor should be served through dependency system), the originating Court will dismiss their case and send a copy of that minute order to the alternate Court.

If the result of the 241.1 Hearing is that dual status pursuant to WIC § 300/602 is appropriate, the Court will order which agency should be "lead agency" and document that finding in the minute order. On a case-by-case basis, the lead Court shall determine whether to suspend proceedings and vacate any future Court appearances in the non-lead Court, or whether hearings in the non-lead Court will continue concurrently with lead Court hearings.

A copy of the minute order will be sent by the lead Court clerk to the non-lead Court clerk.

Court Findings and Orders

See Attachment A :

If Dependency is lead court, the probation officer will have the necessary probation N forms forwarded to the CFS social worker before the court report must be filed.

If Delinquency is the originating court, the CFS Social Worker will send the necessary Dependency JV forms to the Probation officer before the court report must be filed.

V. Case Planning and Supervision

Definition:

Innovative, family centered, and collaborative case planning will produce positive results to decrease risk of delinquency and dependency involvement.

Policy:

Every effort will be made to unify the Case Plans from Probation and CFS. The dual jurisdiction responsibility for individual case workers should include:

- a) Medical Care
- b) Mental Health Services
- c) Dental Care
- d) Visitation between the child and family
- e) Educational Services
- f) Emancipation Planning
- g) ILP Planning
- h) Community services
- i) Substance abuse counseling and treatment
- j) Collection of restitution
- k) Conditions of Probation and Dependency Orders

Individual and Team responsibility for the above will vary and be determined by the needs of the child, family, case plan, community safety, and positive outcomes. Collaboration, communication, and interaction between workers are necessary for ongoing assessment of case needs and service delivery. Every effort should be made to keep this process family-centered and strength- based.

Lead agency responsibilities:

- Placement
- Case management and coordination of service delivery with the non-lead agency
- Attend Court hearings (or by agency represented staff)
- Writing and submitting Court reports
- Complying with the mandates of WIC 300 and WIC 602 hearings, Division 31 and TitleIV-E regulations
- Completing monthly face-to-face contacts with the minor and family
- Maintaining monthly (at minimum) contact with the non-lead agency worker to confer/collaborate on progress of case, assessments and recommendations

Non-lead agency responsibilities:

- Assigning secondary worker/officer to the case
- Coordinating service delivery with lead agency worker/officer
- Be available to attend Court hearings if requested

- Writing and submitting assessment for Court reports to the primary worker/officer no later than 5 days before the report must be filed.
- Complying with the mandates of WIC 300 and WIC 602 hearings, Division 31 and Title IV-E regulations, including writing reports as required for any concurrent non-lead court hearings
- Maintaining monthly (at minimum) contact with the lead agency worker to confer/collaborate on progress of case, assessments and recommendations
- Sharing all necessary information and documentation including, but not limited to birth certificate, immunization records, social security card, etc. to aid in out-of-home placement (This information shall be provided within three (3) workdays after dual status is designated by the Court if available)

Procedure and Documentation:

- Lead agency will determine lead case worker and will maintain primary responsibility for case planning, placement visits, court hearings, court reports.
- Workers from each agency will coordinate to ensure that placement visits are done jointly when possible.
- Supervision as to conditions of Probation will be responsibility of assigned DPO.
- If disagreements and/or differences arise regarding services and case planning, the case will be reviewed with CFS supervisor and Probation Supervisor through a Team Conference. Should the supervisors not be able to negotiate an outcome, the case will be referred to the respective CFS and Probation Department Directors.
- Workers will meet on a monthly basis to determine the ongoing case needs and facilitate reunification when appropriate.

Client contacts and services shall be provided and documented by both agencies in adherence to their Department's policy regarding face-to-face contacts. All contacts made by the lead and non-lead agency shall be documented in their respective databases. Probation Officers are required to enter data into Odyssey CMS and to enter placement contact and service notes into Child Welfare Services/Case Management System (**CWS/CMS**). The Child Welfare Social Worker will enter their contact notes into CWS/CMS

A quarterly update will be submitted to the 241.1 management team by each supervisor who has 241.1 cases assigned to their team. This report will include:

- a) Documentation of collaboration/ communication.
- b) Any updates to unified case plan
- c) Update on placement and progress toward goals

Non-MinOR Dependents: Case planning and Supervision

For dual status youth, pursuant to the existing MOU, the lead agency will maintain responsibility for placement and supervision of the NMD under EFC unless another arrangement is determined by mutual agreement of CFS and Probation to be in the best interest of the child.

When a dual-juris youth is about to qualify for services under AB12, the two agencies will reassess whether the youth would continue to benefit from Dual Status. If the youth would be better served by a single agency, this recommendation will be made with preference for the agency that originated the case to retain it.

If the dual status youth has not met his/her rehabilitative goals by his/her 18th birthday, the probation department may keep the youth under 602 Status and not transition him to NMD status if this will best meet the youth's needs.

If the Social Worker and Probation Officer do not agree on a recommendation to the Court about AB 12 Status and which agency should continue services, their supervisors will meet and try to resolve to a joint recommendation, and if this is unsuccessful it will be resolved at the Division Director level.

Case Management when NMD becomes subject to Adult Probation:

When a Non-Minor Dependent becomes subject to adult probation supervision, it does not change the non-minor's ability to participate in EFC and it does not change the agency responsible for the case management services of the Non-Minor Dependent.

Re-Entry:

If the NMD exits (opts out) EFC and then decides to re-enter (opts in) EFC, a previously dual-jurisdiction non-minor dependent can state their preference as to which agency will supervise them, with the ultimate decision lying with the court.

VI. Data Collection and Reporting

Definition:

Data collection and reporting is a critical element of the County Dual Jurisdiction agreement.

Policy:

Pursuant to AOC requirements, data will be collected and maintained by CFS and Juvenile Probation.

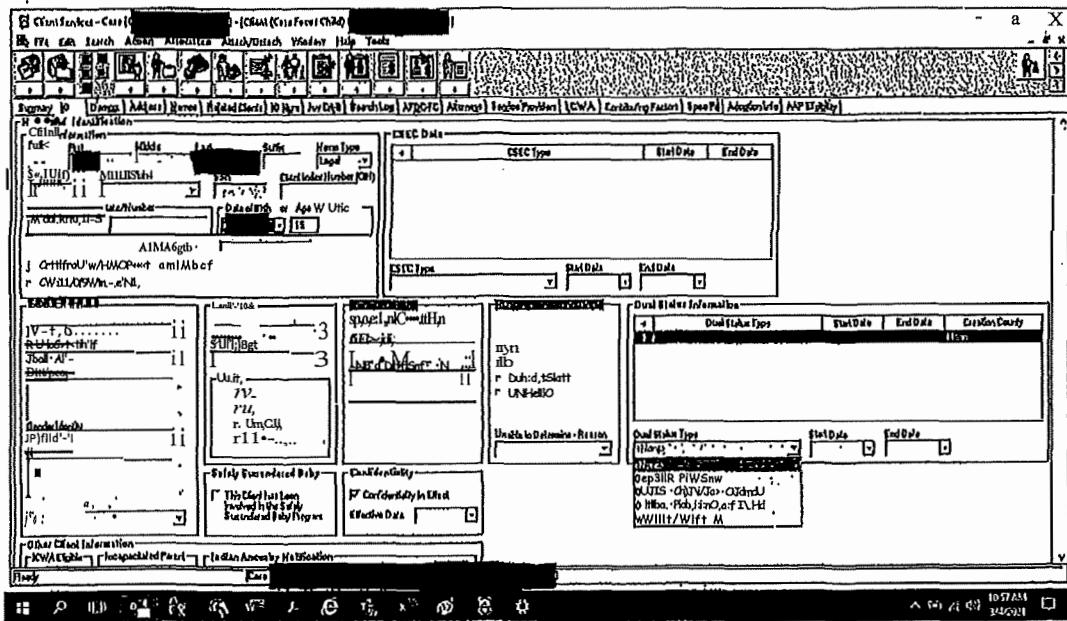
Procedure:

For CFS Lead or Probation youth in placement, follow these instructions on CWS CMS Data Entry.

Click on the Client Notebook, ID tab, the worker will enter one of the following options:

- Dep 300 recv Prob Svcs
- Dual Status Chl WelfLead
- Dual Status Prob Lead
- Ward 601/602 Rev CWS

The first option, Dep 300 Recv Prob Svcs, would be indicated if a dependent is receiving informal probation services. The final option, Ward 601/602 Rev CWS should be selected if a Ward is receiving Voluntary Family Maintenance Services. Start and end dates should be entered, with no overlapping dates.



Attachment A

Supplemental Order for Dual Jurisdiction Youth

PETITIONER OR ATTORNEY DEPARTMENT OF HEALTH AND HUMAN SERVICES DIVISION OF CHILDREN AND FAMILY SERVICES 3250 KERNER BLVD. SAN RAFAEL, CA 94901	PHONE: 473-2200 DCFS#: WKR#:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN 3501 CIVIC CENTER DRIVE, SUITE 113 SAN RAFAEL, CA 94903		[Court use]
Child's Name: Click or tap here to enter text.		
SUPPLEMENTAL ORDER FOR YOUTH UNDER DUAL JURISDICTION Welf. & Inst. Code§ 241.1		Case Number: Click or tap here to enter text.

On Click or tap to enter a date. this matter came before the Juvenile Court, sitting as delinquency court dependency court.

The Court finds and orders:

The above-named youth was made a dual-jurisdiction youth on: Click or tap to enter a date.

This Court is lead court non-lead court making orders for the care, supervision, custody, conduct, maintenance, and support of the minor.

Pursuant to Marin County protocol for dual-jurisdiction youth, if this Court is the lead court {leave blank if not applicable}:

1. This Court has made orders regarding the placement of the minor.

D Title 19 findings for the minor's out-of home placement, if necessary, were made on:

Click or tap to enter a date. or are now made on the record.

D This Court has adjudicated any petitions filed under Welf. & Inst. Code Section 387 or 777 requesting

more restrictive placement of the minor.

2. D This Court has made any necessary orders regarding parental custody as to the minor.
3. This Court has made all necessary orders regarding Special Immigration Juvenile Status
4. If the youth is a non-minor, this Court has made all necessary orders related to the non-minor's AB12/Extended Foster Care Status.
5. D This Court has reviewed and approved the minor's Independent Living Program and case plan.
6. D This Court has made all necessary orders for the minor's medical, dental, and psychological treatment.
7. D This Court has made any necessary orders permitting the minor to travel as requested by the Lead Agency.

Other findings and orders as follows:

8. D If the delinquency court/Probation Department are the lead court and agency and minor's wardship terminates prior to the next dependency Status Review hearing under Welf. & Inst. Code

§ 366.21, § 366.22, § 366.25, § 366.3 or Selection and Implementation Hearing under§ 366.26, the Department of Children and Family Services shall become the lead agency. Care and custody of the minor is vested with the Department of Children and Family Services for placement in:

D Approved home of a relative or NREFM; Resource family home; D Transitional housing program;

D Short-Term Residential Treatment Program; D Other placement order

9. If the minor is in custody, parent/guardian visitation shall occur in accordance with facility rules and regulations and under the direction of Juvenile Probation.

D Visitation with _____ would be detrimental to the minor based

on facts stated on the record.

D Other visitation or contact orders as follows:

10. D The minor is the subject of a sustained Welf. & Inst. Code Section 300 petition and is a dependent of the Court in Post-Permanency Status. The next Post-Permanency Review hearing under§ 366.3 is calendared on: Click or tap to enter a date. The minor was adjudicated a Welf. & Inst. Code Section 602 ward of the juvenile court on Click or tap to enter a date. Pursuant to Marin County protocol for dual-jurisdiction youth, the dependency matter is suspended until earlier of the time the minor's wardship is completed or the Court otherwise determines the dependency matter shall resume.

This matter is set for further hearing on _____ **at** _____ am/pm for status update.

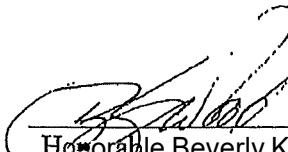
11. Other orders as follows:

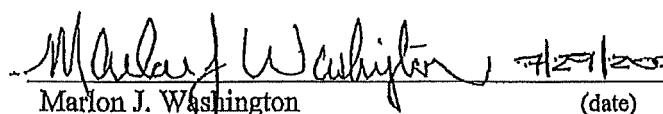
Date: _____

HON. JUDGE OF THE SUPERIOR COURT

Marin County Memorandum of Understanding and Protocol
for Dually"Involved Youth

Signature Page


Honorable Beverly K. Wood 8/13/21
(date)
Presiding Judge of the Marin County Juvenile Court
Marin County Superior Court


Marlon J. Washington 7/27/2021
(date)
Chief Probation Officer
Marin County Probation Department


Eric Olson 7-29-21
(date)
Director of Probation Services
Marin County Probation Department


Bree Marchman 8/3/21
(date)
Social Services Division Director
Marin County Department of Children and Family
Services

