



# CASA Guide to Crossover Youth

Learning about the Dual Status System and How to Advocate for Youth Involved

Keep an eye out for these helpful tips throughout the guide



Yellow Alert! Signals an important or helpful tip.



Orange Alert! Signals caution—an area of advocacy that should be approached with support.

# DUAL STATUS

## DUAL STATUS YOUTH

A youth receiving services from both child welfare and juvenile justice systems. Youth may also be called a “Dually Involved” or “Crossover” youth.

## DUAL STATUS INVOLVEMENT

There are different routes that lead to involvement in both systems:

- A HHSA-involved youth who gets arrested and has a juvenile justice petition filed.
- Youth who is declared a WIC 602 (ward of the court via the juvenile justice system), placed home on probation and then removed from their home by HHSA.
- Youth who was declared a 602, successfully completed probation but has no safe home to return to.
- Youth who has pending petitions in both Dependency and Juvenile Justice Courts.
- Non *WIC 300 youth*\* with new juvenile justice petition suggesting abuse
  - Meaning, a youth who is charged through the juvenile justice system where facts arise suggesting the youth might also be abused or neglected
- WIC 300 youth on informal or formal probation who commits a new offense or violates probation

\*WIC 300 youth describes a young person that is a dependent of the Court due to experiencing abuse and neglect.

## WHEN YOUTH IN THE DEPENDENCY SYSTEM ARE DETAINED

Similar to youth only on probation, they may be counseled and released, referred to diversion, cited to appear in Juvenile Justice Court, or be detained. When a young person in the dependency system is detained, however, it is important for the CASA to first notify their dependency attorney.



VFC will almost always be notified via email when a dependency youth is arrested and detained. Your Advocacy Supervisor will reach out to you if we are informed and will provide you with the date of their Detention Hearing.

CASAs should always follow up with the youth’s dependency attorney, as they can quickly intervene. CASAs may not discuss any knowledge they have about the alleged charges with anyone outside of the attorney.

Note: once a youth is adjudicated a 602 ward, they cannot be detained at Polinsky Children’s Center.



CASAs must always first consult with the youth's attorney before informing the Social Worker about a youth's arrest or detainment. The youth may be referred to diversion or released with a citation which is meant to stay off of the youth's record. Informing attorneys first allows them to advocate on behalf of the youth and avoid further involvement in juvenile justice system. Notifying SWs of the arrest first may prevent youth from these opportunities and the incidents may be documented in reports, depriving the youth of confidentiality.



When visiting their youth, CASA volunteers may not ask the youth about the charge or investigate juvenile justice matters. Additionally, if made privy to case information, the CASA may not disclose any information related to the youth's charges. The CASA may only inform the parties above that the youth is detained and refer them to the defense attorney for additional information. Please see [Sharing Information](#) for information on confidentiality.

## LEAD AGENCY

### LEAD AGENCY—RESPONSIBILITY FOR PLACING THE YOUTH

A lead agency is responsible for placing the youth in an appropriate setting and determining their case plan. The lead agency is determined by which system would more adequately address the youth's needs and which system provides the least restrictive status.

For the most part, both systems have shared responsibilities. Each agency is required to FULLY participate in the youth's case plan; they must work together to serve the best interests of the youth and the community. This allows for increased support of the youth, no duplication of services, and continuous communication.



If a CASA notices that the youth is not getting equal support from both systems, they should inform the Advocacy Supervisor as soon as possible.

### PROBATION OVERSIGHT

Often, professionals believe that with probation being the lead, there will be stricter oversight; this is a common misconception. If probation is the lead, they have the same abilities and oversight whether they are the lead or not.

### THE FINAL SAY—WHO WILL BE THE LEAD AGENCY

The Juvenile Justice Court must read and consider the 241.1 assessment and decide which system, dependency or juvenile justice, best serves the interest of the child and protection of the

community. Although the law states that the court should make a decision at an earlier stage, practically speaking the court waits to see if the petition will be sustained. Thus, the decision is made or takes place at the dispositional hearing.

#### DISAGREEMENTS ON LEAD AGENCY

If a Probation and HHSA disagree in their recommendations about who the lead agency is, the Conflict Protocol states that the case goes up the supervisor chain of command with probation having the final decision. No solo recommendation is allowed.

## WIC 241.1 PROTOCOL

When a youth becomes concurrently involved in both the dependency system and the juvenile justice system, a new protocol is activated. This protocol is known as the WIC 241.1 Protocol. This protocol seeks to support youth by ensuring cooperation between both agencies via assessments, multidisciplinary team meetings (MDT), and a collaborative development of recommendations to the Juvenile Justice Court, known as the Meet and Confer Report (aka 241.1). The 241.1 protocol also helps identify who the lead agency or the placing agency will be.

## PROCESS FOR ORDERING A MEET AND CONFER REPORT

At arraignment, the judge will order a Meet and Confer Report. At this point, the youth will usually enter a denial to the offense but this decision is made in collaboration with their defense attorney.

- If the youth is later declared a ward and placed on probation without the Court following the 241.1 process, the entire hearing can be vacated.
- Exception: Transfer hearings (formally fitness hearings).



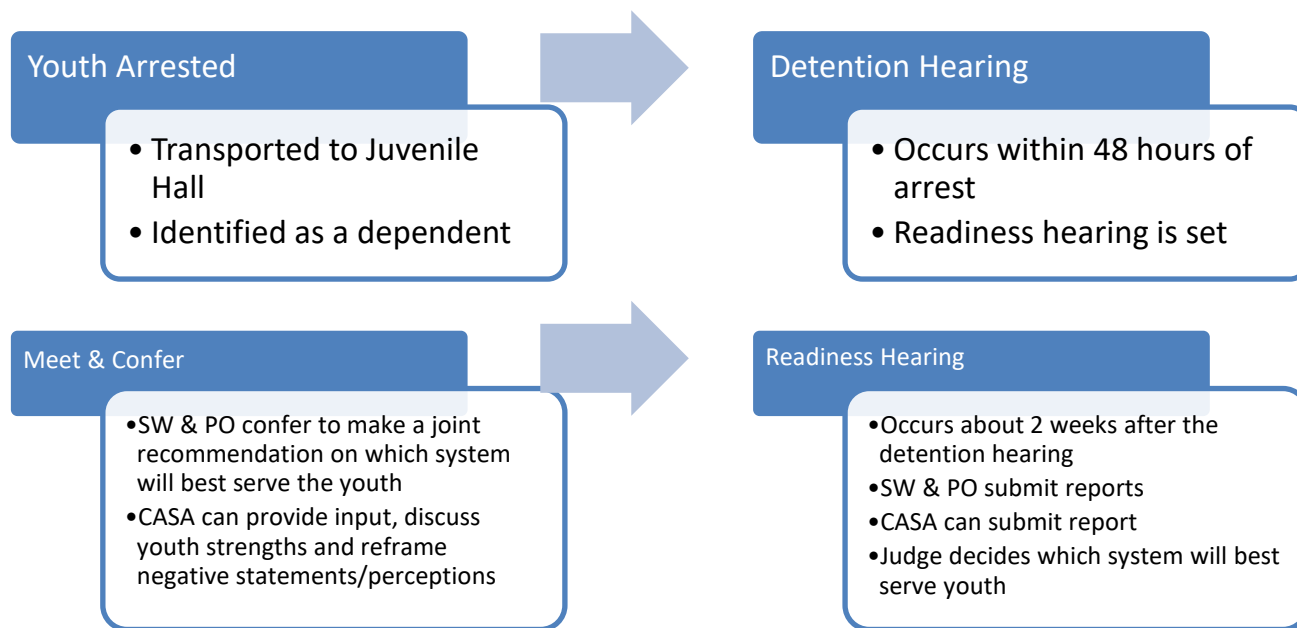
If the CASA is able to attend the Arraignment/Detention hearing, they must follow guidelines for introducing themselves as a CASA to the youth's defense attorney, see [Who is a Part of the Process?](#), *Collaborating with Defense Attorneys*.

CASA may only be present as a support during this time and will not be allowed to speak in court, until post-adjudication.

CASAs may inform the defense attorney of the youth's status in the dependency system and provide them with any relevant information.

## 241.1 MDT PROCESS


### Typical Process/Timeline in San Diego County




## MEET AND CONFER TEAM MEMBERS

The team consists of official (attendance required) members and invited (attendance not required) members. Each official and invited member plays a unique role in the team.

OFFICIAL TEAM MEMBERS Attendance required.	
Children's Social Worker (SW)	The SW is employed through Child Welfare Services (CWS) and is assigned to monitor the youth's safety, well-being, and permanency needs. They link the youth and family to services, advocate for family connections when appropriate, follow Dependency Court orders, and submit reports to the Dependency Court with details on the youth's overall well-being. At the MDT, SWs provide the team with their insight on the youth's needs. SWs also make a recommendation about who they believe will better serve the youth (probation or HHSA), given their needs.

Investigative Probation Officer	This PO is responsible for producing the 241.1 MDT report and submitting it to the court with recommendations for disposition and services. This is different from the probation officer that is formally assigned to monitor the youth's probation. If the youth is put on probation, <u>they will be assigned another probation officer.</u>
Mental Health Clinician	<p>This clinician conducts a dependency file review as well as history of mental health contacts. A summary is developed and is submitted to the 241.1 MDT team. It includes information on prior and current treatment, psychotropic medications taken, dates of service, and any other relevant information.</p> <div>  <p>The defense attorney usually does not allow clinicians to assess youth for 241.1 as there are no protections from self-incrimination during this process. If a Clinician asks to speak to the CASA, the CASA should first consult with their Advocacy Supervisor and the youth's attorney before any disclosures are made. Disclosures made must be strengths based and focused on the youth's needs.</p> </div>
Education Specialist	A specialist is contracted to evaluate the youth's school records and produce a summary and assessment of the youth's educational history and current needs. A copy of the report needs to be provided to all teams prior to the meeting.
<b>INVITED MEMBERS</b> Attendance not required.	
Dependency Attorney	This attorney may attend the meeting but they will not be allowed to remain when a decision needs to be made about a recommendation for disposition and lead agency.
Defense Attorney	This attorney may attend the meeting but they will not be allowed to remain when a decision needs to be made about a recommendation for disposition and lead agency.

CASA	<p>CASA volunteers are allowed to provide their insight, information, and be present for the first part of the meeting. The CASA is not allowed to remain when a decision needs to be made about the recommendation for disposition and lead agency. CASA advocates should always reach out to their Advocacy Supervisors for information on how to advocate for their young person.</p> <div>  <p>A Meet and Confer meeting often just occurs over the phone and is not as formal of a process as it may sound. If a CASA is not invited to a MDT they can still reach out to the SW to provide their thoughts</p> </div>
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## MEET AND CONFER TEAM RESPONSIBILITIES

The Team is responsible for:

- Preparing a joint assessment between Probation and HHSA
  - CASAs can be interviewed during the information gathering process
- Attending the Pre-Disposition Meet and Confer meeting
- Making recommendations about necessary services
- Deciding which agency will assume the “lead”
- Scheduling the post disposition meeting
- Preparing the post-disposition report



When a CASA attends these meetings, they may not comment on the petition, accuracy of the allegations made, or make any statements on behalf of the youth that indicate remorse or impairment of abilities. This can further criminalize the youth, threatening their freedom and can be particularly harmful to the youth for the defense attorney’s defense strategy.

### REVIEW OF MEET AND CONFER REPORT

When the judge reviews the recommendations largely varies on the judge’s perception of when it is appropriate to review the findings. Some judges review the Report prior to the Jurisdictional Hearing and some review it at Disposition.

- The district attorney, defense attorney, and Juvenile Justice Court are not bound by the recommendation set forth by the Meet and Confer; if they disagree, they can argue or recommend another outcome.



- In order to change the lead or placement setting, a reassessment is required.
- If a youth is going to a camp or Juvenile Hall, Probation must be the lead.

## DUAL STATUS YOUTH: PEOPLE INVOLVED


A youth that is dually involved is placed in a unique position; they are to receive services from both the dependency system and juvenile justice system. The following chart includes a list of people that are a part of the juvenile court process.


DEPENDENCY	
Social Worker (SW)	<p>Responsible for the “care, custody, and control” of a youth when HHSA is the Lead Agency. Monitors the young person’s dependency case, supports implementation, and follows up of the case plan.</p> <p>Submits reports to the judge to update them on the status of the youth’s wellbeing and their permanent plan.</p>
Dependency Attorney	<p>Represents the young person in Dependency Court but is often involved as a support or advocate while a young person goes through the juvenile justice system. The dependency attorney may sometimes work collaboratively with the defense attorney.</p>
JUVENILE JUSTICE	
Public Defender (PD)	<p>Represents the young person in Juvenile Justice Court. When defending the youth, they consider loss of liberty, lifelong criminal records, immigration applications, etc. Unlike the Dependency Attorney, PDs do not act as the Guardian ad Litem for the clients.</p>
District Attorney (DA)	<p>Represents the public and decides whether to bring charges and prosecute. District Attorneys recommend consequences to the Juvenile Justice Court.</p>
Deputy Probation Officer (DPO)	<p>Responsible for the “care, custody, and control” of a youth when Probation is the Lead Agency. Makes recommendations, and refers a youth to services.</p> <p>Supervises youth’s compliance with probation conditions.</p> <p>Submits reports to the judge to update them on the status of the youth’s wellbeing and how they are doing in terms of their probation plan.</p>
Judge	<p>Responsible for making decisions in the best interest of the youth.</p> <p>Their Juvenile Justice Court orders facilitate rehabilitation of the youth while considering the needs and safety of the public.</p>

## SHARING INFORMATION

In order to build rapport and strengthen the relationship with a young person, a CASA must always be mindful of the information that is shared, especially as it relates to their juvenile justice involvement. CASAs should also always consult with their Advocacy Supervisor when they are unsure about how to proceed.

Information provided to any reporting parties can be documented in both Dependency and Juvenile Justice Court reports and have the potential to inadvertently criminalize a young person. Nonetheless, there is information that could prove to be largely beneficial if given to certain parties. The table below outlines additional considerations and pointers related to disclosure with youth involved in the Juvenile Justice system.

RECEIVING PARTY	INFORMATION THAT CAN BE SHARED
Advocacy Supervisor/ VFC Staff	CASAs can share any and all case-related information with their Advocacy Supervisors. This includes conversations had with the youth, parties involved, and any other case related details. Sharing all information with Advocacy Supervisors is important and strengthens a CASA's ability to advocate appropriately for their youth.
Child/ Youth/ NMD	<p>You can discuss anything related to the youth's <i>dependency</i> case in an age and developmentally appropriate manner. Regarding juvenile justice matters, you can speak with the youth about requirements of their probation plan, potential barriers, connection to services, and potential placement options (speak to the PO about when it's appropriate to discuss placement options).</p> <p>IMPORTANT: CASAs must avoid discussing any past or current charges/allegations with the youth.</p>
Defense Attorney/ Dependency Attorney	<p>Any and all case-related issues. It is encouraged to run any concerns/issues by the youth's attorneys prior to sharing information with other parties, with the exception of your Advocacy Supervisor.</p> <div style="border: 2px solid #f0e68c; border-radius: 15px; padding: 10px; margin-top: 10px;">  <p>Reminder: A CASA is not entitled to information related to an ongoing criminal investigation. As such, a defense attorney may choose to not disclose information to the CASA Volunteer, and they are within their right to do so.</p> </div>

Deputy Probation Officer (DPO)	<p>In general, be discerning about what information you share with the Juvenile Justice Court/PO. Consider how the information would be used and how it may impact the young person's trajectory in the juvenile justice system.</p> <p>Always consult with your supervisor and the youth's defense attorney before disclosing information to the DPO/Juvenile Justice Court.</p> <p>Note: This also applies to the Probation Officer involved in the 241.1 process - Investigative Probation Officer</p>
District Attorney (DA)	<p>As it is the district attorney's position to prosecute the young person based on alleged charges, CASAs should not share information directly with the District Attorney or any of their staff.</p> <div style="border: 2px solid orange; border-radius: 15px; padding: 10px; margin: 10px 0;">  <p>If contacted by a district attorney for a statement, CASAs must not make any immediate disclosures and always first consult with their Advocacy Supervisor and the child's defense attorney before disclosing information that could be shared with the district attorney.</p> </div>
Social Worker (SW)	<p>Discuss any dependency-related case matters. Refrain from discussing any information related to the charges, as it may end up in a report.</p>

#### MANDATED REPORTING

CASA volunteers are mandated reporters. This means CASAs are required to report, by law, any known or suspected child neglect or maltreatment, if the youth wants to harm themselves, or expresses intent to harm others. CASA advocates should always consult with their Advocacy Supervisor prior to submitting a referral.

#### DISCLOSURES OF CRIMINAL ACTIVITY

As a rule of thumb, CASAs must not inquire or engage in conversations about a youth's previous or current criminal activity. If a youth discloses any information related to criminal activity, CASAs must consult with their Advocacy Supervisor about next steps, which may include encouraging the youth to notify their attorney or the CASA directly notifying the attorney. CASAs may also encourage the youth to share this information with their defense attorney and remind them of attorney-client privilege.

## PLACEMENT OPTIONS THROUGH PROBATION

CASAs must advocate for the safest and least restrictive setting. It is important to collaborate with your Advocacy Supervisor and the youth's defense and dependency attorneys before making recommendations to the court.

Home Supervision	<p>Home supervision, allows the youth to return home/to their placement while promising to complete their probation conditions.</p> <p>GPS (also known as ankle monitor) is available for youth that are home on probation, after the detention hearing when their case is still pending.</p>
Suitable Placement	<p>Group homes – Short term residential treatment programs (STRTP; formerly known as Level 12 and 14 group homes), not locked.</p> <p>Locked STRTPs – Locked facilities that require a Caregiver's Authorization Affidavit or Conservatorship.</p> <p>Foster Care Placements – foster homes or homes with a NREFM caregiver. If you see this language in a report, this does not necessarily mean they are a dependent in foster care.</p>
Out-of-State Placements	<p>Probation has contracts with various placements located out-of-state, mostly STRTPs.</p>
Custodial Commitments	<p>There are 2 custodial commitment programs in San Diego: Urban Camp and HOPE. Both custodial programs are housed at the Youth Transition Campus (YTC) near the Meadow Lark Courthouse. Unlike juvenile hall, youth can be committed to (aka placed at) Urban Camp and HOPE. For Urban Camp, males are committed to the program for 85, 130, or 250 days based on the seriousness of their offense and females are committed to the program for 120 days. These days count as custody days. HOPE is a longer-term, male-only custodial commitment for more serious offenders, and youth are committed to the program for a period not to exceed 480 days. Youth have access to school, therapy, and other services while committed to Urban Camp and HOPE.</p>
Juvenile Hall – East Mesa	<p>Juvenile Hall – locked facility. Youth are detained in Juvenile Hall while they await their hearings or for a suitable placement to be found. Youth have only a certain number of days they can be detained, based on disposition orders.</p>



# FOR YOUTH: QUESTIONS TO ASK YOUR DEFENSE ATTORNEY

(Borrowed and Adapted from UCLA Youth and Justice Clinic)

You and your defense attorney have attorney-client privilege. This means everything you tell your attorney will remain confidential. Try to trust your attorney and provide them with any information they need, especially as it relates to your case. This will help them fight your case. This is some information you might want to give your attorney:

- Educational history (IEP, 504 Plan, non-public school enrollment)
- Family life
- Any challenges you've experienced recently or throughout your life
- Therapy or psychiatric attention you've received
- Anywhere you receive services from (e.g., regional center)
- Any extracurricular activities you are involved in
- Your hobbies, interests, and goals
- All the great qualities that make you who you are
- Anything else you think is important or might help your case

Do not give anybody else information about your charges, not even your CASA. You can also ask to speak only when your attorney is present.

BELOW ARE A COUPLE OF QUESTIONS YOU MIGHT WANT TO ASK YOUR ATTORNEY

## AT ARREST

- What is Juvenile Justice Court?
  - *If you have a case with HHSA:* How is Juvenile Justice Court different from Dependency Court?)
- Why was I arrested?
  - What are my charges?
- What are the consequences of an arrest?
- Will an arrest show up on my record? What about as an adult?
- What can be done in Juvenile Justice Court if one of my rights in arrest are violated?
- Can I call someone I trust? Like a caregiver or a CASA?
- What am I allowed to talk about with others?
  - Can I choose to not talk to people?

## PRE-DISPOSITION

- Can I go home or back to my group home today? Can you argue for my release today?
  - Can I go home on Home Supervision?
  - If I can't go home today, can you explain why?
- What are the possible conditions for being released?
- What are the requirements of my release home while the case is pending?
- What happens if I violate the condition of release?

## PLEAS

- What is a plea?
- Will you explain what diversion (654) means and if I am eligible for it? What are the requirements that must be completed under a diversion program?
- What are the advantages and disadvantages of my options?
- Will this count as a strike? Please explain what a strike is to me.

## SEALING

- Can an arrest be sealed on my record?
- Can a juvenile conviction (via plea or adjudication) be sealed on my record?
- Is there a difference on my record if I choose to do juvenile court-based diversion?
- What is the process of sealing my record?
  - Who can my sealed record be accessed by?
- Is it possible to have the records completely destroyed? When does that happen?
  - Can my arrest or juvenile convictions be used against me as an adult if my record is ordered destroyed?
- What's a juvenile strike?

## GRIEVANCES

- If you have a grievance about an issue within the facility, tell your attorney and ask about how best to deal with the issue before reporting it to a PO
- What possible retaliation might I face?
- If you would like help with a health, education, mental health, or other issue, tell your attorney and ask what to do to make sure your needs are met.
- What can be done in Juvenile Justice Court if one of my rights in custody are violated?

## GENERAL

- How long should I expect this process to take?
- What information or records do you need to build my case?
- When can we find time for me to discuss with you any traumas or difficulties I have faced in life?
- How do I get in contact with my family or guardians?

## HALLS, CAMPS, AND COURTHOUSE LOCATIONS

### SAN DIEGO COUNTY JUVENILE HALLS

East Mesa Juvenile Detention Facility  
446 Alta Rd.  
San Diego, CA 92158  
(619)671-4400

### SAN DIEGO COUNTY CAMPS

Youth Transition Campus  
HOPE Program & Urban Camp  
2801 Meadow Lark Drive  
San Diego, CA 92123  
(858) 694-4500

### SAN DIEGO COUNTY JUVENILE COURTHOUSE

Juvenile Courthouse  
2851 Meadow Lark Drive  
San Diego, CA 92123  
(858) 634-1600