

JUVENILE PLACEMENT REFERRAL PROCESS

- AUTHORITY:** Administrative Directive
California Rules of Court, Juvenile Court Rule 5.790
- RESCINDS:** Procedure Manual Item 2-6-201, dated 08/11/2016
- FORMS:**
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| Juvenile Reassessment Chrono | Electronic Format |
| Juvenile Interim Chrono | Electronic Format |
| Placement Referral Form | Electronic Format |
| Court Disposition Sheet | (F057-4158) |
| Detention Report | Electronic Format |
| Application for Petition/Intake and Transmittal Sheet | (F057-4024) |
| Juvenile Intake Assessment | Electronic Format |
- PURPOSE:** To standardize procedures for referring and transferring cases to the Placement Unit

I. GENERAL INFORMATION

The Placement Unit has responsibility for **youths** whose custody has been vested with the Deputy Probation Officer (DPO) and require foster care. These cases will generally be in professionally run foster care programs; however, some **youths** will be placed with relatives and non-relative caretakers, and a few may also be in foster homes. Out-of-home placement is a very expensive and not always an effective treatment alternative, which should be used only when all other alternatives have been exhausted and found to be inappropriate. This Procedure Manual Item (PMI) is intended to provide guidance on how to secure a placement order.

In order for **youths** to qualify for funding; however, it is mandatory that the Department demonstrates that we have identified legitimate reasons to consider removing the **youth** from the home. In addition, we must document that we have made reasonable efforts to resolve these problems and are taking the least restrictive option available. This information must be a matter of case record. When submitting a report to the Court and placement is to be recommended, it is essential that these issues be covered in the court report. In that way, the Court can make its findings that "reasonable efforts have been made to prevent or eliminate the need for removal of the youth from the home and to make it possible for the **youth** to return home."

II. PROCEDURE

A. Criteria for Foster Care

1. Circumstances Justifying Placement:

The circumstances justifying placement should present either an immediate or long-term threat to the **youth's** welfare. The rule of thumb should be, "If this youth were not a ward of the Juvenile Court, would **their**

situation require the Department of Social Services to remove the **youth** from **their** home?"

Incorrigible behavior or gang affiliation by itself is not sufficient reason to seek out-of-home placement. The following criteria identifies those **youths** who may be in need of out-of-home placement:

- a. The **youth** has suffered, or is at substantial risk of suffering, serious physical harm inflicted non-accidentally by the parent or guardian.
- b. The **youth** has suffered, or is at substantial risk of suffering, serious physical harm or illness as a result of:
 - (1) The failure of the parent or guardian to adequately supervise, protect or provide for basic needs (adequate food, clothing, shelter or medical treatment).
 - (2) The inability of the parent or guardian to provide regular care, due to the parent's mental illness, developmental disability or substance abuse.
- c. The **youth** is suffering, or is at substantial risk of suffering, serious emotional damage (as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior toward self or others) as a result of the conduct of the parent or guardian, or who has no parent or guardian capable of providing appropriate care.
- d. The **youth** has been sexually abused, or is at substantial risk of being sexually abused, as defined in Section 11165.1 of the Penal Code (PC).
- e. The **youth's** parent or guardian has been convicted of causing the death of another child through abuse or neglect.
- f. The **youth** has been left without any provision for support:
 - (1) The parent has been incarcerated or institutionalized and cannot arrange for the care of the **youth**.
 - (2) A parent, relative or adult custodian with whom the **youth** resides is unwilling or unable to provide care.
 - (3) The whereabouts of the parent is unknown, and reasonable efforts to locate the parent have been unsuccessful.
- g. The **youth** has been subjected to an act or acts of cruelty by the parent, guardian or a member of the household; or the parent or guardian has failed to adequately protect the **youth** from an act or acts of cruelty when they knew or reasonably should have known that the **youth** was in danger.

- h. The **youth's** sibling has been abused or neglected and there is substantial risk that the **youth** will be abused or neglected.

2. Reasonable efforts to alleviate the need for foster care:

In addition to meeting the above-stated criteria for out-of-home placement, it is required that preventive services have also been tried. It must be a matter of case record that the specific problems indicating the need for out-of-home placement have been identified and appropriate measures taken to resolve those problems prior to foster care being recommended. This information must be presented to the Court, in order for it to make the findings that "reasonable efforts" have been made and have failed.

a. Options other than foster care considered and attempted:

Before foster care is used, all other resources should be exhausted except in those cases where the home presents immediate danger to the **youth's** welfare. Foster care is not appropriate simply as a consequence for incorrigible or illegal behavior or because the parents simply do not want the **youth**. The following checklist itemizes preventative services to be considered:

- (1) Probation supervision while in the home, possibly using collaborative resources.
- (2) Referral to Youthful Offender Wraparound or Social Service Wraparound O.C.**
- (3) Counseling referral.
- (4) Referral for Dual Handling Team consultation.
- (5) Placement with relatives **or non-relatives** when appropriate; refer to PMI 2-6-202.
- (6) Private psychiatric hospital.
- (7) Juvenile shelter care facility.
- (8) Commitment to a probation **facility**.

b. Casework elements which inhibit successful foster care placement.

There are certain casework elements which, when present, can compound the difficulty of placing a **youth** and should be considered before making a referral.

- (1) If a **youth** is more than 17 years old that will often leave insufficient time before his 18th birthday for participation in a foster care program.

- (2) Those **youths** with less than 60 days of custody time may very well use up that time before being placed, precluding the detention of the **youth** for placement, replacement or probation violation. WI 737 states the court shall determine whether delays in placing a **youth** are reasonable. The Court cannot consider delays reasonable if they are due to lack of reasonable efforts by the DPO, administrative processes or delays in convening meetings between agencies.
- (3) Serious delinquent behavior, especially assault or arson, will prevent many programs from considering the youth.
- (4) The **youth's** attitude toward being placed and his/her attitude toward authority and living in a relatively structured environment will affect the prospects of a program accepting him or her.
- (5) Serious emotional problems cannot be addressed by most foster care programs. Mental health professionals need to provide thorough written documentation in these types of cases.
- (6) Frequent runaway behavior presents problems in placement since foster care facilities are not secure settings.
- (7) Parents can potentially undermine a **youth's** success in placement if they are not cooperative with the placement process and do not understand they will be held accountable for a portion of the related costs.
- (8) Undocumented in placement present unique issues in the areas of funding, case planning and treatment. These cases are to be brought to the attention of the Division Director prior to considering a placement referral.

B. Referral Steps Prior to a Dispositional Report Being Ordered

1. E-mail the completed Placement Referral Form to **Prob-Placement Referral** and place original in DL file.
2. The Placement Officer of the Day will contact the referring DPO by phone to screen case for suitability.
3. If not approved, a Dispositional Report for Placement Suitability should not be recommended.
 - a. Whenever the Supervising Probation Officer (SPO) of the referring DPO disagrees with the decision, the two SPOs should try to reach an agreement.

- b. If it cannot be mutually agreed upon by the SPOs, the respective Division Directors will resolve the matter.
4. If suitable, the referring DPO may recommend a Dispositional Report for Placement Suitability.
- a. Active Cases
 - (1) In-Custody

In a Detention Calendar Memo, the DPO will notify the Court of the possible need for out-of-home placement.
 - (2) Out-of-Custody
 - (a) Evaluate the appropriateness of involving Social Services prior to initiating the request for placement. If parent or guardian is uncooperative with attempts to prevent the removal or counseling services and is refusing custody of the **youth**, submit a child abuse report to CAR. If parent or guardian has been active in the efforts to prevent the removal, referral to CAR may not be necessary.
 - (b) If the DPO wishes to initiate court action only to obtain a placement order, the action should be initiated pursuant to Section 778 WIC.
 - (c) Exhaust temporary housing options such as relatives or emergency shelters. A **youth** should appear in Court out-of-custody when appropriate. Coordinate with the youth's attorney and Court to calendar the hearing and file a 778 petition.
 - (d) Detain the **youth** in Juvenile Hall pending the Court disposition when all other options have failed.
 - (e) Follow the steps outlined above for in-custody cases.
 - b. New Cases
 - (1) In-custody and out-of-custody, indicate in the recommendation section of the juvenile intake assessment that a dispositional report for Placement Suitability be ordered.
 - (2) Out-of custody, recommend that the youth be detained at the Pretrial hearing.
5. If the Court orders a Dispositional Report for Placement Suitability (Placement Suitability Report):

- a. The assigned DPO is responsible for preparing the report on all active cases.
- b. Investigation is responsible for preparing the report in all new cases.

C. Referral Steps After a Dispositional Report Has Been Ordered

1. There are times when a DPO will uncover new information while preparing a Dispositional Report that indicates the need for out-of-home placement.
2. The Investigation DPO (new case) or assigned DPO (active case) should submit the Placement Referral Form to the Placement OD.
3. If not approved, a placement order should not be recommended. (If it cannot be mutually agreed upon by the SPOs, it should be sent to the respective Division Directors for resolution.)
4. If approved, placement may be recommended by the Investigation DPO (new cases) or assigned DPO (active cases) in the court report, using the format outlined in Manual Item 2-5-003.

D. Transfer of Cases with a New Placement Order

1. Obtain Necessary Information and Documents

The referring DPO should acquire or initiate the acquisition of the below-mentioned documents:

- a. Any psychological reports or evaluations.
- b. Copy of youth's birth certificate.
- c. Proof of legal United States residency if youth is foreign born.
- d. Court order authorizing the probation officer to sign the Medical Consent.
- e. Current school immunization record.
- f. Social Security number of parents and of the youth (if he/she has one).
- g. All information relative to any financial orders.
- h. Recent IEP on all special ed. youths.

2. Active Cases

Once the order for out-of-home placement is made, the DL file and minute order will be sent directly to the Placement Unit rather than back to the referring DPO. In anticipation of a placement order being made, the DPO

should prepare the DL file for transfer before the case goes to Court. The yellow copy of the Court Disposition Sheet (F057-4158) will be sent to the assigned field officer as notification of the placement order. The Placement Unit clerks will notify the assigned DPO of the Placement Order. The DPO will need to immediately complete a transfer chrono, update the Integrated Case Management System (ICMS), and forward it along with all other casework materials on hand, to the Placement Unit. (The Placement Unit cannot process the case until the transfer has been made in ICMS/Client Supervision.)

E. Warrant Cases with a Placement Order

1. Review criteria for foster care discussed in this manual item.
2. If the **youth** walks in on his/her warrant, the Warrant Officer shall contact the assigned Placement Officer, Placement OD, or SPO for direction.
3. At the **youth's** arraignment, the Warrant officer will recommend that placement be reaffirmed via the Warrant Arraignment Report, if the youth still meets the Placement Suitability criteria. If not, then the recommendation will be to vacate the placement order. This shall not be construed to prohibit the Warrant officer from making additional recommendations as deemed appropriate.
4. Following arraignment on the warrant, those cases which have reaffirmed placement orders will be transferred to the Placement Unit for continued supervision.

REFERENCES:

Procedures:	2-5-003	Juvenile Court Report Recommendations
	2-6-202	Out-of-Home Residence or Vacations for Juveniles
	2-6-203	Fifteen-Day Reviews Private Residential Placement
Policies:	F-1	Out-of-Home Placement/Temporary Placement of Minors
	F-2	Recommendations to the Court for Dispositions/Sentencing and Commitment for Minors

J. Burgett

APPROVED BY: