

**CWDA  
BAY AREA REGIONAL CHILDREN'S SERVICES COMMITTEE  
COMPREHENSIVE INTERCOUNTY PROTOCOL**

We the undersigned Director and Deputy Assistant Director of \_\_\_\_\_ County Welfare Department agree to abide by the provisions of the following protocol. We understand that this protocol comprises the following:

- I. ESTABLISHMENT OF RESPONSIBILITY FOR SERVICES
- II. PROVISIONS PERTAINING TO RESIDENCY AND SUBSEQUENT SERVICES
- III. PROVISIONS PERTAINING TO EMERGENCY RESPONSE REFERRALS
- IV. USE OF OTHER COUNTY LICENSED FOSTER HOMES
- V. HANDLING OF LICENSED FOSTER HOME COMPLAINT INVESTIGATIONS INVOLVING MORE THAN ONE COUNTY
- VI. INTERCOUNTY TRANSFER OF JUVENILE COURT CASES
- VII. REQUEST FOR SENSITIVE CASE ASSISTANCE
- VIII. DISASTER RESPONSE ASSISTANCE

It is anticipated that all decisions will be mutually agreeable between counties in question and that decisions will be made at the lowest administrative level possible. Disagreements in these areas should be taken up the administrative line. Resolution of differences for county responsibilities at the time of intake should be settled within 24 hours. Differences that arise outside the intake process shall be resolved as expeditiously as possible.

We agree that uniform service delivery throughout the Bay Area Region is essential for the assurance of quality Child Welfare services in each of our counties and acknowledge that abiding by this protocol is one means of achieving that end.

The underlying principle of this agreement is that participating counties will provide comparable levels of service to all children under their supervision. This protocol establishes uniformity in the roles and procedures utilized by the Bay Area Region counties when responding to Child Abuse referrals or transfer of jurisdiction from one county to another.

The counties currently included in this protocol are:

|            |               |           |             |            |
|------------|---------------|-----------|-------------|------------|
| Alameda    | Contra Costa  | Marin     | Monterey    | Napa       |
| San Benito | San Francisco | San Mateo | Santa Clara | Santa Cruz |
| Solano     | Sonoma        |           |             |            |

**I. ESTABLISHMENT OF RESPONSIBILITY FOR SERVICES**

**Our county agrees to:**

1. Establish uniformity in the role of Children's Services staff when a child from one county is at immediate risk and/or taken into custody in another county.
2. Respond to immediate risk situations for all children in the county, residents or non-residents, dependents or non-dependents.
3. If the child needs to be housed in shelter care, follow the usual admissions protocol and bill the county of residence for the cost.
4. Contact the county of residence as soon as possible, within normal working hours, to verify the residency.

**II. PROVISIONS PERTAINING TO RESIDENCY AND SUBSEQUENT SERVICES**

- A. Responsibility for service is generally based upon residency but may be influenced or guided by the "best interest of the child."
- B. Prior to the Permanency Planning Hearing, residency of a child is determined as delineated in the W&I Code 17.1 which states:

*Unless otherwise provided under the provisions of this code, to the extent not in conflict with federal law, the residence of a minor person shall be determined by the following rules:*

- (a) *The residence of the parent with whom a child maintains his or her place of abode or the residence of any individual who has been appointed legal guardian or the individual who has been given the care or custody by a court of competent jurisdiction, determines the residence of the child.*
- (b) *Wherever in this section it is provided that the residence of a child is determined by the residence of the person who has custody, "custody" means the legal right to custody of the child unless that right is held jointly by two or more persons, in which case "custody" means the physical custody of the child by one of the persons sharing the right to custody.*
- (c) *The residence of a foundling shall be deemed to be that of the county in which the child is found.*
- (d) *If the residence of the child is not determined under (a), (b), (c) or (e) hereof, the county in which the child is living shall be deemed the county of residence, if and when the child has had a physical presence in the county for one year.*

- (e) *If the child has been declared permanently free from the custody and control of his or her parents, his or her residence is the county in which the court issuing the order is situated.*

**NOTE:** A parent's temporary residence in a county for incarceration, drug treatment, residential mental health services or similar activity is not considered a change of residence for the purposes of establishing Child Welfare Services.

C. A non-dependent child whose parents cannot be located for the establishment of residency and the above does not apply will be the responsibility of the county where the child was discovered.

D. Following the Permanency Planning Hearing responsibility for service is generally maintained by the county where the hearing was held.

1. It is generally inappropriate to transfer dependency based upon the discovery that one or both parents have taken up residency in a new county unless the parent's are named in the child's current case plan for the purpose of evaluating and implementing reunification services or other parent/child services that are clearly in the child's best interests.

2. In any situation where the county of jurisdiction believes that it would be in the child's best interests to transfer jurisdiction to another county for more effective services, the two counties shall have a discussion and come to agreement prior to the sending county recommending transfer.

F. Services to Guardianship cases will be determined as follows:

The second paragraph of Welfare and Institution Code Section 366.3 (b) states:

*Notwithstanding Section 1601 of the Probate Code, the proceedings to terminate a legal guardianship that has been granted pursuant to Section 360 or 366.26 shall be held either in the juvenile court that retains jurisdiction over the guardianship as authorized by Section 366.4 or the juvenile court in the county where the guardian and child currently reside, based on the best interests of the child, unless the termination is due to the emancipation or adoption of the child.*

1. Generally, if Family Reunification Services will be provided, dependency proceedings and services will be provided by the county of residence of the family. This is the case regardless of whether the guardianship was established in Probate or Juvenile Court.

2. Proceedings to terminate or vacate legal guardianship generated by **Juvenile Court** can be provided by the county that established the guardianship or the county where the guardian resides. The decision shall be based on the best interests of the child.
3. Proceedings to terminate legal guardianship generated by **Probate Court** can be provided by the county where the guardian lives.

### **III. PROVISIONS PERTAINING TO EMERGENCY RESPONSE REFERRALS**

- A. 10 DAY REFERRAL** for Emergency Response, the responding county is generally based upon residency but may be guided or influenced by the “best interest of the child.”

**Determination of residency can include but is not limited to the following information:**

1. For non-dependent children, the parent who has been legally determined to have physical custody is the relevant parent for determination of residency and subsequent investigation. When residency is verified to be another county, the county of residence should be notified within 24 business hours of the determination.
  - a. When physical custody is shared, the investigating county is determined by which parent has primary custody (51% or more) during the work week in order to provide access to the investigating worker.
2. For non-dependent children, if residency is unknown, the county where the parent is receiving Public Assistance is presumed to be the county of jurisdiction.
3. Response to Guardianship child abuse 10 day referrals will be determined as follows:
  - a. The county where the child resides will investigate the allegations to assess safety and risk.
4. Response to Guardianship request for rescission will be determined as follows:
  - a. For Probate and Juvenile Court related guardianship, the county who generated the guardianship or the county where the guardian resides is responsible for rescission or termination of the guardianship. The best interest of the child should be taken into consideration.

- b. Supervisors and if necessary, managers should collaborate to facilitate a decision that is in the best interest of the child when more than one county is involved.

**B. IMMEDIATE REFERRAL for Emergency Response requires that the County of Location respond in order to assure safety.**

1. An initial assessment will be completed and the County of Residence will then follow up and complete the investigation.
2. Supervisors and if necessary, managers should collaborate to facilitate a decision that is in the best interest of the child.
3. If there is a disagreement, seek supervision immediately, following the chain of supervision, up to the level of Child Welfare Director, if necessary.

*For the purposes of this protocol:*

- *“County of Residence” will refer to parent’s county of residence or location of child welfare or aid case.*
- *“County of Location” refers to current physical location of child.*

**C. OPTIONS for Non Dependents taken into Protective Custody:**

1. Release the child to the responsible caregiver.
2. Transport non-dependent child to county of residence within 24 hours of the protective custody HOLD unless the county of residence is willing and/or able to provide transportation. County of residence will make provisions to receive child.
  - a. Counties can (and are encouraged to) make arrangements for a meeting place that is agreeable to both counties.
  - b. County of residence shall provide the receiving county with all available documentation supporting protective custody HOLD of the child at the time the child is transported.
3. File a petition in the juvenile court in the county in which the minor resides unless the counties involved reach mutual agreement that the best interests of the child are served by taking a different action.

*Venue for filing the petition per W& I Code Section 327: Either the juvenile court in the county in which the minor resides or in the county where the minor is found or in the county in which the acts take place or the circumstances exist which are alleged to bring such minor within the provisions of Section 300 is the proper court to commence proceedings ...*

**D. DEPENDENT CHILDREN of one county taken into custody or picked up in another county:**

1. Communicate information to the county of residence as soon as possible.
2. Dependent children, who are placed or are living out of their county or are picked up out of their county, will be held until the county of residence arranges for their transportation. This should be accomplished within 24 business hours.
3. Counties will cooperate with the facilitation of getting the child to their county of residence as quickly as possible.
4. Supervisors and if necessary, managers should collaborate to facilitate a decision that is in the best interest of the child.
5. If there has been a protective custody HOLD, provide all available documentation to the county of residence at the time the staff from the county of residence receives the child.

**IV. USE OF OTHER-COUNTY LICENSED FOSTER HOMES**

**A. GENERAL GUIDELINES**

1. Children will not be placed in foster homes licensed by a second county without the approval of the county licensing the foster home.
2. Children placed in another county's foster home will be paid for at the county rate where the child is placed and following that county's rate review process. Exception will be formally requested as per regulation and following the host county's rate review process.
3. The counties participating in this agreement will make their rate review processes available to each other and will provide names of a contact person for rate review questions.

**V. THE HANDLING OF LICENSED FOSTER HOME COMPLAINT INVESTIGATIONS INVOLVING MORE THAN ONE COUNTY**

**A. GENERAL GUIDELINES**

When one or more counties are involved in the investigation of foster home complaints, participating counties agree to the following:

1. It is the responsibility of the county that receives the complaint to inform CCL and all counties using the home that there is an investigation of abuse, neglect, or violation of licensing regulations and of any resulting holds on a foster home.
2. It is the responsibility of counties using another county's foster home to remove any dependent children if the licensing county requests removal as a result of a decision that children are at risk in the home.

## **VI. INTERCOUNTY TRANSFER OF JUVENILE COURT CASES**

### **A. GENERAL GUIDELINES**

1. The underlying principle of this agreement is that participating counties will provide comparable levels of services to all children under their supervision. This protocol establishes uniformity in the roles and procedures used by Bay Area Regional counties when transfer of jurisdiction for dependents of the juvenile court is considered.
2. Transfer from one county to another will be done in good faith and according to the guidelines of this protocol. The child's best interest will be taken into consideration prior to requesting the transfer.
3. When circumstances indicate a possible exception to the guidelines of this protocol, the sending county will contact the receiving county prior to recommending transfer.
4. Transfers must consider the effects of the transfer on both the child/ren and the parents.
5. Transfers should not be requested when the transfer will jeopardize or interrupt the services to the child or the parent.

### **B. The SENDING COUNTY agrees to:**

1. Consider the needs of the child, especially in regard to the need to maintain the stability of the child's placement and not request transfer of jurisdiction if the transfer will result in an unnecessary change of placement for the child.
2. Request transfer only when the parent/guardian's move to another county has been verified.
3. Coordinate the transfer of all sibling dependents (if possible) at the same time.

4. For dependent children not recommend transfer at the same time a change of custody order is recommended. Three months of supervision should be a minimum guideline prior to the request for transfer of jurisdiction; this does not apply to change of custody orders made at the time of the dispositional hearing.
5. Not recommend transfer of a case within 90 days of the 12-Month or 18-Month Permanency Planning Hearing prior to permanent plans being developed. A case may be transferred at the 12-Month Hearing if a minimum of 90 days remain for Family Reunification services and only if Reasonable Efforts findings have been made by the sending county's court. "Best interest" should guide any transfer in such circumstances.
6. Generally not transfer cases with overdue face-to-face contacts. If face-to-face contacts or other required contacts were not made, document all efforts made to meet requirements. Not request transfer when the sending county has authorized supplemental payment (patch) for a group home.
7. Include detailed information in the transfer out court report that outlines the history of services provided to all parties in the matter.
8. Explain to the parents verbally and in the transfer out court report that services in the receiving county will be based upon the receiving county's policies and procedures. Even if service reimbursement rates are higher in the receiving county, there will be a 60-day transition period during which services will be provided at the sending county's rate.
9. Inform service providers being paid by the sending county that the case will be transferred and explain that reimbursement policies may be different in the receiving county.
10. Include or attach the current case plan to the transfer out court report.
11. If not otherwise documented in the court report, include information regarding whether the parent has legal counsel and will need counsel appointed in the receiving county. Advise the parent that the receiving county will be responsible for informing the parent on how to obtain counsel.
12. If the case is post-permanency, ensure that the plan is reiterated in the transfer out court report, including why that plan continues to be appropriate. (See II. D. and E. above regarding transfer of jurisdiction of post-permanency cases.)



13. If necessary, work with the County Clerk's Office to ensure timely transfer out of the court case.

C. The RECEIVING COUNTY agrees to:

1. Respond to all emergencies prior to receipt of the official transfer and additionally will respond to other casework concerns prior to receipt of the official transfer documents if the sending county has provided a courtesy copy of the documents to the receiving county.
2. When requested and appropriate, work with the sending county to determine and verify residence.
3. Make the first face-to-face contact with the child within 30 days of the transfer in hearing.
4. Pay for services at the sending county's rate for 60 days from the date of the transfer in hearing in which jurisdiction is accepted. If this is not fiscally possible, the receiving county will immediately contact the service provider(s) and advise them of the need to modify rates or terminate services and will not do so prior to providing notice.

See the publication below for CWDA complete guide to inter-county transfer of Juvenile Court Cases



CWDA ICT Protocol  
Mar 2010 Cover Mem



CWDA ICT Protocol  
Mar 2010.doc

**VII. REQUEST FOR SENSITIVE CASE ASSISTANCE**

There are times related to sensitive cases where one county believes that significant issues would arise for them to be involved in an ER investigation or case management of a sensitive case. Typically, this may involve the family of child welfare staff, other professionals closely involved with child welfare or high profile members of the community.

Because each situation is unique and involves consideration of detail and impact, the Bay Area Regional counties agree that Child Welfare Directors will contact each other to request assistance rather than delegate these initial discussions to staff. Once the assistance is mutually agreed upon in principle, the CWS Directors may delegate further conversations to other managers or supervisors in their agencies.

**IX. DISASTER RESPONSE ASSISTANCE**

In the event of a disaster or emergency in any of our regional counties, we mutually agree that the county of legal jurisdiction (rather than the county of residence) will make the first effort to contact and determine the location and well-being of foster children who are placed in the county where the disaster/emergency occurred. Within 48 hours of the disaster, the county of legal jurisdiction will provide a status report to the county where the disaster occurred and will identify any children/families that may need local follow-up. The county where the disaster occurred will then, when needed, either make face-to-face contact with any foster children whose status is not known or will follow up with caregivers when information is needed about local resources (e.g., local shelter, emergency assistance, water distribution centers, etc.).

To the extent possible, the Bay Area counties also agree that we will assist each other with staff, technology or other supports needed when one of our regional counties experiencing a disaster/emergency has identified the need for such support.

**COUNTY CERTIFICATION**

All of the provisions of the above protocol have been reviewed by us and we agree to instruct the staff of our Department/Agency to abide by each of the enumerated provisions.

Signed,

\_\_\_\_\_  
Director, \_\_\_\_\_ County

\_\_\_\_\_  
Date

\_\_\_\_\_  
Deputy/Assistant Director for CWS

\_\_\_\_\_  
Date

**Regional Children's Services Home Page**

**Alameda County**

Michelle Lorne

Print Name

Asst. Agency Director

Title

Michelle Lorne

Signed

12/1/14

Date

**Contra Costa County**

SEE NEXT PAGE

Print Name

Title

Signed

Date

**Marin County**

Deborah Moss

Print Name

Child Welfare Director

Title

Deborah Moss

Signed

11/21/14

Date

**Monterey County**

Robert Taniguchi

Print Name

Deputy Director

Title

Robert Taniguchi

Signed

11/21/14

Date

**Alameda County**

Print Name \_\_\_\_\_

Title \_\_\_\_\_

Signed \_\_\_\_\_

Date \_\_\_\_\_

**Contra Costa County**

Joan Miller  
Print Name

Interim CPST Director  
Title

[Signature]  
Signed

12/1/14  
Date

**Marin County**

Deborah Moss  
Print Name

Child Welfare Director  
Title

Deborah Moss  
Signed

11/21/14  
Date

**Monterey County**

Robert Yanguichu  
Print Name

Deputy Director  
Title

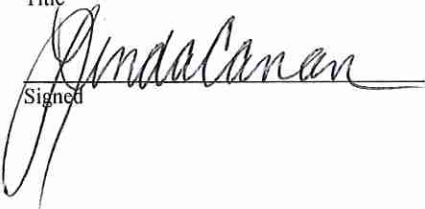
Robert Yanguichu  
Signed

11/21/14  
Date

**Napa County**

LINDA CANAN  
Print Name

DEPUTY DIRECTOR  
Title

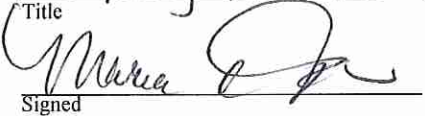
  
Signed

11/21/14  
Date

**San Benito County**

MARIA C CORONA  
Print Name

Deputy Director  
Title

  
Signed

11/21/14  
Date

**San Francisco County**

Sylvia Deporto  
Print Name

Deputy Director  
Title

  
Signed

11-21-14  
Date

**San Mateo County**

Loc H. NGUYEN  
Print Name

CFS DIRECTOR  
Title

  
Signed

11/21/2014  
Date

Santa Clara County

Lori A. Medina

Print Name

Director

Title

Lori A. Medina

Signed

12/8/14

Date

Santa Cruz County

Judy Yokel

Print Name

Division Director

Title

Judy Yokel

Signed

11/21/14

Date

Solano County

SEE NEXT PAGE

Print Name

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Title

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Date

Sonoma County

Nick Honey

Print Name

DIVISION DIRECTOR

Title

Nick Honey

11/21/14

Signed

**Santa Clara County**

Print Name

Title

Signed

Date

**Santa Cruz County**

Judy Yokel  
Print Name

Division Director  
Title

Judy Yokel  
Signed

11/21/14  
Date

**Solano County**

AARON CURTIS  
Print Name

DEPUTY DIRECTOR  
Title

Aaron Curtis  
Signed

12/10/14  
Date

**Sonoma County**

NICK HONEY  
Print Name

DIVISION DIRECTOR  
Title

Nick Honey  
Signed

11/21/14  
Date