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ORANGE COUNTY SOCIAL SERVICES AGENCY CFS OPERATIONS MANUAL

Effective Date: July 20, 1995 Revised: December 7, 2006

Revised: June 5, 2009 Revised: May 14, 2010 Revised: January 10, 2013

Dependency Intake

Purpose

To provide guidelines for conducting a Dependency Intake investigation and filing a petition when deemed appropriate.

Number: A-0502

Approved

This policy was approved by Gary Taylor, CFS Director, on January 10, 2013. Signature on file.

Most Recent Revision

The most recent revisions of the Policy and Procedure (P&P):

- Highlight the requirement that a thorough and independent assessment of each child be completed during the Dependency Intake investigation
- Provide guidelines for visitation during the Dependency Intake investigation, consistent with the best interests and well-being of the child
- Provide when an *Application for Petition (F063-28-43)* is denied, the parent/legal guardian(s) will be informed that a Detention/Initial Petition hearing will not be calendared
- Require use of a *Six-Hour Detention Letter (F063-28-48)* when a child is placed on a Hospital Hold for more than six hours and subsequently released following denial of an *Application for Petition (F063-28-43)*
- Reference use of expedited mail service to notice parties of a Detention/Initial Petition hearing, if notice cannot be provided orally
- Remove the Procedure section for filing petitions and court reports and reference CFS P&P Electronic Signing and Filing of Court Reports (B-0217)

Background

A Dependency Intake investigation is required when:

- A non-dependent child is placed into protective custody
- An *Application for Petition (F063-28-43)* is filed on behalf of a child who requires Court supervision to remain in the care of one or both parents
- There are new allegations of abuse or neglect regarding a child who currently has an open dependency case

The investigation and process for filing a petition with a court report or denying an *Application for Petition (F063-28-43)* is the same for dependent and non-dependent children. This P&P outlines the guidelines for determining whether to file:

- · An Original Petition for a non-dependent child
- A Subsequent or Supplemental Petition for a child who has already been declared a dependent child of the Juvenile Court

For further information regarding completing elements of a Dependency Intake investigation, refer to:

- CFS P&P Indian Child Welfare Act (G-0309) for reporting ICWA information to Court
- CFS P&P Incarcerated and Institutionalized Parents (G-0308) to request transportation orders

Legal Mandates

Welfare and Institutions Code (WIC) Section (§) 290.1 and California Rules of Court Rule 5.524(e) give the requirements for noticing parties of a Detention hearing or Initial Petition hearing.

Welfare and Institutions Code § 213.5 describes the protective orders that may be issued by Juvenile Court (Court) following the filing of a petition to declare a child a dependent of the Court.

Welfare and Institutions Code § 300 describes the conditions under which a child may be adjudicated a dependent of the Court and defines each count under which a petition may be filed.

Welfare and Institutions Code § 309 and California Department of Social Services (CDSS) Policies and Procedures Manual, Division 31-135 require that a Dependency Intake investigation be completed upon a child being placed into protective custody.

Welfare and Institutions Code § 309(e) provides that within 30 days of a child being placed into protective custody, an investigation be completed to identify and locate all adult relatives of the child, for notification purposes.

Welfare and Institutions Code § 313(a) provides that whenever a child is placed into protective custody, a petition be filed to declare the child a dependent of the Court, within 48 hours (excluding non-judicial days).

Welfare and Institutions Code § 313(b) provides that a written explanation be prepared/provided whenever a child who has been held in protective custody for more than six hours is subsequently released and no petition is filed.

Welfare and Institutions Code § 315 mandates that a Detention hearing be held on behalf of a child in custody who is not returned to his/her parent or legal quardian.

Welfare and Institutions Code § 319 describes information the social worker will provide at a Detention hearing and defines the conditions for Court to order a child to remain in protective custody.

Welfare and Institutions Code § 342 outlines the conditions under which a Subsequent Petition will be filed.

Welfare and Institutions Code § 349(a) details the rights of a child who is the subject of a Juvenile Court hearing to be present at the hearing.

Welfare and Institutions Code § 387 outlines the conditions under which a Supplemental Petition will be filed.

Welfare and Institutions Code § 399 details the right of a child being considered for placement in a foster home to make a brief statement to the Court about placement.

California Rules of the Court Rule 5.651 details the educational rights of a child who is the subject of a Juvenile Court hearing, and conduct of the Detention or Initial Petition hearing, as it relates to a child's education.

Definitions

For purposes of this P&P, the following apply:

Detention Hearing: Refers to the hearing conducted when a petition has been filed and one of the following conditions exist:

- Child has been placed into protective custody
- Child has been removed from the care of a parent who has Court ordered sole legal and physical custody and is placed with a previously non-custodial parent who does not have Court ordered legal or physical custody
- Child remains in the care of one custodial parent and the other custodial parent leaves the home
- Child remains in the care of one parent and the other parent's custody or existing visitation orders will be modified
- Child has been placed into protective custody and the recommendation at the Detention hearing will be to release to parent(s) under Conditional Release to Intensive Supervision Program (CRISP)

Initial Petition Hearing: Refers to the hearing conducted when a petition has been filed and one of the following applies:

- Child remains in the care of both parents
- Child remains in the care of one parent who has Court ordered sole legal and physical custody
- Child was previously left in the care of the parent(s) and the recommendation is to request that detention orders be made and/or the child be placed into protective custody at the time of the Initial Petition hearing

Exculpatory Evidence: Evidence favorable to a party in the case and relevant to the issues of the case.

POLICY

Investigation and Assessment

During the Dependency Intake investigation, the Dependency Intake SSW will conduct a thorough and independent assessment of each child. Documentation and information available will be considered to assess the validity of the allegations and the facts of the case.

- A. To ensure relevant information is obtained and considered during the Dependency Intake Investigation, best efforts will be made to conduct thorough interviews with:
 - 1. Each child in the family who is in protective custody or requires Court supervision, if not already interviewed by the Emergency Response (ER) SSW or when additional information is needed.

Example: If information obtained from a collateral contact casts doubt on evidence supporting an allegation (e.g., child's reported statements to a collateral contact are inconsistent with statements made to the ER SSW), efforts should be made to re-interview the child, when possible.

Note: Prior to re-interviewing a child, consideration should be given to minimizing the potential trauma to the child and whether a forensic interview is pending or needed. See CFS P&P Child Abuse Services Team (CAST) (A-0401).

2. The child's mother, respective alleged father(s), and/or legal guardian, to briefly review the facts of the case and to determine whether new information is available which may impact the disposition of the Dependency Intake investigation.

Note: A named father remains "alleged" until a determination is made by the Court that he is the "presumed" father. Refer to CFS P&P Parentage (G-0602) for further information.

- 3. Relevant collateral contacts, including:
 - a. Relatives, friends, or neighbors who have information relevant to the investigation, if not already interviewed by the ER SSW or when additional information is needed. This may include individuals who witnessed, or have information related to, the circumstances that resulted in the child being placed into protective custody or requiring Court supervision.
 - b. Professional collaterals (e.g., law enforcement, medical provider, mental health provider, teacher, etc.), when additional information is needed, and to determine whether new information is available which may impact the disposition of the Dependency Intake investigation.

Note: CDSS Policies and Procedures Manual, Division 31 Chapter 31-125.222 provides statutory authority to "make necessary collateral contacts with persons having knowledge of the condition of the children."

During interviews with collateral contacts, release of child abuse record information (e.g., Investigation Narratives, status of the investigation, specific allegations, etc.) is prohibited, except to parties/agencies detailed in Attachment 2—Authorized Disclosure of Child Abuse Records of CFS P&P Confidentiality—CFS Client Records (F-0105).

Interviews will address:

- · The child's physical safety and well being
- Parent/legal guardian's willingness and ability to protect
- · Circumstances that resulted in custody of the child

Information obtained from interviews will be used to assess the validity of the allegations, whether additional allegations exist, and service needs of the family.

Unsuccessful attempts to interview parties specified above will be documented in Child Welfare Services/Case Management System (CWS/CMS) and in the Detention Hearing Report (DHR) or Initial Petition Hearing Report.

- B. A child abuse report will be made as soon as possible when it is determined that the police did not assess and/or take into protective custody the sibling of a child detained by the police.
- C. Best efforts will be made to obtain, review, and consider known relevant records, including police reports and medical records.
- D. Prior child abuse reports will be reviewed and considered.
- E. Best efforts will be made to obtain, review, and consider criminal and child welfare records in California and from other states in which the family has lived.

Refer to CFS P&P CLETS (B-0116) for guidelines to request criminal history information through the California Law Enforcement Telecommunications System (CLETS).

- F. Best efforts will be made to obtain, review, and consider legal records of prior dependency proceedings regarding the child and/or sibling(s).
- G. When considering release of the child, a home assessment will be completed prior to the Detention hearing if an ER SSW has not seen the home during the course of the current child abuse investigation. Refer to CFS P&P Abuse Investigations—Practice Guidelines P&P (A-0412) for guidelines to complete a home assessment.

Exception: It might not be possible to complete a home assessment for a child whose permanent residence is in another county. The Dependency Intake SSW will complete the entire Dependency Intake investigation and consult with a Senior Social Services Supervisor (SSSS) and/or Program Manager (PM) before making the decision to deny the *Application for Petition (F063-28-43)* and allow a child to return to their county of residence without completing a home assessment.

Team Decision Making (TDM)

An Imminent Risk or Emergency Removal Team Decision Making (TDM) meeting will be scheduled, as applicable, pursuant to guidelines outlined in CFS P&P Team Decision Making (D-0308). In accordance with best practice, and if time allows, the Dependency Intake SSW will attend the TDM meeting in person or by telephone.

Following the TDM meeting, the Dependency Intake SSW will obtain and review the TDM meeting summary information. Per Orange County policy, the Dependency Intake SSW will ensure information from the TDM meeting is provided to Court for consideration at the Detention/Initial Petition hearing:

- A. If available, the TDM meeting summary information will be included in the DHR/Initial Petition Hearing Report.
- B. If the TDM meeting summary information becomes available after the DHR/Initial Petition Hearing Report is submitted to Court, the information may be provided to Court in an addendum submitted for the Detention/Initial Petition hearing.
- C. If time does not allow for submission of an addendum, the assigned Deputy County Counsel and/or Court Officer will be contacted to determine the best means of providing the TDM meeting summary information to Court.

Note: If the TDM meeting summary information is not provided to Court by the Detention/Initial Petition hearing, the information will be incorporated into the court report prepared for the Jurisdictional/Dispositional hearing.

Services

The Dependency Intake SSW will assess the family's needs and provide referrals to appropriate services as quickly as possible, regardless of the disposition of the investigation.

Preliminary Search for Absent Parents

The Search Unit may complete a preliminary search for a parent listed on the *Application for Petition (F063-28-43)*, whose whereabouts are unknown. Contact information obtained as a result of preliminary search activities will be forwarded to the Dependency Intake SSW, who will be responsible for:

- Noticing the parent of the Detention/Initial Petition hearing
- Inviting the parent to participate in the TDM meeting (if any)
- Completing a *Transportation Order Request (F063-25-460)* if the parent is incarcerated in Orange County

Visitation

In accordance with WIC § 308(a), if a child is placed into protective custody, visitation and telephone call arrangements will be made as soon as practicable. The Dependency Intake SSW will:

- Facilitate visitation established by the ER SSW
- Arrange visitation and telephone calls if not previously completed by the ER SSW, with consideration to:
 - The protection, best interest, and well-being of the child
 - Preserving primary connections
 - CFS P&P Telephone Rights (D-0411)

Note: If the child was placed on a Hospital Hold, visitation arrangements will be communicated to relevant hospital staff.

Identification of Relatives

The Dependency Intake SSW will ask the parent/legal guardian and child (in an age-appropriate manner) to identify adult relatives for relative notification purposes. Relative information (i.e., full name, relationship to child, address, and telephone number) obtained will be:

- Promptly communicated to the Diversion Unit for placement consideration
- Forwarded to the Dependency Intake Information Processing Technician (IPT) for input into the CWS/CMS Collateral Notebook (if not already entered)

Placement

If not completed during the ER investigation, the Dependency Intake SSW will ask the parent/legal guardian to identify relatives and/or Non-Relative Extended Family Members (NREFMs) of the child for placement purposes. The assigned SSW will obtain the information required to complete a placement assessment and provide this information to the Diversion Unit.

The Diversion Unit will complete Immediate Placement Assessments (IPAs) of relatives and NREFMs as quickly as possible, pursuant to CFS P&Ps Relative/NREFM Placement Assessments (K-0105) and Clearances—Relative Assessment (K-0101), when a child requires emergency placement.

Disposition of Intake Investigation

At the conclusion of the Dependency Intake investigation, a determination will be made regarding whether or not to file a petition. This determination will be made independent of the disposition made during the ER investigation. In making this determination, the Dependency Intake SSW will:

- A. Consider whether the current level of risk to the child necessitates Juvenile Court involvement.
- B. Consider new or additional information obtained during the Dependency Intake investigation which indicates that the parent/legal guardian is willing and bale to protect the child.
- C. Obtain SSSS approval before denying an Application for Petition (F063-28-43). The child's safety, protection, and physical and emotional well being must not be jeopardized by denying an Application for Petition (F063-28-43).
- D. Proceed with filing a petition and accompanying Court report (DHR or Initial Petition Hearing Report) if it is determined that doing so is the only means for ensuring the child's safety, protection, and physical and emotional well being.

When an Application for Petition is Denied

If an Application for Petition (F063-28-43) is denied, the Dependency Intake SSW will:

- A. Indicate denial by checking the "Application for Petition Denied" box on the *Application for Petition (F063-28-43)* and file the form in the Legal File.
- B. Enter a CWS/CMS contact documenting the consultation with the SSSS and/or PM that resulted in the determination to deny the *Application for Petition (F063-28-43)*. Document the following, as applicable:
 - The specific change in circumstances and the assessment of the change in circumstances which provided the basis to deny the *Application for Petition (F063-28-43)*
 - Additional information obtained during the Dependency Intake Investigation which provided the basis to deny the *Application for Petition* (F063-28-43)

Note: For parachute cases, this information will also be included in the Investigation Narrative.

- C. If the child was placed on a Hospital Hold, complete a *Supplement to the Hospital Hold (F063-25-125A)* and provide to the hospital.
- D. Promptly notify the parent/legal guardian(s) and inform that a Detention/Initial Petition hearing will not be calendared and their attendance at Court will not be necessary.
- E. Pursuant to WIC 313(b), if the child was in protective custody (or placed on a Hospital Hold) for more than six hours and subsequently released following denial of an *Application for Petition (F063-28-43)*, complete a *Six-Hour Detention Letter (F063-28-48)* within 72 hours after the child was released and:
 - File a copy in the case file
 - Forward a copy to the parent/legal guardian(s) of the child
- F. Complete a *Placement Information Change (PIC) (F063-28-301)* pursuant to CFS P&P Placement Change Notification (K-0209), if a Medi-Cal application was initiated and no further CFS involvement will be necessary.

Note: The Dependency Intake IPT may access CDS/CalWIN (Case Data System/CalWORKs Information Network) to determine if a Medi-Cal application was initiated.

- G. In accordance with established CFS guidelines, complete one of the following as applicable:
 - Close case
 - Return/re-assign case to the previously assigned SSW
 - Transfer case to Voluntary Family Services (e.g., WIC 301 Agreement to participate in voluntary family services)

Note: Ensure contacts and relevant information are documented in the case file and/or CWS/CMS, and that demographic information in CWS/CMS Client and Collateral Notebooks (e.g., addresses, telephone numbers, relationships, etc.) is up-to-date and accurate.

Determining Which Type of Petition to File

There are three types of petitions that may be filed. Determining which petition to file depends upon the circumstances of the case and whether the child is already a dependent of the Juvenile Court:

A. **Original Petition:**

An Original Petition is filed pursuant to WIC § 300 for a child who is not currently a dependent of the Orange County Juvenile Court, including those cases where:

- 1. A child has been temporarily placed into protective custody.
- 2. A child remains in the care of one or both parents but needs the protection or supervision of the Juvenile Court.

B. Subsequent Petition:

A Subsequent Petition is filed for a child who is currently a dependent of the Orange County Juvenile Court.

Pursuant to WIC § 342, a Subsequent Petition will be filed when there are **new allegations other than those under which the Original Petition was sustained**, sufficient to state that the child is a person described under WIC § 300.

A Subsequent Petition may be filed for:

- 1. A dependent child who suffers new acts of abuse or neglect while in his parent's care under Family Maintenance (FM) supervision.
- 2. A dependent child placed in out-of-home care receiving Family Reunification (FR) services, when there are allegations of abuse or neglect described in WIC § 300, subdivisions (a) through (j), which were not known when the Original Petition was sustained on the child's behalf.

Example: When there are new allegations of sexual abuse regarding a child originally declared a dependent due to acts of physical abuse.

C. Supplemental Petition:

A Supplemental Petition is filed for a child who is currently a dependent of the Orange County Juvenile Court and has to be removed from a parent's/legal guardian's physical custody when the child had previously been returned to the parent/legal guardian on a plan of FM. Pursuant to WIC 387(b), the petition must state facts sufficient to show that, "the previous disposition has not been effective in the rehabilitation or protection of the child."

Pursuant to WIC § 387, a Supplemental Petition is appropriate when removing a child due to **new allegations of abuse that are related to the allegations sustained in the Original Petition**.

Example: When a child, originally declared a dependent due to acts of physical abuse, again suffers physical abuse while in the parent's custody. The child is returned to protective custody due to the new acts of physical abuse by the parent.

Writing Petition Allegations

The following guidelines will be followed when writing allegations for Original, Subsequent, or Supplemental Petitions:

A. Petition allegations will be written as statements of fact. Allegations will detail the nature and extent of abuse or neglect, who was injured/neglected, the person inflicting harm, the specific behavior, and specific timeframes/dates of abuse or neglect (if known). The evidence supporting each allegation must be documented in the accompanying court report (DHR or Initial Petition Hearing). The petition allegation will not cite the source of information that supports the allegation, unless there is doubt as to the credibility of that source.

• Example 1:

Detention Hearing Report: "On August 1, 2006, the child's mother informed the assigned social worker that she used methamphetamines on a daily basis since she was thirteen years old. The child's mother also stated that she last used methamphetamines on July 31, 2006."

Petition Allegation: "The child's mother has used methamphetamines on a daily basis since she was thirteen years old with her most recent acknowledged use of methamphetamines occurring on July 31, 2006."

• Example 2:

Detention Hearing Report: "On August 1, 2006, the ER SSW observed the child to have three red, linear marks on his back that appeared consistent with being hit with a belt. The child disclosed that his father had struck him with the belt on multiple occasions during the previous evening. The child reported being in physical pain as a result of his father hitting him with a belt. Further, the child's brother reported that he witnessed his father using a belt to strike the child on the back."

Petition Allegation: "On or about July 31, 2006, the child's father struck the child on his back, causing the child to sustain three red, linear marks on his back and, further, causing the child pain and suffering."

- B. Petition allegations for Original and Subsequent Petitions are made under WIC §300, Subdivisions (a), through (j) and include:
 - (a) serious physical harm
 - (b) failure to protect
 - (c) serious emotional damage
 - (d) sexual abuse
 - (e) severe physical abuse (child under the age of five)
 - (f) caused another child's death through abuse/neglect
 - (g) no provision for support
 - (h) freed for adoption
 - (i) cruelty
 - (j) abuse of sibling

Allegations are listed in numerical order (e.g., a-1, a-2, a-3, etc.).

C. For Original and Subsequent Petitions, allegations made under Subdivisions (a), (c), (d), (e), (f), (g), (h), (i), and (j) will also be included as allegations under Subdivision (b).

Example:

- A-Count:
- a-1 On or about July 31, 2006, the child's father struck the child on his back, causing the child to sustain three red, linear marks on his back and, further, causing the child pain and suffering.
- B-Count:
- b-1 On or about July 31, 2006, the child's father struck the child on his back, causing the child to sustain three red, linear marks on his back and, further, causing the child to suffer undue pain and suffering.
- b-2 The child's father has caused the child severe emotional distress by repeatedly telling the child that he is "worthless and pathetic" as evidenced by the child attempting to commit suicide on August 1, 2006.
- C-Count:
- c-1 The child's father has caused the child severe emotional distress by repeatedly telling the child that he is "worthless and pathetic" as evidenced by the child attempting to commit suicide on August 1, 2006.
- D. Allegations that a parent or legal guardian "failed to protect" a child or "knew or reasonably should have known" that a child was at risk of abuse and/or neglect will not be included in the petition without a factual basis for this conclusion.
- E. Allegations on a Supplemental Petition will be written in numeric order using only s-counts (e.g., s-1, s-2, s-3, etc.).
- F. The date on which the child was first declared a dependent of the Orange County Juvenile Court and a summary of the reasons the child was first declared a dependent will be included in the first count of Supplemental and Subsequent Petitions (s-1 in a Supplemental Petition and b-1 in a Subsequent Petition).

Example:

- S-Count:
- s-1 On January 1, 2012, the child was declared a dependent of the Juvenile Court of Orange County, under section 300(a) of the Welfare and Institutions Code, due to physical abuse inflicted by the child's mother.
- G. The date on which the child was returned to the parent's care under Family Maintenance (FM) supervision and a summary of the FM case plan will be included in the second count of a Supplemental Petition (s-2 in a Supplemental Petition).

Advisement of Child's Rights at Court

The Dependency Intake SSW will attempt to inform a child (capable of understanding the concept) who is in protective custody or requires Court supervision of their right to:

- Be present and participate in any dependency hearing regarding their case
- Make a statement to the Court, including an opinion about placement (if placement decisions are being considered)

Documentation of the above advisement and statements made by the child will be documented in the DHR/Initial Petition Hearing Report.

For additional information regarding advisement and documentation of a child's rights at Court, and facilitating transportation to hearings, refer to CFS P&P Child's Rights at Court (G-0303).

Notice of Hearing

If not already completed by the Emergency Response (ER) SSW, the Dependency Intake SSW will be responsible for providing notice of a Detention/Initial Petition hearing. Refer to CFS P&P Notices of Hearing (G-0507) for information regarding parties entitled to notice of a Detention/Initial Petition hearing, method of service, and content of the notice.

Note: If oral notice cannot be provided and notice by expedited mail service is needed, complete *Detention/Initial Petition Hearing Notice (F063-25-703)* and forward to TFC Notices Inbox.

Writing the Initial Petition Hearing Report or Detention Hearing Report

Along with the petition (Original, Subsequent, or Supplemental), a court report will be submitted for the Detention or Initial Petition hearing. The DHR or Initial Petition Hearing Report will contain documentation of evidence outlining the reasons a child was placed into protective custody or requires Court supervision. The report must support the allegations as outlined in the petition.

The court report will incorporate pertinent, accurate, and objective information, including exculpatory evidence obtained over the ER and Dependency Intake investigation period. Information incorporated into the court report will be consistent with information documented in CWS/CMS contact narratives and/or the referral/case file. Objectivity and accuracy on behalf of the assigned SSW is paramount. This ensures a factual representation for Court to make a determination regarding the child's safety and need for protective custody, and lends credibility to the assigned SSW's recommendations.

The DHR or Initial Petition Hearing Report will be written in complete, concise sentences. Documentation of interviews/correspondence with collateral contacts/service providers will include:

- The date on which interview/correspondence was completed
- The method by which interview/correspondence was conducted (e.g., in person, phone, letter, etc.)
- A notation of language (other than English) or interpreter services used
- The full name, title, and agency affiliation (as applicable)
- Contact information unless there is a compelling reason to keep the information confidential

Note: Attempts to obtain required information not available for inclusion in the court report will be documented in the court report.

SSSS Responsibilities

The assigned SSSS (or designee) will:

- A. Provide case consultation and support to the Dependency Intake SSW.
- B. Prior to approval of the DHR or Initial Petition Hearing Report, review the court report for:
 - Consistency with information documented in CWS/CMS and/or the referral/case file
 - Pertinent, accurate, and objective information, including known exculpatory evidence
- C. Ensure the Dependency Intake investigation is complete and that known facts of the case support the recommendation.

Conditional Release to Intensive Supervision Program (CRISP)

When a child is placed into protective custody, the Dependency Intake SSW will assess the appropriateness of CRISP services. Prior to recommending release of the child to a parent/legal guardian under a CRISP Agreement, the Dependency Intake SSW will verify that the following has been completed:

- A. Home Assessment (including background clearances completed on all adults residing in the home).
- B. CRISP consultation (among Dependency Intake SSW, assigned SSSS, and CRISP SSSS).
- C. Completion of the following forms:
 - CRISP Release Agreement (F063-25-237) **or** CRISP Release Agreement—Substance Abuse (F063-25-237A), (as applicable)
 - Consent for Release of Information—CRISP (F063-25-255)

Refer to CFS P&P Conditional Release to Intensive Supervision Program (CRISP) (M-0103) for further guidelines and procedures regarding the assessment and release of a child to a parent under a CRISP Agreement.

Filing Petition and Accompanying Report

Pursuant to WIC Section 313(a), the petition (Original, Subsequent, or Supplemental) and appropriate Court report (DHR or Initial Petition Hearing Report) must be filed with the Court Clerk at the Orange County Juvenile Court **within 48 hours** (excluding non-judicial days) of when:

- The child was placed into protective custody
- -OR-
- It was determined that a child required protective orders to remain in the care of one or both parents

This time is documented on the *Application for Petition (F063-28-43)* under the "Temporary Custody and Notification" section.

Example: When a child is placed into protective custody on Monday at 2:00 p.m., the petition and Court report must be filed by no later than 2:00 p.m. on Wednesday.

Refer to CFS P&P Electronic Signing and Filing of Court Reports (B-0217) for further guidelines.

Availability for Court Dates

The Dependency Intake SSW will be available to respond to Court on the date of the Detention or Initial Petition hearing as follows:

- A. The Dependency Intake SSW will promptly call the courtroom in which the Detention hearing is being held upon receiving a telephone call from that courtroom.
- B. The Dependency Intake SSW will make an in-person response to Court at the time specified by the Court, when Court requests the SSW's presence. The SSW will be available to respond to Court regardless of flex day.

If the Dependency Intake SSW is unable to respond to Court either by phone or in person, the assigned SSSS, or designee, will do so in their absence.

Casework Responsibility

The Dependency Intake SSW will remain responsible for casework, case-related decisions, and court-ordered service requirements **until detention/protective orders are made or the case is transferred to Investigations**, whichever is earlier. This may include, but is not limited to, completion of the following, as applicable:

- Provision of service referrals to meet newly identified service needs of the family
- Responding to phone calls/inquiries from clients
- Addressing:
 - Visitation issues
 - Child safety issues
 - Placement needs

Case Transfer Within Three Days

If the Court orders the child to remain in protective custody or to remain with a parent/legal guardian with protective orders, the case must be transferred to the assigned Investigations SSW within **three business days** following completion of the Detention hearing.

For specific guidelines regarding transfer of a case from Dependency Intake, refer to CFS P&P Case Transfers (D-0302).

Note: Ensure contacts and relevant information are documented in the case file and/or CWS/CMS, and that demographic information in CWS/CMS Client and Collateral Notebooks (e.g., addresses, telephone numbers, relationships, etc.) is up-to-date and accurate.

Petition Dismissed

If Court dismisses the petition, the Dependency Intake SSW will arrange for release of the child as soon as possible, follow all other orders made by the Court, and either close the case or return the case to the previously assigned SSW, as applicable.

REFERENCES

Attachments and CWS/CMS Data Entry Standards

Hyperlinks are provided below to access attachments to this P&P and any CWS/CMS Data Entry Standards that are referenced.

• CWS/CMS Data Entry Standards—Creating Detention Hearing Reports and Petitions

Hyperlinks

Users accessing this document by computer may create a direct connection to the following references by clicking on them.

- CFS P&P Abuse Investigations—Practice Guidelines (A-0412)
- CFS P&P Child Abuse Services Team (CAST) (A-0401)
- CFS P&P Telephone Rights (D-0411)
- CFS P&P Indian Child Welfare Act (G-0309)
- CFS P&P Incarcerated and Institutionalized Parents (G-0308)
- CFS P&P Notices of Hearing (G-0507)
- CFS P&P Placement Change Notification (K-0209)
- CFS P&P Confidentiality—CFS Client Records (F-0105)
- CFS P&P Conditional Release to Intensive Supervision Program (CRISP) (M-0103)
- CFS P&P Child's Rights at Court (G-0303)
- CFS P&P Relative/NREFM Placement Assessments (K-0105)
- CFS P&P Clearances—Relative Assessment (K-0101)
- CFS P&P Team Decision Making (D-0308)
- CFS P&P Case Transfers (D-0302)
- CFS PDU Dispatch Court Report Recommendations—Autotext (G-0321-D)
- CFS P&P Limiting Educational Rights (I-0103)
- CFS P&P Parentage (G-0602)
- CFS P&P Out-of-Home Placement (K-0208)
- CFS P&P Electronic Signing and Filing of Court Reports (B-0217)

Other Sources

Other printed references include the following:

None.

FORMS

Online Forms

Forms listed below may be printed out and completed, or completed online, and may be accessed by clicking on the link provided.

| Form Name | Form Number |
|--|---------------|
| Six-Hour Detention Letter | F063-28-48 |
| Application for Petition | F063-28-43 |
| Team Decision Making Meeting Summary | F063-25-447 |
| Team Decision Making Meeting Summary (Spanish) | F063-25-447Sp |
| Supplement to the Hospital Hold | F063-25-125A |
| | |

Hard Copy Forms Forms that may be completed in hard copy (including multi-copy NCR forms) are listed below. For reference purposes only, links are provided to view these hard copy forms, where available.

| Form Name | Form Number |
|--|-----------------|
| CRISP Release Agreement | F063-25-237 |
| CRISP Release Agreement (Spanish) | F063-25-237Sp |
| CRISP Release Agreement/Substance Abuse | F063-25-237A |
| CRISP Release Agreement/Substance Abuse (Spanish) | F063-25-237A Sp |
| Consent for Release of Information (CRISP) | F063-25-255 |
| Consent for Release of Information (CRISP) (Spanish) | F063-25-255Sp |

CWS/CMS Forms Forms that may **only** be obtained in CWS/CMS are listed below. *For reference* purposes only, links are provided to view these CWS/CMS forms, where available.

| Form Name | Form Number |
|---|-------------|
| Placement Information Change (PIC) Notice | F063-28-301 |

Brochures

Brochures to distribute in conjunction with this procedure include:

| Brochure Name | | Brochure Number |
|----------------------|--|------------------------|
| None. | | |

PROCEDURE

| Actions for |
|------------------------|
| Completing DHRs |
| and Petitions |

The following procedure will be followed when completing each heading of the DHR or Initial Petition Hearing Report. (Refer to CWS/CMS

| and Petitions | Data Entry Standards—Creating Detention Hearing Reports and Pet CWS/CMS instructions.) | itions for |
|--------------------------|--|-------------------|
| Staff Responsible | Step Action | |
| Dependency Intake SSW | 1. Identify appropriate heading: | |

- Use "Initial Petition Hearing" if one of the following a. circumstances applies:
 - Child remains in the care of both parents. (Refer to step **6[a]** for applicable recommendation)
 - Child remains in the care of one parent who has Court ordered sole legal and physical custody. (Refer to step 6[a] for applicable recommendation)
 - Child previously left in the care of the parent(s), and the recommendation is to request that detention orders be made and/or the child be placed into protective custody at the time of the Initial Petition hearing

Note: The Initial Petition Hearing Report must address all factors that would otherwise be addressed in a DHR (e.g., Need for Continued Detention, Relative Placement Information, etc.). (Refer to step **6(b)** for applicable recommendation.)

- b. Use "Detention Hearing" if one of the following circumstances applies:
 - Child placed into protective custody. (Refer to step **6[c]** for applicable recommendation)
 - Child removed from the care of a parent who has Court ordered sole legal and physical custody and placed with a previously non-custodial parent who does not have Court ordered legal or physical custody (e.g., scenario whereby child placed with a previously absent parent). (Refer to step 6[d] for applicable recommendation)
 - Child remains in the care of one custodial parent and the other custodial parent leaves the home. (Refer to step **6[e]** for applicable recommendation)
 - Child remains in the care of one parent and the other parent's custody or existing visitation orders are modified. (Refer to step **6[e]** for applicable recommendation)
 - Child placed into protective custody and the recommendation will be to release to parent(s) under Conditional Release to Intensive Supervision Program (CRISP). (Refer to step **6[f]** for applicable recommendation)
- 2. Hearing Date: Enter date on which hearing will be held.
- **3.** Hearing Time: Enter 08:30 a.m.
- 4. Dept./Room: Enter number of courtroom in which dependency proceedings have already been held for a child who is currently a dependent or was previously a dependent of the Orange County Juvenile Court. Otherwise, leave blank.
- Hearing Type/Subtype: Enter "Detention" or "Initial Petition" for Hearing Type; Enter 300 for Original Petition, 342 for Subsequent Petition, and 387 for Supplemental Petition for Subtype.
- 6. Summary Recommendation: Select appropriate autotext Summary Recommendation. For a desk guide regarding available court report recommendations, refer to Attachment 2—Detention Hearing Recommendation Desk Guide contained in PDU Dispatch Court Report Recommendations—Autotext (G-0321-D).
 - a. Initial Petition hearing for child to remain in the care of one or both parents: "The child(ren), (Full Name), is/are to remain in the care of the (mother/father/ parents/guardian), (Full Name), under supervision of the Orange County Social Services Agency."
 - b. Initial Petition hearing when requesting the child be detained and/or placed into protective custody:

• "Detain child(ren), (Full Name), with authorized release to parent/relative/suitable adult"

-OR-

- "The child(ren), (Full Name), is/are to be detained by the Court, and placed in the care of the (mother/father/parent/guardian), (Full Name), under supervision of the Orange County Social Services Agency"
- c. DHR for child placed into protective custody: "Detain child(ren), (Full Name), with authorized release to parent/relative/suitable adult."
- d. DHR for recommended detention from one custodial parent: "Detain the child(ren), (Full Name), from the child(ren)'s (mother/father), (Full Name), with authorized release to the child(ren)'s (mother/father), (Full Name)."
- e. DHR for non-detained detention (child remains in the care of a parent with protective orders): "The child(ren), (Full Name), is/are to remain in the care of the (mother/father/guardian), (Full Name), with protective orders."

Note: Pursuant to WIC § 213.5 protective orders may include a temporary restraining order, exclusion of a person from the residence of the parent/guardian with whom the child resides, visitation orders, etc.

- f. DHR for recommended release of child to parent(s) under a CRISP Agreement: "Release child(ren), (Full Name), to (mother/father/parents/ guardian), (Full Name), under supervision of Conditional Release to Intensive Supervision Program (CRISP)."
- 7. Child(ren)'s Whereabouts: Indicate current placement (include date of placement).
 - a. If placed with a licensed/certified foster home or Emergency Shelter Home, document foster parent's first name and phone number.
 - b. If placed with a parent/legal guardian, relative or NREFM, document full name, relationship to child, address, and phone number.

Note: For confidential placements, indicate child is in a "Confidential Placement" and contact the Court Officer on the date of the Detention hearing to provide verbal notice of the child's whereabouts.

8. Insert heading entitled "Child's Attendance At Court," using autotext code **CAC**, for each child addressed in the report. Edit the populating text as to advisement of a child's right to attend the scheduled hearing.

9. Parents/Legal Guardians: Available information (name, date of birth, address, phone number, and relationship) will pre-populate regarding mother and alleged fathers. Check for accuracy and ensure "alleged/presumed" fathers are listed correctly.

For incarcerated parents, include address of correctional facility (jail/prison) and booking/California Department of Corrections (CDC) number.

Note: If Court previously ordered a parent/legal guardian's contact information "confidential" or the parent/legal guardian is requesting their address be kept confidential, do not include it in the report. Indicate the address and telephone number will be made available to the Court at the Court's request.

Interpreter: Indicate whether an interpreter is required and, if so, indicate person(s) requiring an interpreter and the language for which interpretation is needed. If no interpreter is required, this section may be deleted.

Note: Contact the Court Officer SSSS prior to date of the hearing to advise when an interpreter is required for a language other than Spanish, Vietnamese, or Korean.

- 11. Indian Child Welfare Act Status (ICWA):
 - a. Indicate whether or not ICWA applies (use autotext code ICWA1 or ICWA2, as applicable). If ICWA does or may apply, identify the person affiliated with the tribe and the name of the tribe (if known).
 - b. Document information that led to this conclusion, including statements from each person interviewed regarding ICWA pursuant to CFS P&P Indian Child Welfare Act (G-0309).
 - Detail prior Court rulings (include date) regarding ICWA for each child. Include rulings from prior dependency, if applicable.

Note: Check appropriate Court Minute Order to confirm the referenced ICWA finding.

Notices: Note recipients, method of giving notice, and date of giving notice.

Include a statement which indicates the hearing date and time each recipient was noticed of.

- **13.** Legal History:
 - a. List subdivisions of WIC § 300 that will be included in petition.

b. Document date of protective custody for each child and dates of prior court hearings for child who is already a dependent.

14. Additional Legal History:

- a. Document date on which petition will be filed.
- b. Document prior legal history for child for whom petition is being filed and any sibling who has prior dependency cases.
- c. Document date on which a dependent child was declared a dependent, subdivisions of WIC § 300 under which child was declared, all sustained counts of Original Petition, and date on which child was returned to parent on a Family Maintenance case plan.
- d. Use autotext code **ALH6** to document other Court involvement, including Family Law, Criminal, or Probate. Include the case number and specific information about the case.

15. Reason for Hearing:

- a. Provide concise summary of specific circumstances that resulted in child being placed into protective custody.
- b. Clearly indicate abuse the child suffered and/or factors that place child at imminent risk of harm.
- c. Note date on which each child for whom a petition is being filed was placed into protective custody or will remain in home of a parent with protective orders.
- d. Note full name and title of person who placed the child into protective custody (as applicable).
- Paternity/Legal Relationships: Use autotext code **DAD1** to **DAD7** (as applicable). Document factual information regarding paternity. Do not include opinions/assumptions.
 - a. Document statements made regarding paternity of each child named. Note who made statement, date on which statement was made, and what exactly was stated.
 - b. Provide a chronological summary of dates of mother's marriage(s) and divorce(s).
 - c. Detail prior Court rulings (include date) regarding paternity of each child (include alleged/presumed fathers).

Include the names of all parents of record, regardless of whether the Court has designated alleged/presumed status or the parent has ever appeared at a hearing on behalf of the child.

Prior Child Welfare History: Summarize concisely prior child abuse reports starting with most recent report in paragraph form.

Do not include Information Only (IO) reports in the summary.

18. Criminal History:

- a. Summarize criminal history regarding mother and alleged fathers.
- b. Note that there is no criminal history when there is no record
- c. Document that a record clearance is pending when it has not been received or if there is insufficient identifying information to complete a criminal background check. (Call Court with update regarding criminal record clearances on date of hearing when clearances are received after filing petition and accompanying Court report.)
- 19. Efforts to Locate Absent Parents: Document names of parent(s) whose whereabouts are unknown and any search efforts made locate the parent(s).
- The Need (if any) for Continued Detention: Select appropriate statement when creating DHR in CWS/CMS. Check for accuracy when document is created.
- Reasonable Efforts and/or Prior Intervention/Services Offered:
 Select appropriate statement when creating DHR or Initial Petition
 Hearing Report in CWS/CMS. Check for accuracy when document
 is created. Add information regarding specific services provided
 prior to child being placed into protective custody or remaining in
 home with protective orders.
- Available Services/Referral Methods Which Could Prevent the Need for Further Detention and/or Facilitate Future Return of the Child(ren) to Parents/Legal Guardians:
 - Select appropriate services when creating DHR or Initial Petition Hearing Report in CWS/CMS and add services not listed in pre-populating text.
 - b. Indicate if CRISP is appropriate. Provide explanation if not recommending CRISP.
- **23.** Relative Placement Information:

- a. List name, address, telephone number, and relationship to child of relatives/NREFMs to be assessed for placement.
- b. Document status of pending relative assessments.
- 24. Insert new heading entitled "Educational Information," using autotext code **EDU**, and edit the populating text based upon case-specific circumstances. Provide information requested to the extent that it is available.

Refer to CFS P&P Limiting Educational Rights (I-0103) for information regarding the process of temporarily limiting educational rights at the Detention or Initial Petition hearing.

- Witness Statements/Supporting Evidence: Document the following if not already included in a document which will be incorporated into the report (e.g., Investigation Narrative, summary from prior court report[s], police report[s]):
 - a. Interviews with witnesses and/or collateral parties under "Witness Statements." Note contact information.
 - b. Interviews with parents or all efforts to contact parent if unable to do so.
 - c. Interviews with child. Include statements made by the child regarding placement issues (as applicable).
 - d. Include information from police reports, ER Investigation Narrative, medical records, *Team Decision Making (TDM) Meeting Summary (F063-25-447)*, and other sources of documented information in the "Supporting Evidence" section of the DHR.
- **26.** Confidentiality of Placement: Use autotext code **CONF** to document whether the child's foster parent has waived the privilege of keeping their address confidential. Delete section if child is not in out-of-home care.
- Recommendation: Select appropriate autotext Long
 Recommendations and verify consistency with Summary
 Recommendation. Refer to Attachment 2—Detention Hearing
 Recommendation Desk Guide contained in CFS Dispatch Court
 Report Recommendations—Autotext (G-0321-D) regarding
 available court report recommendations.
 - For Group Home or Temporary Shelter Care for children under age six, select autotext regarding reason for which placement in a facility is necessary.

For further information regarding group home placement, refer to CFS P&P Out-of-Home Placement (K-0208).

Dependency Intake SSW, SSSS, and IPT

28.

Upon completion of DHR/Initial Petition Hearing Report and petition, e-file in accordance with CFS P&P Electronic Signing and Filing of Court Reports (B-0217).

