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POLICY DISTRIBUTION  

Enclosed find the following policy for distribution to all applicable staff within your organization:  

0218 Sharing and Responsibilities for Dual Custody Youth  

This policy is/was effective: 06/09/2022  
☒ This policy is new. Please review the policy in its entirety  
☐ This policy replaces the following policy(s): MTL # ______ - ______ Policy Name: ______  
☐ This policy has been revised. Please see below for the type of revision:  
☐ This is a significant policy revision. Please review this policy in its entirety.  
☐ This is a minor policy revision: (List page number & summary of change):  
☐ A policy form has been revised: (List form, page number and summary of change):  

NOTE:  
▪ Please read the policy in its entirety and note any areas that are additionally required by your agency to be in compliance with the policy enclosed.  
▪ This is an ALL STAFF MEMO and it is the responsibility of the person listed above to disseminate the policy enclosed to appropriate staff within his/her organization and to ensure compliance.  
▪ The most current version of this policy is posted on the DCFS Website at the following address: http://dcfs.nv.gov/Policies  
Please check the table of contents on this page for the link to the chapter you are interested in.  

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STATEMENT OF PURPOSE

Policy Statement and Purpose: Child Welfare Agencies have the responsibility to ensure the safety, permanency and the best interests are being met of all youth. Juvenile Justice is responsible for providing supervision and access to necessary services for youth who are on community supervision status, with the goal of reducing the probability of their continued delinquent behavior while also protecting the community. Both agencies provide the youth with the opportunity to learn the necessary skill sets to allow them to develop into productive and self-sufficient adults. Child welfare caseworkers and juvenile justice parole/probation officers are expected to obtain and be familiar with all policies and protocols regarding information sharing between the two (2) agencies.

The purpose of this policy is to ensure standard and consistent statewide supervision of youth who are in a dual custody status with both juvenile justice and child welfare. This policy will provide guidance for juvenile justice staff and child welfare staff to communicate within each agency when a youth is dually involved, and to address the responsibilities for the conditions of supervision for youth on community supervision status with a Juvenile Justice Agency. The policy will enhance the communication between the child welfare agency and the juvenile justice agency to ensure these guidelines and conditions are consistent with the relevant guidelines and legal requirements of each agency, and increase access to coordinated and integrated health, behavioral health, and education services for youth with dual status to improve outcomes and support their healthy transition into adulthood.

NOTE: The youth must be actively involved in both the child welfare system and the juvenile justice system for this policy to apply.

AUTHORITY

Federal: 45 CFR 1355.20
NRS: NRS 62B; NRS 62E; NRS 62H.025; NRS 232.357, NRS 432B.170; NRS 432B.220; NRS 432B.260; NRS 432B.290; NRS 432B.330; NRS 432B.340; NRS 432B.490

DEFINITIONS

For the purposes of this policy, the following definitions shall be used. In addition, the terms “child” and “youth” may be used interchangeably.

Agency which Provides Child Welfare Services: In a county whose population is less than 100,000, the agency is a local office of the Division of Child and Family Services; or in a county whose population is 100,000 or more, the agency of the county, which provides or arranges for necessary child welfare services. May also be referred to as “Agency” or "Child Welfare Agency".
**Agency which provides Juvenile Justice Services:** The agency which provides criminal legal services dealing with delinquent acts committed by minors, between the ages of 10 and 18. These services in Nevada are provided by both state parole and county probation departments, although, all court matters are handled at the county level.

1. The divide between probation and parole usually comes down to the severity of the delinquent act(s) committed by the youth, previous offenses, and/or youth who was previously involved with probation and programming and was unsuccessful at that level.

**Arrest:** The taking of a person into custody, in a case and in the manner authorized by law. An arrest may be made by a peace officer or by a private person (NRS 171.104).

**Community Supervision:** Youth in the juvenile justice system who are living in the community but are under the juvenile court for a delinquent offense and have a juvenile justice case manager.

**Child Welfare Caseworker:** The child welfare agency staff member assigned to the youth.

**Delinquent:** A juvenile who has been charged with, or adjudicated for, any conduct that would be criminal if committed by an adult.

**Dual Custody Youth:** Youth who are simultaneously in the custody of a child welfare agency, as well as wards of the juvenile justice system. When a court orders a commitment as a result of a delinquency adjudication, this does not affect a child welfare agency's legal rights and responsibilities to provide child welfare services to that child as required in the child welfare case. Hence, the child welfare agency is the persons responsible for the child’s welfare. Child welfare is responsible for the youth, and juvenile justice would be considered facility supervision who maintains placement services and care while in a facility.

**Foster Care:** Foster care as defined in 45 CFR 1355.20, is 24-hour substitute care for children placed away from their parents or guardians and for whom the State agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, childcare institutions, and pre-adoptive homes. A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed, and payments are made by the State or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is Federal matching of any payments that are made.

**Interstate Compact on the Placement of Children (ICPC):** The compact established a procedure for the interstate placement of children and fixes responsibility for those involved in placing the child.

**Interstate Compact on Juveniles (ICJ):** A multi-state agreement meant to provide the procedural means to regulate the movement across state lines of juveniles under community supervision. (NRS 62I)

**Independent Living (IL) Services:** Services including assessment and referral to appropriate services designed to teach basic life skills and provide opportunities to: enhance a youth’s capacity to make appropriate decisions; form meaningful connections with supportive adults; participate in religious, cultural, and developmentally appropriate activities that reflect what peers in intact families may experience; and to participate in employment and post-secondary education and training.

**Independent Living (IL) Worker:** The Child Welfare Agency caseworker or contracted Agency coordinating required case management activities for the IL Program. May provide services to the youth directly or coordinate referral with other service providers in the youth’s community.

**Joint Child and Family Team (CFT):** A team that is comprised of the youth, maternal and paternal family members, fictive kin, friends, foster parents, legal custodian, community support specialists, child’s attorney, juvenile justice and child welfare staff/contractors and other interested people identified by the family and agency who join together to empower, motivate, and strengthen a family, and collaboratively develop a plan of care and protection to achieve child safety, child permanency, and child and family well-being.
Parole/Probation Officers: The juvenile justice agency and/or parole officer assigned to the youth.

Preponderance of Evidence: The standard of proof in most civil cases in which the party bearing the burden of proof must present evidence which is more credible and convincing than that presented by the other party or which shows that the fact to be proven is more probable than not.

Person Responsible for a Child’s Welfare: Any person responsible for a child’s welfare including the child’s parent, guardian, a stepparent with whom the child lives, an adult person continually or regularly found in the same household as the child, or a person directly responsible or serving as a volunteer for or employed in a public or private home, institution or facility where the child actually resides or is receiving child care outside of the home for a portion of the day (NRS 432B.130). For the purposes of this policy this will be referred to as “caregiver.”

Reasonable Efforts: The child welfare agency must provide reasonable efforts to all identified permanency goal(s):
1. Prevent and eliminate the need to remove the child:
   a. Maintain the family unit and prevent the unnecessary removal of a child from his/her home, as long as the child’s safety is assured; and/or
2. Achieve Timely Permanency:
   b. Effect the safe reunification of the child and family (if temporary out-of-home placement is necessary to ensure the immediate safety of the child); and/or
   c. Make and finalize alternate permanency goals in a timely manner when reunification is not appropriate or possible; and/or
   d. To exercise diligence and care in arranging appropriate, accessible, and available services that are designed to improve the ability of a family to provide a safe and stable home for each child in the family; and/or
   e. Accessible and available services that are designed to improve the ability of a family to provide a safe and stable home for each child in the family.

Re-Entry Planning: Development of a plan to allow for services to be in place for the youth upon released to the community. The re-entry planning meeting must be held within thirty (30) days prior to the scheduled release date. This meeting must include the youth, the guardian, the juvenile justice case manager, appropriate facility and child welfare staff, and any treatment or service providers of the youth.

Referral:
1. Child Welfare: Information received from a reporting party alleging child abuse, neglect, and/or requesting services.
2. Juvenile Justice: A potentially delinquent youth is sent forward for legal processing and received by a juvenile or family court, or juvenile intake agency, either as a result of law enforcement action or upon a complaint by a citizen or school.

Tyler Supervision: A computerized, electronic data information system used by Divisions of Child and Family Services Juvenile Justice.

UNITY: Unified Nevada Information Technology for Youth is Nevada’s electronic Comprehensive Child Welfare Information System (CCWIS). This system is a mandatory tool for collecting data and reporting case management services provided to children and families.

INFORMATIONAL SUMMARY

Risk Factors that May Lead to Dual Involvement:
1. The factors that lead to involvement with the child welfare agency often contribute and/or coincide with those that bring youth to the attention of the juvenile justice agency. Overlapping risk factors may include:
   a. Trauma: Trauma experienced prior to and during system involvement can negatively affect development for youth involved in both the juvenile justice agency and child welfare agency.
b. Family: Compromised social and family networks can make it difficult for youth to establish prosocial coping mechanisms as they mature emotionally and cognitively. Family tensions, which may result from abuse and neglect or out-of-home placement, can make it difficult for youth to establish a support network to help them overcome personal barriers to life success.

c. Abuse and Neglect: Child abuse and neglect may increase the risk of any arrest of a juvenile.

d. Community Resources: Lack of community-based services and supports, especially in impoverished, and often minority, communities may lead to cross-system involvement.

e. Substance Abuse/Mental Health: Youth involved in both agencies may struggle with substance abuse and/or mental health issues.

f. Gang Involvement: Youth who are involved with gang activity run a higher risk of being arrested and increases the likelihood of becoming involved with the Child Welfare System.

2. Due to the various involvement in both systems, identifying this population can be difficult. Services are often siloed and inconsistent with each other, resulting in unintended consequences and re-traumatization of the youth. Youth may follow several pathways in becoming known to multiple systems of care.
   a. The family is involved with child welfare and the youth is removed, completely independent to anything that is happening with the juvenile justice case.
   b. The youth is involved in delinquent activities and is adjudicated by a county judge.

STANDARDS/PROCEDURES

1. If a youth is identified to be dual custody, ongoing communication between the two agencies will commence. All information regarding the dual custody youth should be shared between the agencies and is not considered a violation of confidentiality (NRS 432B.170).

2. Parole and probation officers must have a process, which may include a designated contact person, to determine if a youth has had past involvement or is currently in the custody of a child welfare agency. The following information shall be included in the process.
   a. Any child welfare involvement,
      i. Has the child been involved in an open investigation?
      ii. Has the child been a victim to a substantiated child abuse or neglect case?
         i. If yes, was the report substantiation for abuse, neglect, or both?
   b. Is the child currently in the custody of a child welfare agency.
      i. If yes, who is the worker?

Hearings for Dual Custody Youth:

1. If the youth is dually involved, the local agencies shall make every effort to provide services jointly. This includes scheduling joint court hearings, joint home visits and working together in the development of service plans and permanency planning. Both agencies will provide the other agency with copies of pertinent information (not limited to service plans, service agreements, court reports, court orders etc.) within five (5) days of completion of the documents.

Placement:

1. When a dual custody youth is in need of placement, the first step is to determine which agency has custodial jurisdiction of the youth. The determination will be made, on a case-by-case basis, through a staffing with between each agency’s supervisors. The agency who has custodial jurisdiction of the youth shall take the lead in determining and finding an appropriate placement for the youth, and the agency determined not to have custodial jurisdiction should provide placement recommendations, consultation, and support.
2. If the parent/legal guardian refuses to have the youth return to their home, or the youth poses a safety threat to another child in the home, upon discharge from the juvenile justice facility, or the juvenile justice parole/probation officer has determined the home is not an appropriate placement setting, the juvenile justice parole/probation officer shall make a referral to the local child welfare agency (NRS 432B.220). If possible, a referral should be made to child welfare at least 30 days prior to a youth being released from a juvenile justice facility. A child meets the statutory definition of abuse/neglect (NRS 432B.020) if:
   a. Physical or mental injury of a nonaccidental nature;
   b. Sexual abuse or sexual exploitation; or
   c. Negligent treatment or maltreatment as set forth in NRS 432B.140,
      i. A child has been subjected to harmful behavior that is terrorizing, degrading, painful or emotionally traumatic, has been abandoned, is without proper care, control, or supervision, or lacks the subsistence, education, shelter, medical care or other care necessary for the well-being of the child because of the faults or habits of the person responsible for the welfare of the child or the neglect or refusal of the person to provide them when able to do so.

3. If the child welfare agency does not already have custody of the youth, the child welfare agency must have a preponderance of evidence to support removal of the youth from the home. The child welfare agency must have:
   a. Parental consent, if applicable for voluntary cases.
   b. Reasonable cause to believe that immediate action is necessary to protect the child from injury, abuse or neglect in the time that it would take to get a warrant (exigent circumstances); or
   c. A warrant to place a child in protective custody.

4. If a referral has been made to the child welfare agency, but no action has been taken and the youth has not acquired a placement prior to the release date from a juvenile justice facility, the issue is to be brought to the juvenile justice chain of command for resolution or may be presented to the court.

Out of State Placement
1. In the event an out of state caregiver has been identified for the youth, the child welfare agency and juvenile justice agency must coordinate the ICPC/ICJ process. This is a two-fold approval process to ensure that an in-depth home study has been completed, that the caregiver has been approved for placement and that the caregiver is provided the necessary supports to help facilitate a positive outcome for the youth, while ensuring appropriate supervision.
   a. The juvenile justice agency will submit the ICJ request for youth on formal supervision.

2. The child welfare caseworker will submit the ICPC request in accordance with statewide policy 0701 Interstate Compact on the Placement of Children (ICPC).

3. Approval of the ICJ and ICPC must be approved prior to placement. If an ICJ or ICPC is approved first, the youth will be required to wait for the other’s (ICJ or ICPC) approval.

Medicaid Eligibility
1. When a youth is placed in a juvenile correctional facility, for 30 days or longer, the Title IV-E and/or Medicaid will be suspended, and the juvenile justice agency will be responsible for the incurred costs associated with medical or mental health assessments.
   a. Once the dual custody youth has been released from the juvenile facility, the child welfare agency is responsible for reinstatement of Title iv-E and/or Medicaid.
   b. When a youth is in a county detention center, the juvenile justice probation office will need to work with the child welfare caseworker to determine funding for placements, assessments, and services. The youth may be eligible for Title IV-E and/or Medicaid, or the county will need to cover the costs with another funding source.
Sharing of Information/Agency Roles:
1. If a youth is dual custody, both child welfare and juvenile justice shall share information and inform the other agency of additional assigned staff and/or participants (e.g., independent living service provider, Mental Health Counselor, child’s attorney, CASA, etc.).  (NRS 62H.025 and NRS 432B.290)

2. The child welfare agency shall notify the juvenile justice parole/probation officer and any other staff deemed appropriate within two (2) business days of all the following reportable events regarding a youth involved with both agencies:
   a. Change of address or phone number of the youth or parent/guardian;
   b. Request for court action;
   c. The outcome of any hearings;
   d. The fact that the youth has run away, or otherwise cannot be located;
   e. Violation of court conditions including failure to attend school, failure to participate in treatment services, or failure to adhere to a curfew;
   f. The date and reason for placement in residential treatment, pending discharge plans, and date of discharge; or
   g. Reassignment of child welfare caseworker or supervisor.

3. The juvenile justice agency shall notify within two (2) business days the child welfare caseworker, and independent living service provider if applicable, juvenile case information such as:
   a. The arrest date(s)
   b. The reason for arrest
   c. Detention/facilitation dates, including pending release dates
   d. All detention hearing dates (past dates, and any future scheduled dates)
   e. Reassignment of juvenile justice case manager or supervisor
   f. Violations of community supervision.

4. If there is a medical emergency, natural disaster or death pertaining to the youth or the youth’s caregiver, the responder will ensure notification occurs as is required.

5. There are circumstances when the dual role may no longer exist. This could include times when:
   a. The youth completes the juvenile justice conditions of community supervision, and their case has been closed.
   b. The youth may struggle with paying restitution, and court allows the juvenile justice case to remain open and under the jurisdiction of the court on a payment plan.
   c. Youth completed all their juvenile justice requirements but does not have a legal guardian.
   d. The child welfare has closed their case.

Note: In any of these circumstances the agency whose case is closing will notify the other agency when the youth is no longer in their care or custody within two (2) business day of case closure.

Dispute Resolution:
1. In instances when there are disagreements regarding who should take lead, or who is responsible for specific tasks, the issue is to be brought to the chain of command for resolution and may need to involve the agency attorney.

Child Contact:
1. Child Welfare and Juvenile Justice will follow their own internal process for visitation schedules for the youth. The child welfare worker will need to contact the facility to schedule all visits with the youth and may contact the juvenile justice case manager for assistance in scheduling visits as necessary. Visitation information and documentation should be shared across agencies. For additional information reference statewide policies 205 Caseworker Contact with children, Parents, and Caregivers, 201 Intra-State Courtesy Supervision, and DCFS/JJS 600.1 Supervision.
Juvenile Justice Assessments:
1. The child welfare caseworker will work in collaboration with the juvenile justice parole/probation officer to identify appropriate case history which may be useful for case planning. Since child welfare has custody of the youth, they will be responsible for identifying information such as:
   a. Case history information
   b. Medical information
   c. Contact information, including case worker and supervisor information.

CFT Information:
1. While both the child welfare agency and the juvenile justice agency are responsible for different outcomes for the youth, it is in the best interest of the child for a joint Child and Family Team meetings to include staff from both agencies. The child welfare caseworker, or assigned independent living specialist (IL) is responsible to ensure the Child and Family Team Meeting(s) occurs quarterly to discuss the youth’s dual role which should include but is not limited to:
   a. Discuss/share the permanency placement options for the youth (permanency plan change, placement change/disruption, or transition)
   b. Case staffing and updates from the juvenile justice parole/probation officer including arrests or other incidents.
   c. Case staffing and updates from the Child Welfare worker, including child monthly contact.
   d. Discuss any medical/medication and any updates from medication management meetings.
      i. Person Legally Responsible (PLR) signs for approval of all psychotropic medication.
      The juvenile justice agency will defer to the PLR, identified by the child welfare agency, for signing and authorization of psychotropic medication whenever possible.
   e. To assess the youth’s progress toward permanency, safety, and well-being, independent living, eliminating duplicated goals, and satisfaction of the youth’s delinquency requirements including while the youth is in detention, or the juvenile facility.
   f. All upcoming hearings and the reason for the hearing should be discussed at the joint CFT meetings. The child welfare worker, or supervisor must attend the child welfare and juvenile justice hearings. If it is determined the juvenile justice parole/probation officer does not need to attend or cannot attend an update will be provided to the joint CFT as appropriate.
   g. A joint discussion needs to occur prior to any placement hearing to determine the placement needs of the youth.
   h. Notification of any significant changes in circumstances should be made within two (2) business days and may require an additional CFT, for example, the youth was arrested or had a mental health crisis.

Case Planning:
1. Juvenile justice and child welfare should work on their individual case plans and re-entry plans simultaneously and share relevant documents to update each plan accordingly (NRS 62H.025 and NRS 432B.290). For case planning guidance refer to statewide policy 0206 Permanency and Case Planning or DCFS/JJS 500.20 Case Plan. The youth will benefit from case plan goals and services developed collaboratively with the child, child welfare case manager, IL case manager, and juvenile justice case manager.

2. While the youth is in dual custody the following still applies for all foster care cases:
   a. Foster care and permanency review dates may not reset when a youth transitions from one custodial track to another.
   b. The child welfare agency is still responsible for making reasonable efforts for juvenile justice youth.
   c. Agencies will work in partnership to streamline goals and actions to ensure the youth is working towards the same goals on case plans. Additional goals may be added as deemed appropriate.
   d. Family visitation guidelines are still applicable per statewide policy 0213 Visitation. All court order visitation should be included in the case plan.

3. The child welfare case plan must include but is not limited to:
a. The child welfare caseworker must continue to be actively case planning and locating a placement option for the youth’s re-entry into the community and update the permanency goal upon discharge.
b. If the youth is in a state facility update the well-being section of the case plan to reflect the any services received during the youth’s stay.
c. Child contacts should comply with each agency’s internal procedure.
d. Obtain all relevant information from the youth’s juvenile justice parole/probation officer to assist with case planning and determining what services a youth and family may need.
e. Should make regular contact with the juvenile justice parole/probation officer to get status updates frequently enough to allow for adequate case planning.
f. The child welfare worker begins identifying a placement for the youth upon notification of the intent to release the youth from a juvenile justice facility and/or RTC.
   I. If there is a problem securing a placement prior to the release date, the issue is to be pushed up the chain of command for resolution.

4. The Juvenile Justice case plan must include but is not limited to:
   a. Evaluation and assessment of the risk and needs for reoffending for each youth.
   b. Create a case plan within thirty (30) days of admission to a facility or placement on community supervision which will utilize a child and family team approach to include child and family team meetings.
   c. Create objectives and activities to address criminogenic needs.
   d. Define the level of community supervision (very high, high, moderate, or low) and complete contact frequency. The risk level will dictate how frequent the youth check ins and/or home visits are required.
   e. Include referral(s) for services to address criminogenic needs, ensure continuity of services, and address any personal barriers for the youth.
   f. Update the case plan every six (6) months, or if case circumstances change.
   g. Estimated release date from juvenile justice facility or RTC.
   h. Maintain sufficient contact with the child welfare worker to allow for status updates frequently enough to allow for adequate case planning as the case dictates.
   i. Address the top two (2) or three (3) risk and needs services areas identified in the Youth Level of Services/Case Management Inventory 2.0 (YLS/CMI 2.0) risk and needs assessment.

Dual facilitation of re-entry planning:
1. The re-entry planning is the responsibility of the child welfare worker in collaboration with the juvenile justice case worker, and the CFT when applicable, and should consider the youth’s best interests. NRS 62E.507 requires a reentry planning meeting must be held within thirty (30) days prior to release of the youth and should include but are not limited to:
   a. Possible release date;
   b. Possible community placement;
   c. Emergency Contact Plan
   d. Possible community restrictions;
   e. Services that directly relate to delinquency, permanency, and/or independent skills (i.e., therapy, life skills, permanent connections);
   f. Services identified by the youth;
   g. School enrollment;
   h. Employment; and
   i. Medicaid enrollment/re-enrollment
   j. All funding streams should be exhausted prior to using general funding to pay for identified services.
      i. If there are any restitution or other orders that must be observed, they should be incorporated in case plan goals.

2. Juvenile justice parole/probation officer and child welfare caseworkers should present as a united front to the judge concerning the case plan, placement, and services for the youth.
Independent Living (IL) Services:

1. Eligible foster youth, ages fourteen (14) through seventeen (17), are entitled to IL services, review the statewide 801 Independent Living Policy for further guidance. This program should not be interrupted for youth who are dual custody youth. The IL worker is not always the same as the child welfare worker. The IL worker should be included in the case planning process, assessments/goals changes, court hearing outcomes, and the identification of services. The IL worker is instrumental in ensuring that the youth will receive services and provide foster youth the opportunity to learn the necessary skill sets to allow them to develop into productive and self-sufficient adults.

2. If a Dual Custody youth attains the age of eighteen (18) years or greater AND ages out of care, they are eligible for continued services. This could include court jurisdiction, and/or access to FAFFY funding and services.

Documentation: At this time the child welfare and Juvenile Justice documentation systems platforms (e.g., UNITY, Tyler Supervision) do not communicate information with each other. Each agency representative will be responsible for following their own internal agency documentation procedures.

JURISDICTIONAL ACTION

Development of Internal Policies: Agencies which provide child welfare services shall develop internal policies and procedures as necessary to implement the provisions of Federal and State law and this policy.

Supervisory Responsibility: Provide guidance to caseworker during times of concern or uncertainty in regard to this policy.

STATE RESPONSIBILITIES

The State will provide technical assistance regarding program development and implementation to the child welfare agencies.

POLICY CROSS REFERENCE

Policies: 201 Intra-State Courtesy Supervision
205 Caseworker Contact with children, Parents, and Caregivers
0206 Permanency and Case Planning
0213 Visitation
0701 Interstate Compact on the Placement of Children (ICPC)
0801 Independent Living Policy
DCFS/JJS 500.20 Case Plan
DCFS/JJS 600.1 Supervision.

History and Updates: This is a new policy.

ATTACHMENTS

N/A