

Dual Custody Youth (Roles and Responsibilities)

Division of Child and Family Services (DCFS)
Juvenile Justice Services (JJS)
Statewide Policy

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APPROVED BY:	Dr. Domonique Rice, Deputy Administrator – DCFS
SUPERSEDES:	New Policy
APPROVED BY:	Dr. Cindy Pitlock, Administrator – DCFS 
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REFERENCES:	45 CFR 1355.20; NRS 62E; NRS 62B; NRS 232.357, 432B.170; 432B.290; 62H.025; NRS 432B.220; NRS 432B.260; NRS 432B.330; NRS 432B.340; NRS 432B.490; Statewide Policies: 0701 Interstate Compact on the Placement of Children; 205 Caseworker Contact with Children, Parents, and Caregivers; 201 Intrastate supervision, 0206 Permanency and Case Planning, 0213 Visitation; Case Plan (DCFS/JJS 500.20); Supervision (DCFS/JJS 600.01)
ATTACHMENTS:	None

I. SUMMARY

Child Welfare Agencies have the responsibility to ensure the safety, permanency and the best interest of all foster youth are being met and provide foster youth the opportunity to learn the necessary skill sets to allow them to develop into productive and self-sufficient adults. Additionally, 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. 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 agencies.

Informational Summary:

1. Risk factors which may lead to dual involvement: The factors which lead to involvement with the child welfare agency often contribute and/or coincide with those which 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.

Dual Custody Youth (Roles and Responsibilities)

- 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.

II. PURPOSE

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 shall 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 shall 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 shall be actively involved in both the child welfare system and the juvenile justice system for this policy to apply. This policy does not address eligibility requirements for programs or services.

III. DEFINITIONS

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

Dual Custody Youth (Roles and Responsibilities)

- A. 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”.
- B. 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 handles 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 was previously involved with probation and programming was unsuccessful at that level.
- C. 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).
- D. 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.
- E. Child and Family Team (CFT): A family-driven, youth-centered, collaborative service team, focused on the strengths and needs of the youth and family. The team consists of the youth (as appropriate), parents/guardian, service professionals, facility staff, including the assigned facility Case Manager, youth’s assigned Youth Parole Counselor, and child welfare caseworker. The team may also consist of other family members, care providers, or individuals identified as being integral to the youth’s environment.
- F. Child Welfare Caseworker: The child welfare agency staff member assigned to the youth.
- G. Delinquent: A juvenile who has been charged with, or adjudicated for, any conduct which would be criminal if committed by an adult.
- H. 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 the 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.
- I. 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 made.

Dual Custody Youth (Roles and Responsibilities)

- J. Interstate Compact on the Placement of Children (ICPC): A program administered by each state, the District of Columbia, and the U.S. Virgin Islands in which each entity works with one another when placing children across state lines in placements, including residential treatment facilities and institutions.
- K. 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)
- L. 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 which reflect what peers in intact families may experience; and to participate in employment and post-secondary education and training.
- M. 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.
- N. Joint Child and Family Team (CFT): A team 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.
- O. Parole/Probation Officers: The juvenile justice agency and/or parole officer assigned to a youth.
- P. Preponderance of Evidence: The standard of proof in most civil cases in which the party bearing the burden of proof shall present evidence which is more credible and convincing than that presented by the other party, or which shows the fact to be proven is more probable than not.
- Q. 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 shall be referred to as "caregiver."
- R. Reasonable Efforts: The agency shall 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 their home, as long as the child's safety is assured; and/or
 - 2. Achieve Timely Permanency:
 - a. 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

Dual Custody Youth (Roles and Responsibilities)

- b. Make and finalize alternate permanency goals in a timely manner when reunification is not appropriate or possible; and/or
 - c. To exercise diligence and care in arranging appropriate, accessible, and available services designed to improve the ability of a family to provide a safe and stable home for each child in the family; and/or
 - d. Accessible and available services designed to improve the ability of a family to provide a safe and stable home for each child in the family.
- S. 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 shall be held within thirty days prior to the scheduled release date. This meeting shall 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.
- T. 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.
- U. Unified Nevada Information Technology for Youth (UNITY): 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.

IV. GENERAL REQUIREMENTS

- A. If a youth is identified to be dual custody, ongoing communication between the two agencies shall 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).
- B. Parole and probation officers shall 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:
- 1. Any child welfare involvement
 - a. Has the child been involved in an open investigation?
 - b. 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?
 - 2. Is the child currently in the custody of a child welfare agency.
 - a. If yes, who is the worker?

NOTE: The Youth Parole Bureau and the Juvenile Justice Programs Office have a process in place to determine this:

Dual Custody Youth (Roles and Responsibilities)

The Youth Parole Bureau's Program Specialist II sends the names of all new commitments to the Juvenile Justice Programs Office Administrative Assistant to look verify if the youth is dual custody, has a prior history, or no involvement.

C. Hearings for Dual Custody Youth

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

D. Placement

1. When a dual custody youth is in need of placement, the custodial agency (child welfare) shall take the lead in determining and finding an appropriate placement for the youth, and the secondary agency should provide placement recommendations, consultation, and support.

E. 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 shall coordinate the ICPC/ICJ process.
 - a. This is a two-fold approval process to ensure an in-depth home study has been completed, the caregiver has been approved for placement, and the caregiver is provided the necessary supports to help facilitate a positive outcome for the youth, while ensuring appropriate supervision.
2. The juvenile justice agency shall submit the ICJ request for youth on formal supervision.
3. The child welfare caseworker shall submit the ICPC request in accordance with statewide policy 0701 Interstate Compact on the Placement of Children (ICPC).
4. Approval of the ICJ and ICPC shall be approved prior to placement. If an ICJ is approved first, the youth shall be required to wait for the ICPC approval.

F. Medicaid Eligibility

1. When a youth is placed in a juvenile correctional facility (30 days or longer) Title IV-E and/or Medicaid shall be suspended, and the juvenile justice agency shall 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.

Dual Custody Youth (Roles and Responsibilities)

- b. When a youth is in a county detention center, the juvenile justice probation office shall 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 shall need to cover the costs with another funding source.

G. Dispute Resolution

1. In instances when there are disagreements 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.

H. Child Contact:

1. Child Welfare and Juvenile Justice shall follow their own internal processes for visitation schedules for the youth.
 - a. The child welfare worker shall 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.
 - b. Visitation information and documentation should be shared across agencies.
 - c. For additional information reference statewide policies 205 Caseworker Contact with children, Parents, and Caregivers, 201 Intrastate supervision, and DCFS/JJS Supervision (600.01).

I. Juvenile Justice Assessments

1. The child welfare caseworker shall work in collaboration with the juvenile justice parole/probation officer to identify appropriate case history which may be useful for case planning.
2. Since child welfare has custody of the youth, they shall be responsible for identifying information such as:
 - a. Case history information
 - b. Medical information
 - c. Contact information, including case worker and supervisor information

J. 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 meetings occurs quarterly to discuss the youth's dual role which should include but is not limited to:
 - a. Discuss the permanency placement options for the youth (permanency plan change, placement change/disruption, or transition).

Dual Custody Youth (Roles and Responsibilities)

- b. Staff case and provide updates from the juvenile justice parole/probation officer including arrests or other incident.
- c. Staff case and provide updates from the Child Welfare worker, including child monthly contact.
- d. Discuss any medical/medication information and any updates from medication management meetings.
 - i. Person Legally Responsible (PLR) signs for approval of all psychotropic medication. The juvenile justice agency shall defer to the PLR, identified by the child welfare agency, for signing and authorization of psychotropic medication whenever possible.
- e. 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. Discuss all upcoming hearings and the reason for the hearings. The child welfare worker shall attend the child welfare and juvenile justice hearings.
- a. If it is determined the juvenile justice parole/probation officer does not need to attend or cannot attend an update shall be provided to the joint CFT as appropriate.
 - i. Discuss needs to occur prior to any placement hearing to determine the placement needs of the youth.
2. Notification of any significant changes in circumstances should be made within two business days and may require an additional CFT, for example, the youth was arrested or had a mental health crisis.

V. AGENCY ROLES/INFORMATION SHARING

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

Dual Custody Youth (Roles and Responsibilities)

- C. The juvenile justice agency shall notify within two business days the child welfare caseworker, and independent living service provider if applicable, juvenile case information such as:
 - 1. The arrest date(s)
 - 2. The reason for arrest
 - 3. Detention/facilitation dates, including pending release dates
 - 4. All detention hearing dates (past dates, and any future scheduled dates)
 - 5. Reassignment of juvenile justice case manager or supervisor
 - 6. Violations of community supervision.
- D. If there is a medical emergency, natural disaster or death pertaining to the youth or the youth's caregiver, the responder shall ensure notification occurs as is required.
- E. There are circumstances when the dual role may no longer exist. This could include times when:
 - 1. The youth completes the juvenile justice conditions of community supervision, and their case has been closed.
 - 2. 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.
 - 3. Youth completed all their juvenile justice requirements but does not have a legal guardian.
 - 4. In these circumstances the juvenile justice agency shall notify the child welfare agency when the youth is no longer in juvenile justice care or custody within two business day of case closure.
 - 5. The child welfare has closed their case.

VI. CASE PLANNING

- A. 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).
 - 1. For case planning guidance refer to statewide policy 0206 Permanency and Case Planning or DCFS/JJS 500.20 Case Plan. The youth shall benefit from case plan goals and services developed collaboratively with the child, child welfare case manager, IL case manager, and juvenile justice case manager.
- B. While the youth is in dual custody, the following still apply for all foster care cases:
 - 1. Foster care and permanency review dates may not reset when a youth transitions from one custodial track to another.
 - 2. The child welfare agency is still responsible for making reasonable efforts for juvenile justice youth.
 - 3. Agencies shall 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.

Dual Custody Youth (Roles and Responsibilities)

4. Family visitation guidelines are still applicable per statewide policy 0213 Visitation. All court order visitation should be included in the case plan.
- C. Child Welfare Case Planning
1. The child welfare caseworker shall 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.
 2. If the youth is in a state facility, child welfare caseworker shall update the well-being section of the case plan to reflect any services received during the youth's stay.
 3. Child contacts should comply with each agency's internal procedure.
 4. 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.
 5. Should make regular contact with the juvenile justice parole/probation officer to get status updates frequently enough to allow for adequate case planning.
 6. 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 residential treatment center (RTC).
 - a. 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.
- D. Juvenile Justice Case Planning
1. Evaluation and assessment of the risk and needs for reoffending for each youth.
 2. Create a case plan within thirty days of admission to a facility or placement on community supervision which shall utilize a child and family team approach to include child and family team meetings.
 3. Create objectives and activities to address criminogenic needs.
 4. Define the level of community supervision (very high, high, moderate, or low) and complete contact frequency. The risk level shall dictate how frequent the youth check ins and/or home visits are required.
 5. Include referral(s) for services to address criminogenic needs, ensure continuity of services, and address any personal barriers for the youth.
 6. Update the case plan every three months, or sooner when case circumstances change.
 7. Estimated release date from juvenile justice facility or RTC.
 8. 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.
 - a. Address the top two or three 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.
- E. 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

Dual Custody Youth (Roles and Responsibilities)

best interests. NRS 62E.507 requires a re-entry planning meeting be held within 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 which 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
 - i. Medicaid enrollment/re-enrollment
2. All funding streams should be exhausted prior to using general funding to pay for identified services.
 3. If there are any restitution or other orders that shall be observed, they should be incorporated in case plan goals.
- F. 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.

VII. 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 shall be responsible for following their own internal agency documentation procedures.

VIII. STANDARD OPERATING PROCEDURES

- a. The Youth Parole Bureau shall establish MOUs, as necessary, with the three regional child welfare agencies to include data sharing and information sharing.
- b. The Youth Parole Bureau shall establish a process for joint hearings for dual eligible/custody youth as necessary.
- c. This policy shall be reviewed annually.