

Part 7

A LEGAL MAP OF COMMUNITY & FAMILY- BASED SUPPORTS FOR YOUTH IN CALIFORNIA

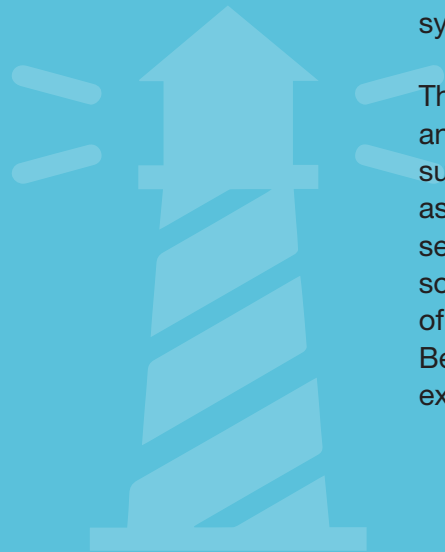
This tool is part of a series designed to map key legal requirements at various stages in California’s juvenile delinquency system. The purpose of these maps is to enable community members and system stakeholders to navigate the legal landscape of juvenile justice and move towards system transformation. For other maps in this series, please visit the Youth Law Center’s website, yhc.org/navigate-juvenile-justice-law.

This map provides an overview of California law regarding community and family-based supports for youth impacted by the juvenile delinquency system. Many youth involved in the delinquency system may have a constellation of unmet health care, developmental, educational, and familial needs that predate their first contact with the system. Research shows that community-based interventions that address those needs—and that will continue to do so long after youth exit the juvenile delinquency system—are more effective than the traditional delinquency interventions of detention, supervision, surveillance, and sanctions.¹ To the greatest extent possible, the delinquency system should avoid disrupting family and community-based connections and allow youth to engage with positive supports while remaining in their home communities. When treatment and

¹ The Annie E. Casey Foundation (2018), “Transforming Juvenile Probation: A Vision for Getting It Right,” 13, Baltimore, Maryland, available at: <https://www.aecf.org/m/resourcedoc/aecf-transformingjuvenileprobation-2018.pdf>.

services are provided and overseen by organizations and systems other than the delinquency system, Probation is able to disengage at the earliest possible time while also allowing youth to stay connected to critical services after juvenile delinquency system intervention ends.

To ensure that youth are able to make lasting connections to critical services, even when Probation is involved in their provision, services should not be provided through Probation alone. Nor should any youth be removed from home or remain in detention, in placement, or on probation due to a perceived lack of services. When young people have been denied critical services or entitlements, courts can hold agencies and providers accountable for restoring those services promptly, and Probation can connect youth and families to civil legal advocacy to assist with barriers to accessing services. In addition, jurisdictions can reinvest funds previously used for detention toward youth and family services that are not tied to any law enforcement entity or delinquency system involvement.




This tool provides a map of the legal requirements for connecting youth and their families with different types of community and family-based supports, both as alternatives to detention and court involvement and as supportive resources for youth on probation. This tool also details several types of community-based services, models, and funding sources that jurisdictions can leverage to address the underlying needs of young people at risk of juvenile delinquency system involvement. Below is a summary of the key legal guideposts, followed by a detailed explanation of each point of law.²

COMMUNITY & FAMILY-BASED SUPPORTS

KEY GUIDEPOSTS FOR REFORM:

- ✦ This legal map focuses largely on the public agencies that are legally responsible for administering a community's health, mental health, educational, family support, and safety net programs. In addition to these government systems, every jurisdiction also has a rich and unique collective of private and nonprofit community-based organizations with specialized expertise in service delivery and community development. The legal duties described in this tool would be impossible for public agencies to execute without meaningful partnership with and financial investment in these community organizations.
- ✦ Law enforcement, Probation, and District Attorney offices have broad authority to divert young people and their families to community-based services in lieu of referring youth to Probation or filing a petition in juvenile court. Through their own authority, counties can implement procedures and establish programs for youth at risk of juvenile delinquency system involvement in ways that encourage non-delinquency, community-based alternatives to detention and probation.
- ✦ Family and community supports can and should be provided without delinquency system involvement whenever possible. The guideposts below detail the responsibility of delinquency system actors to secure community-based supports for youth and their families once a petition has been filed in juvenile court, but this focus is not intended to diminish the fact that these services can and should be provided entirely outside of the juvenile delinquency system. Counties have ample authority to ensure the availability of these services in the community.
- ✦ The juvenile court has broad responsibility and authority to secure community-based entitlements and supports for youth within its jurisdiction. The court may make certain orders as soon as a petition is filed in juvenile court and may make other orders after it adjudges a youth a ward of the court. Court orders may include orders for health and mental health assessment, joinder of agencies with legal obligations to assess or serve youth, appointment of a court-appointed special advocate, and reviews of Probation's case plans and transition plans to ensure that youth can safely return home as quickly as possible.






✦ To ensure that youth and families receive appropriate and timely services in the community, law enforcement, Probation, courts, and counties can implement policies to:

- Develop screening tools to determine whether a youth is currently eligible for and connected to community-based services;
- Ensure timely development and implementation of case plans, reasonable efforts to prevent a youth's removal from their home, and thoughtful consultation with their Child and Family Team (CFT);
- Convene existing service providers in their region and develop referral protocols and communication channels to quickly divert youth toward community-based supports and away from juvenile court involvement, using the Integrated Core Practice Model as a guide to advocate for appropriate services in non-probation systems;
- Train probation officers to advocate for youth to access necessary services, including services through the local Regional Center, the school district, the child welfare system, and the county public health and mental health agencies, and to make legal referrals when youth are denied services; and
- Develop and implement case plans and transition plans that allow youth and families to continue services without Probation's facilitation.

✦ Family homelessness or family conflict should not, on their own, be the basis for Probation and juvenile court intervention. There are many services and resources outside of the juvenile court system for families in crisis.

- Families experiencing homelessness can access CalWORKs homeless assistance or emergency housing through their local Continuum of Care.
- Families experiencing interpersonal conflict can receive counseling services and other intensive home-based supports, such as Wraparound, through their county health care agency.
- Probation must utilize these resources when making the legally required case plans and "reasonable efforts" to prevent removal of a youth who is at risk of foster care placement or when providing reunification services for the family when the youth is in foster care placement.

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- ✦ Probation departments can draw upon public funds to provide or contract for mental health programming for youth and families who need it. Continuity of mental health services is critical, and mental health services should not be conditioned on continued juvenile court involvement. Instead, Probation should follow the Integrated Core Practice Model and coordinate with the county mental health agency to assess youth needs and develop comprehensive service plans through the Child and Family Team (CFT) that ensure services will extend beyond the time a youth is on probation, or that can be provided in lieu of probation supervision.
 - ✦ Because many youth who come into contact with law enforcement have also been victims of serious and violent crimes, Probation and the courts should be familiar with state and local victims services programs. In most jurisdictions, there are specialized protocols and resources for victims of the commercial sexual exploitation of children (CSEC), and Probation is required to provide input, track data, and participate in their county's CSEC programming, while complying with legal mandates to divert victims of exploitation from the juvenile delinquency system entirely.
 - ✦ Providing linkages to school-based resources may resolve the need for juvenile court involvement, especially for youth who are eligible for specialized entitlements and supports due to homelessness, disability, or prior child welfare or probation involvement.
 - Most youth who interact with the juvenile delinquency system—that is, youth who have been subject to a juvenile court petition—qualify as “foster youth” under California law and have protections related to school stability, enrollment, transfer of records and credits, and postsecondary attainment.
 - Probation and the juvenile court must evaluate the youth's educational stability and goals at each court hearing and utilize the resources of their school districts and county offices of education as needed.
 - Probation, District Attorney offices, and the juvenile court should consider the impact of detention on educational stability and continuity of resources, including resources related to financial aid and postsecondary study.

✦ A youth with a qualifying developmental disability may be eligible for Regional Center services.

- For youth who are already Regional Center consumers, the Regional Center is a mandatory member of their Child and Family Team.
- For youth who are not yet connected to the Regional Center but may have a developmental disability, Probation and the courts can advocate for the youth to be assessed and, if eligible, receive individualized services.

✦ Probation is required to ensure that Independent Living Program core services are available to every youth who has spent any time in foster care placement after age 16, regardless of where they reside or whether they have emancipated from foster care.

✦ Counties must work proactively at the agency level to establish coordination and move supportive youth services out of agency silos so that families can access them directly.

- By leveraging services and supports outside of the juvenile delinquency system, counties can redirect funding away from detention facilities and into its network of community-based organizations.
- Counties must develop a coordinated strategy to reinvest the cost savings from reducing youth detention into organizations that provide services outside of any law enforcement system.



COMMUNITY & FAMILY-BASED SUPPORTS FOR YOUTH



Law enforcement, Probation Departments, and counties have broad authority to connect youth with community-based services rather than arresting or referring youth to the juvenile delinquency system.

California law is consistent with the growing body of evidence showing that young people benefit from strong family and community services and that certain community-based interventions are significantly more effective than juvenile probation and other law enforcement-driven interventions.³ In practice, this means that state law gives law enforcement the discretion to make referrals to a community-based organization for shelter care, counseling, or diversion services instead of referring the youth to the Probation Department.⁴ Law enforcement interventions should “preserve and strengthen the minor’s family ties whenever possible.”⁵

When law enforcement elects to refer a youth to the Probation Department, Probation can use community-based services, programs of supervision, or “informal probation” as time-limited opportunities to connect or reconnect youth and their families with services without prolonged system involvement, or with no system involvement at all. These services include substance abuse treatment, parenting classes, counseling, mental health and behavioral health treatment, respite care, and educational and vocational training.⁶ Generally, Probation can settle a case at intake, meaning that it would not refer the case to the District Attorney’s office, when the case is suitable for referral to a non-judicial agency or program in the community.⁷ The limited exceptions to this general principle, which mostly involve serious felony cases, are set out in the Youth Law Center’s publication, *Juvenile Justice Transformation: Navigating the Legal Landscape, Part 1: A Legal Map of Youth Diversion in California*.⁸

California law also gives counties the authority to implement procedures and develop programs that encourage non-delinquency, community-based alternatives to detention and probation. Counties can establish delinquency prevention commissions and create delinquency prevention agencies, which can provide “direct and indirect services” to the local community.⁹ To meet the needs of young people with developmental disabilities and mental health conditions requiring specialized supports, counties can set up multidisciplinary assessment teams to develop an individualized treatment plan and ensure

3 See, e.g., The Annie E. Casey Foundation (2018). “Transforming Juvenile Probation: A Vision for Getting It Right.” Baltimore, Maryland, available at: <https://www.aecf.org/m/resourcedoc/aecf-transformingjuvenileprobation-2018.pdf>; Lipsey et al, Improving the Effectiveness of Juvenile Justice Programs: A New Perspective on Evidence-Based Practice (December 2010), available at: <https://cjjr.georgetown.edu/wp-content/uploads/2015/03/ImprovingEffectiveness-December2010.pdf>.

4 Welf. & Inst. Code § 626(b). For a longer discussion of diversion options available to law enforcement, see the Youth Law Center’s publication *Juvenile Justice Transformation: Navigating the Legal Landscape, Part 1: A Legal Map of Youth Diversion in California*, March 2020, available at: www.ylc.org/navigate-juvenile-justice-law.

5 See Welf. & Inst. Code § 202(a).

6 Welf. & Inst. Code § 654. Note that substance abuse treatment is required for youth alleged to have possessed, used, sold, or furnished controlled substances. WIC 654.4. For a longer discussion of diversion options available to Probation, see the Youth Law Center’s publication, *Juvenile Justice Transformation: Navigating the Legal Landscape, Part 1: A Legal Map of Youth Diversion in California*, March 2020, available at: www.ylc.org/navigate-juvenile-justice-law.

7 Cal. Rules of Court, rule 5.514(b)(1).

8 Youth Law Center, *Juvenile Justice Transformation: Navigating the Legal Landscape, Part 1: A Legal Map of Youth Diversion in California*, available at: [ylc.org/navigate-juvenile-justice-law](http://www.ylc.org/navigate-juvenile-justice-law).

9 Welf. & Inst. Code §§ 233-234.

that the youth’s juvenile delinquency court disposition is the least restrictive possible.¹⁰ Additionally, counties can contract with community-based organizations to provide any of the services described above.¹¹ Using this authority, and the cost savings from reducing arrests and detentions, counties can reinvest in evidence-based community interventions and institute policies and practices that divert youth toward these interventions without juvenile delinquency system involvement at all. Research shows that this type of county-level reinvestment strategy, with meaningful interagency collaboration and strong oversight, improves outcomes at no additional cost.¹²



Juvenile court judges have unique administrative responsibilities that include leading efforts to identify and coordinate services that support youth and families at risk of juvenile delinquency system involvement.

Juvenile court judges have a unique role in juvenile court administration and are encouraged to undertake certain community-based activities to support “at-risk” children and families. These activities include:

- ✦ Providing “active leadership” within the community in determining the needs of, and obtaining and developing resources and services for, at-risk children and families;
- ✦ Investigating and determining the availability of specific prevention, intervention, and treatment services in the community for at-risk children and their families;
- ✦ Exercising a “leadership role” in creating and preserving programs that allow agencies to cooperate and coordinate with one another;
- ✦ Working closely with school systems to coordinate policies and programs; and
- ✦ Encouraging the development of community services and resources to assist youth experiencing homelessness, disconnection from school, and behavioral issues.¹³

These guidelines contemplate that juvenile court judges will develop the knowledge and capacity to identify community-based options for youth at risk of delinquency court involvement and will take a leadership role in ensuring that youth and family needs can be met in the community. Juvenile court judges are in a unique position to convene representatives from multiple systems to identify and work toward shared goals, such as strengthening interagency protocols for youth at risk of detention or removal from home, with the goal of reducing the number of youth in detention facilities.

10 Welf. & Inst. Code §§ 710-713.

11 See Welf. & Inst. Code §§ 233, 654(a)-(c).

12 Center on Juvenile and Criminal Justice, An Opportunity for Reinvestment: California State Juvenile Justice Funding in Five Bay Area Counties (May 2018), available at: http://www.cjci.org/uploads/cjci/documents/california_state_juvenile_justice_funding_in_five_bay_area_counties.pdf.

13 Cal. Standards of Judicial Administration, rule 5.40(e).



If a youth becomes involved in the juvenile delinquency system, the juvenile court is responsible for ensuring that the youth receives coordinated services from Probation, from other public agencies, and from community-based organizations.

The purpose of the juvenile court is to provide for “the protection and safety of the public and each minor” under its jurisdiction, preserving family ties whenever possible and removing the youth from their home only when necessary.¹⁴ Juvenile court judges are responsible for exercising “their authority by statute or rule to review, order, and enforce the delivery of specific services and treatment for at risk children and their families.”¹⁵

Juvenile court duties to prevent removal from home

For youth who have been detained and youth who are at risk of foster care placement, the court must ensure that Probation has made reasonable efforts to prevent removal and completes a case plan that thoroughly documents the youth’s individual, family, and community needs. At the detention hearing, the court must determine whether continuance in the home is “contrary to the minor’s welfare” and whether there are “available services that will prevent the need for further detention.”¹⁶ If the court identifies services that will prevent the need for removal, the court must release the youth to their parent or guardian and order that those services be provided.¹⁷ If the court determines that the youth cannot return home, then it must assess whether Probation has made reasonable efforts to prevent or eliminate the need for removal and order Probation to provide services “as soon as possible” to help the youth’s parent or guardian care for the youth at home.¹⁸ The court’s detention order triggers its duty to oversee Probation’s obligations to develop a case plan and to make reasonable efforts to return the youth home by the dispositional hearing.¹⁹

Juvenile court duties to join agencies and facilitate service coordination

Any time after Probation or the District Attorney files a petition in the juvenile court, the juvenile court has authority to “join” into the juvenile court proceeding any agency, including the agencies described throughout this tool, that has failed to meet its legal obligation(s) to a young person who is the subject of a juvenile delinquency court petition or to a youth participating in extended foster care.²⁰ By joining the agency, the court can facilitate the coordination of legally-mandated services, including determinations of eligibility for specialized services.

The court’s joinder authority starts when a juvenile delinquency court petition has been filed.²¹ At this early stage, Probation should request joinder whenever the youth’s case plan requires it and whenever Probation cannot fulfill its duty to make reasonable efforts to prevent removal without the compliance of another agency.

14 Welf. & Inst. Code § 202(a).

15 Cal. Standards of Judicial Administration, rule 5.40(e)(3).

16 Welf. & Inst. Code § 636(d).

17 Welf. & Inst. Code § 636(d)(1).

18 Welf. & Inst. Code § 636(d)(2)-(3).

19 Welf. & Inst. Code §§ 636.1(c), 706.5(a), 706.6. The Youth Law Center’s publication, *Juvenile Justice Transformation: Navigating the Legal Landscape, Part 6: A Legal Map of Non-Custodial Residential Options in California*, June 2020, available at: www.ylc.org/navigate-juvenile-justice-law, contains a detailed discussion of Probation’s case planning obligations.

20 Welf. & Inst. Code § 727(b)(1).

21 Cal. Rules of Court, rule 5.575(a).

Juvenile court duties related to youth who are wards of the court

If the juvenile court adjudges a youth a ward of the court, the court has authority to make “any reasonable orders for the care, supervision, custody, conduct, maintenance, and support” of the youth.²² The court also can appoint a court-appointed special advocate (CASA) to “any juvenile court ward” to assess youth and family needs and to ensure implementation of any orders to connect the family with supports and services.²³

If the juvenile court orders a youth to a foster care placement, then it must ensure that Probation continues to fulfill its case planning duties, including maintaining a summary of the youth’s health, mental health, and education records (sometimes known as a “health and education passport”), ensuring the provision of services to facilitate the safe return home (sometimes called “reunification services”), and connecting eligible youth to Independent Living Program services.²⁴ The court must conduct regular status review hearings to assess whether the youth’s placement is necessary and appropriate, the extent of Probation’s compliance with the youth’s case plan and progress in making reasonable efforts to facilitate a safe return home, and the extent of the family’s progress toward ensuring a safe return home.²⁵ The decision to order the youth’s return to their parent or guardian must be based on these court findings and the safety of the youth, rather than on Probation’s inability to identify an appropriate placement or as punishment when a placement is unable to meet the youth’s needs.²⁶

For “nonminor dependents”—youth who are subject to the court’s foster care placement orders when they turn 18 years old—Probation and the court must ensure the provision of community-based supports, including housing, health insurance, and independent living programs.²⁷ Although it is common in some counties to provide these supports after probation supervision ends and the juvenile court modifies its delinquency jurisdiction to transition jurisdiction, California law actually states that all youth who turn 18 in foster care are entitled to these transitional supports.²⁸ The court

22 Welf. & Inst. Code § 727(a)(1).

23 Welf. & Inst. Code § 102.

24 Welf. & Inst. Code §§ 706.6, 727.2, 10609.3, 16010(a)(1).

25 Welf. & Inst. Code § 727.2(e)-(g).

26 See Welf. & Inst. Code § 727.2(e)-(g).

27 Welf. & Inst. Code § 391(h); Cal. Rules of Court, rule 5.903(e). This is the full list of required transitional services:

- (1) Assistance in accessing the Independent Living Aftercare Program in the nonminor’s county of residence, and, upon the nonminor’s request, assistance in completing a voluntary reentry agreement for care and placement pursuant to subdivision (z) of Section 11400 and in filing a petition pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction.
- (2) Written information concerning the nonminor’s dependency case, including, but not limited to, all of the following:
 - (A) Any known information regarding the nonminor’s Indian heritage or tribal connections.
 - (B) The nonminor’s family history and placement history.
 - (C) Any photographs of the nonminor or the family of the nonminor in the possession of the county welfare department, other than forensic photographs.
 - (D) Directions on how to access the documents the nonminor is entitled to inspect under Section 827.
 - (E) The written 90-day transition plan prepared pursuant to Section 16501.1.
 - (F) The date on which the jurisdiction of the juvenile court would be terminated.
- (3) The health and education summary described in subdivision (a) of Section 16010.
- (4) The Judicial Council form that the nonminor would use to file a petition pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction.
- (5) Written verification that the eligible nonminor is enrolled in Medi-Cal and the nonminor’s Medi-Cal Benefits Identification Card.
- (6) Continued and uninterrupted enrollment in Medi-Cal for eligible nonminors pursuant to Section 14005.28 or 14005.285.
- (7) Assistance with the following:
 - (A) Referrals to transitional housing, if available, or assistance in securing other housing.
 - (B) Obtaining employment or other financial support, if applicable.

28 Welf. & Inst. Code §§ 607.2(b)(4) & 727.2(j); All-County Letter 11-85, p. 6, available at: <https://www.cdss.ca.gov/lettersnotices/entres/getinfo/acl/2011/11-85.pdf>.

must explicitly find that Probation has fulfilled these requirements before terminating delinquency or transition jurisdiction.²⁹ If jurisdiction over a nonminor dependent is terminated by the court, the youth can choose to petition to reenter foster care under the court’s transition jurisdiction at any time prior to their 21st birthday.³⁰ The youth’s reentry into foster care reinstates Probation’s obligation to connect the youth with transitional services and the court’s duty to oversee Probation’s efforts.³¹

Juvenile court duties related to health and mental health care

The juvenile court may order Probation to obtain the services of various medical care providers, including psychiatrists, psychologists, physicians, surgeons, dentists, optometrists, audiologists, “or other clinical experts as may be required to assist in determining the appropriate treatment of the minor.”³² When a youth who is a ward of the court may need specialty mental health services outside of their home, the court is required to notify the county mental health director, which in turn triggers an obligation for the county mental health director to coordinate evaluation and services.³³

Pursuant to the authority and duties described above, the juvenile court is an important actor in ensuring that delinquency-involved youth receive the services and supports to which they are entitled under the law.



Public agencies must carry out their legal obligations to youth and families in partnership with community-based organizations.

The sections that follow describe the community-based services that are designed to meet the many and varying needs of young people and their families. This legal map focuses primarily on the public agencies that are responsible for administering community-based services, in part because California law directly speaks to the legal obligations that these agencies have to youth and families. Every jurisdiction has a rich and unique collective of private and nonprofit community-based organizations that have specialized expertise in service delivery and community development. The legal duties described in this tool would be impossible to execute without meaningful partnership with these community partners.

29 Cal. Rules of Court, rule 5.555(d)(1)(J).

30 Welf. & Inst. Code §§ 303(b), 388(e), 452(b), 607.3(a).

31 Cal. Rules of Court, rule 5.906(h)-(i).

32 Welf. & Inst. Code § 741. Services are at the county’s expense.

33 Welf. & Inst. Code § 635.1.



Family crisis alone is not a basis for juvenile delinquency system involvement. Probation can refer families to non-system, community-based services and resources available to support families in crisis, including during periods of homelessness and conflict.

Law enforcement, Probation, and the courts may often encounter young people and families who are unable to access the necessary resources and supports to meet their basic needs. Families may be experiencing homelessness, income loss, illness, or some other crisis that requires additional support for the young person to feel stable and supported at home. Other times, the family's needs are relational, and they need support to preserve, heal, and grow after a family conflict.

The purpose of the juvenile court and its agents is to “preserve and strengthen” family connections “whenever possible,” removing the youth from their home only when necessary for the youth’s welfare or public safety.³⁴ Probation has an obligation to first assess if system intervention can be avoided, or at least minimized.³⁵ At the moment that Probation has reason to believe that the minor is at risk of entering foster care, Probation must make reasonable efforts to prevent or eliminate the need for removal of the minor from his or her home.³⁶ When Probation recommends detention, it must demonstrate to the court that it has met its obligation to determine whether returning home is contrary to the youth’s welfare and whether reasonable efforts can prevent or alleviate the need for removal.³⁷ Reasonable efforts may include connecting families to counseling services, linking parents with housing and other basic needs supports, making referrals or connections to mental health or behavioral health treatment, arranging for substance abuse services, or providing any other available support that meets the goal of a safe return home. If the youth is removed from the home, reasonable efforts to reunify the youth and family would also include facilitating regular contact between youth and their parents. Determining which services will best support families is done through the case planning process, which should be meaningfully undertaken whenever detention or removal is considered, so that Probation can implement reasonable efforts immediately and prevent removal in the first place.³⁸ The Youth Law Center’s publication, *Juvenile Justice Transformation: Navigating the Legal Landscape, Part 6: A Legal Map of Non-Custodial Residential Options in California*, discusses this process in more detail.

Families experiencing homelessness may be eligible for some form of housing assistance depending on their jurisdiction. For families that are eligible for CalWORKs (the state cash aid program for low-income families), a parent or relative may apply for Homeless Assistance (HA).³⁹ HA pays for emergency shelter (i.e., hotel accommodations) for up to 16 consecutive days.⁴⁰ If the family finds permanent housing after the 16-day period, they may be eligible for permanent HA to assist with the costs of the new permanent housing

34 Welf. & Inst. Code § 202(a).

35 See Welf. & Inst. Code § 628(a).

36 Welf. & Inst. Code § 628(b).

37 Welf. & Inst. Code § 636(c).

38 See All-County Letter 14-36, available at: <https://www.cpoc.org/title-iv-e>.

39 Welf. & Inst. Code § 11450(f)(2)(A)(i).

40 All-County Letter 16-98, pp. 1-2, available at: <https://www.cdss.ca.gov/lettersnotices/EntRes/getinfo/acl/2016/16-98.pdf>.

(e.g., security deposits).⁴¹ Families can request HA once every 12 months, with some exceptions.⁴² The family does not have to be currently receiving CalWORKs at the time that they request assistance, but they must show that they would be eligible for it.⁴³ For purposes of HA, a family is considered homeless if “the family lacks a fixed and regular nighttime residence,” if the family is staying in a shelter, if the family is staying in a place “not designed for, or ordinarily used as, a regular sleeping accommodation for human beings,” or if the family has received a notice to pay rent that could lead to eviction.⁴⁴ Families can apply for Homeless Assistance through their county social services agency. Probation Departments and county social services agencies can identify liaisons within their departments to process CalWORKs and HA referrals quickly. CalWORKs and HA are one type of basic needs intervention that Probation can use to address the root causes of a youth’s juvenile delinquency system involvement and prevent the need for removal.

Similarly, law enforcement and Probation can develop procedures for referring youth and families to local shelter and housing resources, in partnership with local homeless assistance agencies, also known as “continuums of care” or “CoCs.” CoCs often have an updated list of available shelter or housing resources and can assist families in applying for housing and other basic needs programs.⁴⁵

For families facing emotional or interpersonal crises, there are evidence-based programs available through Medi-Cal, California’s Medicaid program providing health insurance to individuals who are low-income. Importantly, beginning in Jan. 2020, California began making all youth under age 26 eligible for Medi-Cal, regardless of immigration status, as long as they meet income eligibility requirements.⁴⁶ Youth whose households qualify as low-income or who receive aid through other public programs such as CalWORKs, SSI, AFDC-FC, Kin-GAP, and AAP, are eligible for Medi-Cal.⁴⁷ Families receiving Medi-Cal may be eligible for such Medi-Cal programs as Functional Family Therapy (FFT) and Positive Parenting Program (Triple P).⁴⁸ Guided by the California Integrated Core Practice Model (ICPM), Probation should implement interagency referral processes so that families do not have to go through Probation to access mental health and family counseling programs, and can instead access these programs as long as necessary through the county mental health care agency and community-based organizations.⁴⁹

Similarly, Probation can refer youth who are at risk of out-of-home care to Wraparound services, a strength-based and individualized process of supporting youth and families.

41 All-County Letter 16-98, p. 2.

42 All-County Letter 16-98, p. 1.

43 Welf. & Inst. Code § 11450(f)(2)(A)(ii).

44 Welf. & Inst. Code § 11450(f)(2)(B). For families facing a possible eviction, they must show that the eviction “is the result of a verified financial hardship as a result of extraordinary circumstances beyond their control, and not other lease or rental violations, and that the family is experiencing a financial crisis that could result in homelessness if preventative assistance is not provided.”

45 Contact information for each of California’s CoCs is available at <https://www.hud.gov/states/california/homeless/continuumcare>.

46 See Department of Health Care Services, Young Adult Expansion, <https://www.dhcs.ca.gov/services/medi-cal/eligibility/Pages/YoungAdultExp.aspx>.

47 Western Center on Law & Poverty, *Getting and Keeping Health Coverage for Low-Income Californians: A Guide for Advocates* (Mar. 2016), at pp. 3.65-3.66 & 3.98-3.100, available at: https://wclp.org/wp-content/uploads/2019/07/Western_Center_2016_Health_Care_Eligibility_Guide_Full_rev.1.pdf California Work Opportunity and Responsibility to Kids (CalWORKs), also known as cash aid or TANF and administered through county social services agencies, is a financial assistance program for low-income families and individuals who are pregnant. Supplemental Security Income (SSI) is a monthly financial assistance program, administered through the Social Security Administration, for children and adults with disabilities. Aid to Families with Dependent Children-Foster Care (AFDC-FC), also known as foster care, is monthly financial assistance for foster care youth placed in out-of-home care, including in the home of an approved relative, and for youth in court-ordered guardianships with non-relatives. Kinship Guardianship Assistance Payment (Kin-GAP) and Adoption Assistance Program (AAP) are financial assistance programs for former foster youth for whom the juvenile court has ordered legal guardianship with a relative or adoption, respectively.

48 See Haggerty, McGlynn-Wright & Klima, *Promising Parenting Programs for Reducing Adolescent Problem Behaviors*, J. Child Serv 8:4 (2013), available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3885357/>. See also Section #6 of this tool, which discusses evidence-based mental health programs.

49 California Department of Social Services, The Integrated Core Practice Model, <https://www.cdss.ca.gov/inforesources/the-integrated-core-practice-model>.

Some Probation Departments customarily use Wraparound as an intervention for youth at risk of entering foster care placement or for youth in a family-based foster care placement.⁵⁰ But, the Wraparound program model is also available through Medi-Cal's Early Periodic Screening, Diagnosis and Treatment (EPSDT) entitlement, which is available to all Medi-Cal youth for whom it is medically necessary, not only youth with system involvement.⁵¹ Youth who can be diverted from the juvenile court system may be more appropriately referred to Wraparound services, as well as other home-based mental health services, through their health care provider or county mental health agency.

Lastly, jurisdictions can take advantage of new prevention services resources available through the federal Family First Prevention Services Act (FFPSA). California will begin implementing the FFPSA in October 2021. After that date, jurisdictions can use federal funds to provide certain evidence-based prevention services to families when a young person is determined to be at imminent risk of foster care placement without the support of prevention services.⁵² Prevention services may focus on parenting skills, mental health, or substance abuse. Because some FFPSA prevention services, such as Functional Family Therapy and Multisystemic Therapy, can also be paid through Medi-Cal, it is important for all jurisdictions to coordinate closely with their local healthcare agencies in advance of FFPSA's implementation to ensure timely and coordinated delivery of prevention services, regardless of funding stream.



Coordination among public agencies is critical for youth and families to receive comprehensive mental health services. Probation Departments can coordinate with county mental health departments to develop referral processes that are not tied to ongoing juvenile delinquency system involvement, or that can be provided as an alternative to system involvement.

According to the California Children's Trust, the prevalence of California adolescents self-reporting mental health needs increased by 61% from 2005 to 2018.⁵³ Despite this increase, fewer than 7% of teenagers who are eligible for specialty mental health services through public insurance receive even one specialty mental health service visit.⁵⁴ This rate dips to around 4% for eligible young adults ages 18 to 20.⁵⁵ It is imperative for county Probation Departments to identify when a young person needs mental health assessment and treatment and connect the youth with the appropriate systems, as described below. Moreover, it is important for counties to create systems that allow youth and families to access mental health services without being connected to law enforcement or juvenile probation.

50 Cal. Welf. & Inst. Code § 18251; CDSS All County Letter 19-70, pp. 6-7.

51 CDSS All-Plan Letter 17-018, available at: <https://www.dhcs.ca.gov/formsandpubs/Documents/MMCDAPLsandPolicyLetters/APL2017/APL17-018.pdf>, & 18-007, available at: <https://www.dhcs.ca.gov/formsandpubs/Documents/MMCDAPLsandPolicyLetters/APL2018/APL18-007.pdf>.

52 For more information about the FFPSA, see <https://www.ncsl.org/research/human-services/family-first-prevention-services-act-ffpsa.aspx>. FFPSA Clearinghouse, which lists prevention services that have met the federal government's criteria: <https://preventionservices.abtsites.com/>.

53 California Children's Trust Initiative: Reimagining Child Well-being (November 2018), p. 3, available at: <https://cachildrenstrust.org/wp-content/uploads/2018/11/PolicyBriefReimaginingChildWellBeing.pdf>.

54 Department of Health Care Services, Performance Outcomes and System Report (Feb. 12, 2019), p. 7, available at: <https://www.dhcs.ca.gov/services/MH/Documents/00-20190304-Statewide-SUP-Final.pdf>.

55 *Id.*

Close coordination with the county mental health agency is critical for Probation Departments seeking to connect youth and their families with timely and appropriate mental health assessments and services that can continue even after the youth's juvenile court case ends. These agencies have expertise in mental health services assessment and planning and have established processes for interagency coordination to aid in service delivery.⁵⁶ Probation can build upon and use existing assessment models, like the Child and Adolescent Needs and Strengths (CANS) assessment, to drive decision making and case planning.⁵⁷ Moreover, Probation may choose to contract with a public or private agency for mental health assessment and planning activities, which may be more cost-effective and responsive to family needs than building a Probation-specific protocol.

Young people may qualify for mental health services through California's Medicaid program Medi-Cal.⁵⁸ As part of their Medi-Cal entitlement, youth under the age of 21 are eligible for a broad range of services funded through Medi-Cal's Early Periodic Screening, Diagnosis and Treatment (EPSDT) benefit. EPSDT covers any treatment that is necessary "to correct or ameliorate defects and physical and mental illnesses and conditions."⁵⁹ Some well-known, evidence-based mental health services available through EPSDT include:

- ✦ Therapeutic behavioral services (TBS), providing one-on-one support to reduce severe behaviors to eliminate the need to move to a higher level of care;
- ✦ Functional Family Therapy (FFT), an intervention program for youth and their families to reduce violence, substance use, and other serious behaviors;
- ✦ Aggression Replacement Therapy (ART), a cognitive-behavioral intervention that trains adolescent youth in social skills and anger control;
- ✦ Multisystemic Therapy (MST), intensive family treatment for youth who are in the juvenile delinquency system or at risk of juvenile delinquency system involvement, and are at risk of out-of-home placement;
- ✦ Trauma-Focused Cognitive Behavioral Therapy (TF-CBT), therapy for youth who are experiencing significant emotional and behavioral effects of past trauma;
- ✦ Positive Parenting Program (Triple P), a tiered system of support for parents and caregivers of children, including adolescents, that aims to provide a supportive environment for parents to increase the use of positive parenting strategies;

56 See CDSS All-County Information Notice I-21-18, https://www.cdss.ca.gov/Portals/9/ACIN/2018/I-21_18.pdf.

57 *Id.*

58 Beginning in January 2020, California made Medi-Cal available to any youth up to age 26, regardless of immigration status but subject to income eligibility. See Department of Health Care Services, Young Adult expansion, <https://www.dhcs.ca.gov/services/medi-cal/eligibility/Pages/YoungAdultExp.aspx>. Youth whose households qualify as low-income or who receive aid through other public programs such as CalWORKs, SSI, AFDC-FC, Kin-GAP, and AAP, are eligible for Medi-Cal. Western Center on Law & Poverty, *Getting and Keeping Health Coverage for Low-Income Californians: A Guide for Advocates* (Mar. 2016), at pp. 3.65-3.66 & 3.98-3.100, available at: https://wclp.org/wp-content/uploads/2019/07/Western_Center_2016_Health_Care_Eligibility_Guide_Full_rev.1.pdf. California Work Opportunity and Responsibility to Kids (CalWORKs), also known as cash aid or TANF and administered through county social services agencies, is a financial assistance program for low-income families and individuals who are pregnant. Supplemental Security Income (SSI) is a monthly financial assistance program, administered through the Social Security Administration, for children and adults with disabilities. Aid to Families with Dependent Children-Foster Care (AFDC-FC), also known as foster care, is monthly financial assistance for foster care youth placed in out-of-home care, including in the home of an approved relative, and for youth in court-ordered guardianships with non-relatives. Kinship Guardianship Assistance Payment (Kin-GAP) and Adoption Assistance Program (AAP) are financial assistance programs for former foster youth for whom the juvenile court has ordered legal guardianship with a relative or adoption, respectively.

59 United States Department of Health & Human Services, Centers for Medicare and Medicaid Services, *EPSDT - A Guide for States: Coverage in the Medicaid Benefit for Children and Adolescents*, p. 2, available at: https://www.medicaid.gov/sites/default/files/2019-12/epsdt_coverage_guide.pdf; Social Security Act section 1905(r).

- ✦ Behavioral Health Treatment (BHT) services, including applied behavioral analysis (ABA) and other behavioral interventions intended to support positive behaviors among youth with autism; and
- ✦ Pathways to Wellbeing Services (Katie A.), which includes three home-based mental health services: Intensive Care Coordination (ICC), Intensive Home-Based Services (IHBS), and Therapeutic Foster Care (TFC). Despite its name, TFC is available to any youth with full-scope Medi-Cal for whom it is medically necessary (in other words, foster care is not required to be eligible for services).⁶⁰

Private insurance may also cover these services, but because of the strong correlation between poverty and juvenile court involvement,⁶¹ it is important for law enforcement, Probation Departments, and juvenile courts to familiarize themselves with Medi-Cal and EPSDT and with the strategic use of public funds to meet young people’s mental health needs.

Importantly, youth can only access these federally-funded mental health programs if they are not in custody. Medi-Cal is not available for any youth who is detained in a public institution; these benefits are suspended with narrow exceptions until the young person exits detention.⁶² When Probation and juvenile courts detain a youth or commit them to a custodial setting, they disrupt any services that the youth may be receiving through Medi-Cal. Although the administrator of the juvenile detention facility is responsible for ensuring “unimpeded” access to healthcare services, including mental health services, these services are unlikely to match those in the community and are also costly to county budgets without the federal reimbursement that comes with Medi-Cal.⁶³ Juvenile detention facilities must work with their local health care agencies to suspend (not terminate) Medi-Cal for any youth who is detained for up to one year, reinstate Medi-Cal effective on the date that the youth is released from detention, and provide planning for continuity of care.⁶⁴ In practice, families may continue to face delays in Medi-Cal reinstatement and service gaps as a direct result of a youth’s incarceration.

Because Medi-Cal services are ineligible for reimbursement when a youth is incarcerated, and because reinstatement of Medi-Cal after incarceration is often delayed, replacing incarceration with community-based mental health supports through Medi-Cal is the most efficient use of resources to meet young people’s mental health needs.

Other mental health services are available outside of Medi-Cal/EPSDT. For example, California school districts are required to provide educationally-related mental health services to any youth with an individualized education program (IEP) who needs mental health services to benefit from their education.⁶⁵ Probation officers can advocate for individual

60 Cal. Department of Social Services, *Pathways to Wellbeing*, available at: <https://www.cdss.ca.gov/inforesources/foster-care/pathways-to-well-being>. The other programs discussed in this section can be found on the California Evidence-Based Clearinghouse for Child Welfare, <https://www.cebc4cw.org/>.

61 Jarjoura, Triplett & Brinker, *Growing Up Poor: Examining the Link Between Persistent Childhood Poverty and Delinquency*, *Journal of Quantitative Criminology*, Vol. 18, No. 2, pp. 159-187 (June 2002).

62 Welf. & Inst. Code § 14011.10(a)-(c).

63 15 C.C.R. §§ 1400, 1411, 1437; Young Minds Advocacy, *Fulfilling Medi-Cal’s Promise: Extending Home and Community-Based Mental Health Services to Juvenile Justice-Involved Youth in California* (Dec. 2015), pp. 11-12, available at: <https://www.youngmindsadvocacy.org/wp-content/uploads/2015/12/Fulfilling-Medi-Cals-Promise-DEC-2015-YMA2.pdf>.

64 Welf. & Inst. Code §§ 14011.10(c) & 14029.5; 15 C.C.R. §§ 1351 & 1437(h); All-County Welfare Directors Letter 14-26, available at: <https://www.dhcs.ca.gov/services/medi-cal/eligibility/Documents/ACWDL/2014/14-26.pdf>; All-County Welfare Directors Letter 10-06, available at: <https://www.dhcs.ca.gov/services/medi-cal/eligibility/Documents/c10-06.pdf>.

65 Assembly Bill 114 (2011), amending Chapter 26.5 of the Cal. Gov. Code; California Department of Education, “AB 114 Special Education Transition,” available at: <https://www.cde.ca.gov/sp/se/ac/ab114twg.asp>.

youth to be assessed for, and ultimately receive, educationally-related mental health services like counseling, positive behavior interventions, and medication management.

Additionally, the state Mental Health Services Act (MHSA) allocates funds to county mental health agencies for a range of community services and supports, preventive interventions, and innovative programming.⁶⁶ Every county's mental health agency develops its own MHSA plan, subject to approval from the county's board of supervisors.⁶⁷ MHSA funds are subject to reversion back to the state if not spent within a certain period of time, so counties must be strategic in spending funds promptly and optimally.⁶⁸ Juvenile court stakeholders can participate in their county's MHSA planning process to ensure that the plan accounts for the mental health needs of youth who may come into contact with the juvenile delinquency system and provides sufficient resources for Probation to make reasonable efforts to provide services at home.



Probation and the juvenile court should be familiar with state and local victim services programs and implement regional protocols for serving victims of violent crime, including victims of commercial sexual exploitation.

Young people in the juvenile delinquency system are likely to be victims of violent crime, both before entering the system and while in the system.⁶⁹ Law enforcement, Probation, District Attorney offices, and the juvenile courts can utilize programs for victims of crime to ensure the safety of young people without deepening or extending system involvement.

For all victims of crime, law enforcement, Probation, and District Attorney offices can utilize state and local victims service programs to provide support and stability to youth and families. Every county has a Victim Witness Assistance Center, and some larger counties also have Trauma Recovery Centers.⁷⁰ Statewide, the victim compensation program provides financial assistance for costs related to being a victim of violent crime.⁷¹ Eligible expenses include medical and dental costs, moving or relocation expenses, mental health treatment, home security improvements, loss of income due to missing work, and transportation costs. The Victim Witness Assistance Centers mentioned above are trained to assist with a victim compensation application. Victim services and compensation may complement other strategies to provide reunification or housing supports for youth and families. For example, if Probation determines that a youth is at risk of entering foster care placement because their parent cannot safely protect them from recurring victimization in their neighborhood, Probation can connect the family with services to help the family safely relocate, including victim compensation to reimburse the family's relocation costs.

66 For the full text of the Mental Health Services Act, see: https://www.mhsoac.ca.gov/sites/default/files/MHSA%20Jan2020_0.pdf.

67 Welf. & Inst. Code § 5847.

68 See Mental Health Services Oversight and Accountability Commission, *Mental Health Services Act Fiscal Reversion Policy Reconsidered: Challenges and Opportunities* (2017), available at: https://mhsoac.ca.gov/sites/default/files/documents/2018-01/MHSA_Fiscal_Reversion_Final_Report%20v4.0.pdf.

69 See, e.g., Peterson, DeHart & Wright, *Examining the Impact of Victimization on Girls' Delinquency: A Study of Direct and Indirect Effects*, Int. J. Environ. Res. Public Health 16(11): 1873 (June 2019), available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6603751/>.

70 A directory of these services are listed by county here: <https://victims.ca.gov/victims/localhelp.aspx>.

71 Gov. Code § 13955 et seq.; see also <https://victims.ca.gov/victims/howtoapply.aspx>.

Most jurisdictions in California also have services for specific subpopulations of victims. For example, at the state’s mandate, local jurisdictions have revised and expanded their responses to the commercial sexual exploitation of children (CSEC).⁷² Each year, counties can elect to receive state funds to implement prevention and intervention services and to train providers who work with this population.⁷³ Probation must provide input on their county’s use of CSEC funds, participate in the county’s CSEC multidisciplinary team, and implement the county’s interagency protocol to ensure that foster youth who have been sexually exploited—and youth who are at risk of exploitation—receive services.⁷⁴ Moreover, Probation Departments are required to assess risk and determine appropriate services for young people who are victims or at risk of becoming victims, including reporting known or suspected abuse to law enforcement and the county Child Welfare Agency.⁷⁵ Prostitution and loitering offenses are not applicable to minors in California, and exploitation is a form of child abuse that may warrant child welfare system intervention.⁷⁶ Accordingly, the moment that law enforcement or Probation assesses a young person as high-risk presents an important opportunity to divert that young person out of the juvenile justice system and to other appropriate systems of care. The state’s mandate for interagency collaboration also presents opportunities for law enforcement agencies and Probation Departments to provide input into the county’s service array for CSEC.



Reconnecting youth to school-based supports may eliminate the need for juvenile delinquency system involvement, especially for youth who are eligible for specialized entitlements and supports based on homelessness, disability, or prior child welfare or probation involvement. For youth on probation, California law requires that Probation and the juvenile court regularly evaluate and provide for educational stability.

Law enforcement contact may stem from a young person’s disconnection from school.⁷⁷ Accordingly, reconnecting youth to school-based resources may resolve the need for juvenile delinquency court involvement. School districts and county offices of education provide many family supports and permanent relationships for young people. For young people on probation and nonminor dependents transitioning to adulthood, Probation has a duty to ensure educational stability, and educational matters must be considered at every court hearing.⁷⁸

72 Welf. & Inst. Code § 16524.6.

73 Welf. & Inst. Code § 16526.7(a)(4).

74 Welf. & Inst. Code §§ 16524.7(c)-(d) & 16524.8.

75 Welf. & Inst. Code § 16501.35; Penal Code § 11166(j)(1). See the Child Welfare Council CSEC Action Team’s *Memorandum of Understanding Template for State and Federal Commercially Sexually Exploited Children (CSEC) Requirements*, pp. 28-29, available at: https://youthlaw.org/wp-content/uploads/2016/12/CSEC_MOU-FINAL-111816.pdf, for a comprehensive list of probation department requirements pertaining to CSEC.

76 Welf. & Inst. Code § 300(b)(2); Penal Code §§ 647(b)(5), 653.22(a)(2).

77 For example, students with a suspension or expulsion history are more likely than their peers to enter the juvenile delinquency system within a year. Equal Justice Society, *Breaking the Chains: The School-To-Prison Pipeline, Implicit Bias, and Racial Trauma* (Sept. 2016), p. 3, available at: <https://equaljusticesociety.org/breakingthechains/>.

78 Educ. Code § 48853.5(f)(10); Cal. Rules of Court, rule 5.651. Though education rights in detention are not the focus of this tool, see the Youth Law Center’s *Education Rights & Responsibilities Toolkit for Juvenile Justice System Involved Youth* (Nov. 2019), available at: <https://ylc.org/wp-content/uploads/2019/11/Ed-Rights-Responsibilities-Toolkit-Nov-2019.pdf>, for a comprehensive list of legal duties to youth in detention and youth transitioning out of detention.

California law requires that local education agencies designate points of contact for certain student populations. Law enforcement and Probation can designate liaisons within their own departments to coordinate with the local school system based on student need. For instance, foster youth liaisons are a frequent point of contact for Probation officers seeking to connect a youth with educational supports because, under California law, any youth who is “the subject of a petition” filed in the juvenile court is eligible for foster youth education services, regardless of whether the youth has ever been placed in foster care.⁷⁹ Foster youth liaisons must assist students with educational placement, enrollment, transfer of records and credits, and calculation of credits to ensure that the youth is in the correct grade and class.⁸⁰

Similarly, youth experiencing homelessness can access the services of their district’s McKinney-Vento liaison. McKinney-Vento liaisons work with all homeless students regardless of court involvement, so they may offer critical services to youth who have been diverted from Probation or the juvenile delinquency court but continue to experience homelessness. The McKinney-Vento definition of homelessness is among the broadest definitions in federal law. A student qualifies as homeless if they “lack a fixed, regular, and adequate nighttime residence,” including youth who are doubled up with another family, living in motels and other temporary settings due to lack of permanent housing, or sleeping in shelters or in unsheltered public spaces.⁸¹ These students can enroll in school immediately without providing all of the documents and records ordinarily needed for enrollment.⁸² They can remain in their school of origin with transportation assistance (which the school district is legally required to provide) and must receive support in transferring records and credits if they change schools.⁸³ Often, McKinney-Vento liaisons and foster youth liaisons can help with other small interventions to support school enrollment and persistence, including transit fare, access to extracurricular activities, counseling services, and free meals.

Probation Departments and juvenile courts should screen youth for physical, mental, and cognitive disabilities, and they should know whether a student with a disability has an individualized education program (IEP) for specialized instruction and services through their local education agency’s special education program.⁸⁴ If anyone suspects that a young person may have a disability that affects their school performance, Probation can help the youth’s family request a special education assessment, or they can refer the youth to an advocate or attorney to represent the youth and family in this process.⁸⁵ Although the parent must agree to the special education assessment, anyone can make the initial referral.⁸⁶

The youth’s IEP may provide for a residential school placement or intensive educational services that can help facilitate diversion out of, or early exit from, the juvenile delinquency system. The Youth Law Center’s publication, *Juvenile Justice Transformation: Navigating the Legal Landscape, Part 6: A Legal Map of Non-Custodial Residential Options in California*, describes residential school placements in more detail. IEPs can also include a

79 Educ. Code § 48853.5(a), (c).

80 Educ. Code § 48853.5(c). The California Department of Education maintains a list of county foster youth program coordinators: <https://www.cde.ca.gov/ls/pf/fy/contacts.asp>.

81 42 U.S.C. § 11434a.

82 42 U.S.C. § 11432(e)(3)(C)(E)(i)(II).

83 42 U.S.C. § 11432(e)(3).

84 See Educ. Code §§ 56031, 56032 (defining “special education” and “individualized education program,” respectively).

85 See *generally* Educ. Code §§ 56026, 56029 (defining “individuals with exceptional needs” and “referral for assessment,” respectively).

86 Educ. Code §§ 56302, 56321.

range of related services to support a youth’s educational progress, including counseling services and transportation.

Probation Departments and the juvenile court should be aware of a youth’s higher education goals and make decisions that facilitate, rather than disrupt, these goals. For youth in custody, Probation can help students apply for college and financial aid, enroll in college, or participate in dual enrollment programs or college courses while detained. Dual enrollment programs, which allow a student to gain college credits while still in high school, also enable students to obtain a high school diploma more quickly and help create a college-going identity for students. Upon the youth’s release, Probation officers can also ensure that youth are connected with their college’s support programs, including Guardian Scholars (for current and former foster youth, including youth who were in a probation-supervised foster care placement), NextUp (low-income youth in community college), Extended Opportunity Programs and Services (for community college students who are economically and educationally disadvantaged), and Educational Opportunity Program (for low-income youth at CSU and UC schools).⁸⁷ Certain community colleges offer college support services specifically for formerly incarcerated students.⁸⁸



For youth with developmental disabilities, the local Regional Center can provide lifelong case management and independent living support. Probation and the court must coordinate with Regional Center case managers and advocate for potentially eligible youth to be assessed for services.

Across California, 21 Regional Centers serve over 30,000 individuals with intellectual and developmental disabilities, 44% of whom are school-age children and young adults.⁸⁹ California’s Regional Centers are private nonprofit organizations contracted by the state to provide specialized services to individuals of all ages who have substantial developmental disabilities that fall into any of five categories: intellectual disability, cerebral palsy, epilepsy, autism, or disabling conditions that may resemble or require similar treatment to intellectual disability.⁹⁰ Individuals with psychiatric diagnoses, learning disabilities, and physical conditions that manifest themselves in a similar way to a developmental disability may not qualify for Regional Center services unless they stem from, or require similar treatment to, one of these five categories.⁹¹ Generally, Regional Center clients, or “consumers,”⁹² are eligible for services throughout their lifetime.

87 See California College Pathways, <http://www.cacollegepathways.org/>.

88 These programs include College of San Mateo’s Project Change, Los Angeles Mission College’s College Culture Reentry Hub, and Sacramento City College’s Emerging Scholars Center.

89 Stanford Intellectual & Developmental Disabilities Law and Policy Project, A Fiscal Primer on California’s Regional Center System (2019), pp. 23, 28, *available at*: <https://law.stanford.edu/wp-content/uploads/2019/07/Lanterman-Primer-Posted-July-1-2019.pdf>.

90 Welf. & Inst. Code §§ 4512(a), 4620. These conditions must originate before age 18, but the Regional Center can evaluate and assess an individual at any age, as long as they can document that their condition started when they were a minor.

91 17 C.C.R. § 54000(c).

92 Health & Safety Code § 1567.80(a).

Youth may become Regional Center consumers from a very young age, through referrals by parents, health care providers, educators, and others.⁹³ If a young person is already a Regional Center consumer, then the Regional Center case manager can provide crucial input on the youth’s juvenile court case plan. In developing a case plan, Probation must include the youth’s Regional Center case manager, or another Regional Center representative, as a member of the Child and Family Team.⁹⁴ The case plan should be compatible with the youth’s Regional Center individualized program plan, or IPP. An IPP may include residential services, community-based day programs, transportation services, and services to support independent living.⁹⁵ Regional Center consumers may qualify for additional mental and behavioral health services related to their qualifying disability through Medi-Cal. In the youth’s case plan, Probation should clearly identify the responsible agency for each service the youth receives, consulting the applicable state law and policy as needed.⁹⁶

If Probation or the court suspects that a young person who is not currently a Regional Center consumer may be eligible for Regional Center services, then Probation and the court can refer the youth to the Regional Center for intake and assessment. The Regional Center must conduct an initial intake and assessment for any person “believed to have a developmental disability.”⁹⁷ From the date of the referral, the Regional Center has 15 working days to conduct an “initial intake.”⁹⁸ The Regional Center must conduct the intake, and any subsequent communication, in the native language of the youth and family.⁹⁹ California law does not prohibit the Regional Center from conducting the intake in detention, though in some jurisdictions it is common for Regional Centers to unnecessarily delay intakes for detained youth.

At the initial intake, the Regional Center will determine whether an assessment is needed and must perform that assessment as soon as possible, but no later than 120 days after the intake.¹⁰⁰ The timeline for assessment is expedited to 60 days from intake if a delay “would expose the client to unnecessary risk to his or her health and safety or to significant further delay in mental or physical development, or the client would be at imminent risk of placement in a more restrictive environment.”¹⁰¹ Probation should notify the Regional Center if either of these factors exist to warrant an expedited assessment.

If the Regional Center determines that a youth is eligible for its services, then it must develop an individualized program plan (IPP) within 60 days of the assessment.¹⁰² Once the youth is found eligible for Regional Center services, they are considered eligible by any other Regional Center in the state.¹⁰³ This means that if the youth later moves, then the

93 Welf. & Inst. Code § 4643.5(e)(1)

94 Welf. & Inst. Code § 16501(a)(4)(B)(i)(V).

95 17 C.C.R. § 54000 et seq.

96 For example, youth with autism are eligible to receive any medically necessary Behavioral Health Treatment (BHT). Youth in Medi-Cal managed care plan receive BHT services through their plan, so the appropriate responsible agency would be the county public health or mental health department. Youth with fee-for-service Medi-Cal receive BHT services from their local regional center, so in that case the youth’s case plan would assign BHT services and follow-up to the Regional Center. All Plan Letter 18-006, available at: <https://www.dhcs.ca.gov/formsandpubs/Documents/MMCDAPLsandPolicyLetters/APL2018/APL18-006.pdf>.

97 Welf. & Inst. Code § 4642(a)(1).

98 Welf. & Inst. Code § 4642(a)(2).

99 Welf. & Inst. Code §§ 4642(b), 4643(d).

100 Welf. & Inst. Code § 4643(a).

101 *Id.*

102 Welf. & Inst. Code § 4646(c).

103 Welf. & Inst. Code § 4643.5(a).

services in their IPP should continue, and if any services or supports listed on their IPP do not exist in the new regional center catchment area at the time of their move, the Regional Center must meet to develop a new IPP within 30 days.¹⁰⁴

If a young person is found to be ineligible for Regional Center services, then they can appeal with assistance from the Office of Clients' Rights Advocacy (OCRA), a program of Disability Rights California.¹⁰⁵ OCRA may be able to provide technical support and information to help county agencies screen youth for possible Regional Center eligibility and advocate on their behalf with the Regional Center.



Probation must ensure that Independent Living Program (ILP) core services are made available to any youth who is a ward of the court and who was in foster care on or after age 16, regardless of where they reside or whether they have exited from foster care.

Every county is required to administer an Independent Living Program (ILP), and counties have broad discretion to coordinate service delivery with community-based organizations, foster family agencies, and other providers that offer programming to help older youth build the skills necessary to succeed in adulthood.¹⁰⁶ Probation has a duty to “ensure” that any youth who is a ward of the court and who was in foster care on or after age 16—whether placed in the home of a relative, a foster family home, a group home or short-term residential therapeutic program, or a transitional housing placement program—has the opportunity to participate in all available ILP core services, including housing, education and employment, health and wellness, daily living skills, career development, mentoring, and financial education.¹⁰⁷ As part of this duty, Probation must ensure that ILP services are available to youth when they move to another county and when they emancipate from foster care.¹⁰⁸ When delinquency court wardship is terminated, Probation must provide notice of ILP services to eligible youth.¹⁰⁹ For eligible youth, ILP is optional,¹¹⁰ and eligibility ends at age 21.¹¹¹

104 Welf. & Inst. Code § 4643.5(c).

105 17 C.C.R. § 54010(c); <https://www.disabilityrightsca.org/what-we-do/programs/office-of-clients-rights-advocacy-ocra>.

106 ACIN I-39-12, p. 2, available at: https://www.cdss.ca.gov/lettersnotices/entres/getinfo/acin/2012/I-39_12.pdf. County ILP contacts for both child welfare and probation are available at the California Department Social Services, “Independent Living Program, <https://www.cdss.ca.gov/inforesources/foster-care/independent-living-program>.”

107 All-County Information Notice I-39-12, p. 2.; see also Welf. & Inst. Code § 607.5(a). This is the most common basis for eligibility, but there are also special categories of eligibility, including for youth who received Kin-GAP assistance between ages 16 and 18 and youth under age 16 in counties that have expanded the age of eligibility for their ILP programs. Manual of Policies and Procedures (MPP) § 31-525.3. Core services are described in more detail in MPP § 31-525.8.

108 All-County Information Notice I-39-12, p. 2, 4; MPP § 31-525.66.

109 Welf. & Inst. Code § 607.5(a)(1).

110 All-County Information Notice I-39-12, p. 3.

111 MPP § 31-525.3.



Counties should formalize inter-agency collaboration and develop an array of services to ensure that youth and families can access appropriate supports directly, without relying on the juvenile delinquency system.

Too often, the delinquency system functions in a way that supplants the services and obligations that, under the law, reside more appropriately in a different system—be it the education system, the foster care system, public health and mental health systems, or Regional Centers. Counties must work proactively at the agency level to establish coordination and move supportive youth services out of agency silos. Doing so will increase the ability of youth and families to access these services directly, which in turn will decrease the need for Probation and delinquency system involvement and reduce reliance on costly incarceration and surveillance systems. The resources saved from avoiding detention can then be reinvested back in the array of private and nonprofit organizations that are rooted in the community and best situated to support young people in a healthy transition into adulthood.



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For more information about this tool, please contact:

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