

SacJoaquin Valley/Foothills Inter-County Transfer Protocol
Welfare and Institutions Code § 241.1 Assessment Criteria

- A. At a minimum, each of the following criteria will be evaluated to determine whether wardship or dependency will best serve the interests of the child and the protection of society:
1. Nature of Referral: The behavior leading to the application for wardship/dependency will be evaluated. Dependency will generally be the preferred status if the child has been abused or is in imminent danger of being abused and if the basis for the wardship petition is a minor violation of the law.
 2. Age of the Child: The age of the child will be considered. The younger the child is, the greater the weight will be given to dependency. However, the seriousness of the crime alleged and the child's level of maturity and sophistication may be overriding factors in favor of wardship.
 3. The History of any Physical, Sexual, or Emotional Abuse of the Minor: The minor's record of abuse is to be reviewed and considered, taking into account the nature and severity of the abuse and resultant treatment needs.
 4. Prior Record of the Child's Parents for Abuse of this or Any Other Child: If the child's delinquent behavior seems to derive from the child's attempt to deal with an abusive and/or neglectful home environment, greater consideration should be given to dependency, depending upon the nature of seriousness of the delinquent behavior.
 5. The Child's Prior Record of Out-of-Control or Delinquent Behavior: The greater the child's prior record of delinquent and out-of-control behavior is, the greater consideration will be given to wardship.
 6. The Parents' Cooperation with the Child's School: The ability/willingness of parents and school to provide appropriate support, education, and behavior controls will be a reason to consider dependency.
 7. The Child's Functioning at School: Attendance and academic behavior is to be considered. In the absence of evidence that the child is emotionally disturbed or suffers from some other mental health condition, a history of disruptive behavior in the school setting, particularly aggressive and destructive behavior, will be a reason to favor wardship.
 8. The Nature of the Child's Home Environment: The greater the degree of the parents' inability or unwillingness to provide a minimum sufficient level of care, the more dependency will be the preferred alternative. The objective will be to return the child to the home setting as soon as possible.
 9. The History of Involvement of Any Agencies or Professionals with the Child and His or Her Family: It is important to obtain and consider information from all agencies known to have been involved with the child and his or her family.

10. Any Services or Community Agencies that are available to Assist the Child and His or Her Family: The probation officer and the social worker are to discuss and consider resources available and attempt to establish a treatment strategy. The analysis should also examine whether a Wardship or Dependency Status would promote or interfere with the treatment options.
 11. A Statement by any Counsel Currently Representing the Child: Information received from both Delinquency and Dependency attorneys representing the child is to be considered.
 12. A Statement by any Court Appointed Special Advocate (CASA) Currently Appointed for the Child: Information received from the CASA representative will be considered.
- B. Generally, dependency will be the recommended status whenever the child's behavior is such that he or she will not pose a threat to him/herself, others, or the property of others within the control and support structure of dependency supervision.
1. When a child's behavior cannot be controlled in dependency settings and sufficient custody time is available, wardship will be recommended to provide enhanced control.
 2. Given the probable negative impact of wardship at a very early age, wardship for children under the age of fourteen will be the recommended course of action only in more serious situations.