



DFCS Online Policies & Procedures
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[<<< Return to OPP Table of Contents](#)

Handbook 9: Court Related Issues

9-3.3 Dependency Wellness Court (DWC)

<p>[an error occurred while processing this directive] 9-1 Reasonable Efforts</p>	<p>Court Related Issues 9-3.3 Dependency Wellness Court</p> <ul style="list-style-type: none"> Overview The Dependency Wellness Court (DWC) Team DFCS Participation in DWC Criteria for Referral to DWC Graduation Requirements DWC Referral and Court Procedures Family Support Team Meeting (FSTM) Services Provided to DWC Participants Expectations of DWC Participants How DWC and the Dependency Court Work Together Social Worker's Role in DWC DWC Compliance Reviews How Long Does a Family Remain in Dependency Wellness Court Other References
<p>9-2 Paternity Issues in Juvenile Court</p>	
<p>9-3 Noticing for Court Hearings</p>	
<p>9-3.1 ICWA: Notices for Hearing</p>	
<p>9-3.1.1 Noticing for Selection and Implementation (366.26) Hearings</p>	
<p>9-3.1.2 Noticing Relatives of a Child's Removal from the Parents' Care</p>	
<p>XP How to Obtain a Court Order to Interview a Child</p>	
<p>9-3.2 Alleged Parent: Statement Regarding Paternity</p>	
<p>9-3.3 Dependency Wellness Court</p>	
<p>9-4 Due Diligence Searches and Declarations</p>	
<p>9-5 No-Reunification (Bypass) Cases</p>	<p>Overview</p> <p>Santa Clara Juvenile Dependency Wellness Court (DWC) was formed in 2012 as a result of the</p>

9-7
[Attendance at Hearings by
Video Telephone Call
\(Teleconferencing\)](#)

XP
[Educational
Representatives and
Special Education Surrogate
Parents](#)

9-9.1
[Court Designated
Prospective Adoptive
Parents](#)

9-10
[Placement Changes of
Dependent Children](#)

9-13
[Standing Court Orders](#)

9-14
[Restraining Orders](#)

unification of Dependency Drug Treatment Court (DDTC) and the Family Wellness Court (FWC) The unification of these two Courts allowed essential services, such as substance abuse treatment (inpatient and outpatient), mental health treatment, drug-testing, perinatal and other ancillary services to be effectively coordinated and delivered across all agencies for parents with substance issues and their children, regardless of age. DWC retains the essential services of DDTC while maintaining the FWC focus of a more holistic approach to treatment.

DWC follows a parallel court model, whereby the dependency legal case proceedings regarding the child abuse/neglect issues, including aspects of visitation and permanency, are heard in a separate court hearing by a Judge other than the DWC Judge. Therefore, if a parent is a participant of DWC, *the legal case is heard by a different dependency court Judge.*

The DWC primary goals for the target population of parents and children are:

- Early identification of and intervention for parents;
- Rapid engagement and successful retention in treatment and care;
- Reduction in substance abuse,
- Early identification of an intervention for developmental delays, disabilities, and concerns for children 0-3
- The creation of a comprehensive system of care across all systems serving children who are in or at risk of out-of-home placement as a result of parents' methamphetamine and

other substance abuse.

[< Return to OPP Table of Contents](#) | [^ Back to Top of Page](#)

The Dependency Wellness Court (DWC) Team

The Dependency Wellness Court (DWC) is led by the drug court team (the Team), a group of professionals and volunteers who work together with the juvenile court to devise case plans for clients and to monitor and support the clients' progress while the DWC case is open. The Team also makes administrative decisions concerning DWC operations.

The members of the Team include:

- A Judge of the Juvenile Dependency Court
- A Superior Court Resource Coordinator
- A Substance Abuse Assessor from DADS
- A Drug Treatment Caseworker from DADS
- The DFCS Social Worker assigned to the case
- Attorneys from the Dependency Advocacy Center representing parents
- Attorneys from Legal Advocates for Children and Youth (LACY) representing children
- An Attorney from the Office of County Counsel representing social workers
- The Mentor Parent Coordinator
- A Mentor Parent
- A Domestic Violence Specialist
- A FIRST 5 Santa Clara Co Program Specialist
- A representative from the Court Appointed Child Advocate (CASA) program
- A Courtroom Clerk
- An adult Mental Health Liaison for Parents
- A Social Worker Court Liaison
- An Eligibility Worker

Others that may work with the team include a Drug Treatment Counselor, a Parent Therapist, a Home Visitor, a Public Health Nurse, and a Children's Mental Health Specialist.

To view the DWC Team roles: [Dependency Wellness Court Team Roles](#)

[< Return to OPP Table of Contents](#) | [^ Back to Top of Page](#)

DFCS Participation in Family Wellness Court

As part of the Dependency Wellness Court collaborative, Department of Family and Children's Services (DFCS) social workers:

- Ensure that a substance abuse assessment becomes part of the case plan for the parent in the court dependency process;
- Fully engage parents in their service plan;
- Are part of the Dependency Wellness Court Team (DWCT);
- May request a Family Support Team Meeting (FSTM) to support parent in engaging in case plan services,
- Provide services or referral to services that will be effective in the rehabilitation of substance abusing parents that meet the best interests of their children;
- Report to the court on the parents' drug treatment progress;
- Work collaboratively with project partners to provide appropriate supports and services for children affected by their parent's

substance abuse; and

- Attends Dependency Wellness Reviews and all DWC staffings of the case whenever possible.

The DFCS *social work liaison*:

- Sits in when the social worker is unable to attend.
- Follows up on issues that need to be brought to the social workers attention.
- Relays information between the court and the supervising social worker and DFCS staff.
- Researches procedures in assessing client services provided by or contracted with the Social Services Agency.
- Provides case-carrying social workers with copies of all documents distributed in DWC hearings.

The Social Services Agency *eligibility worker*:

- Sits in at the court hearings.
- Meets with the parents to connect them with benefits.
- Monitors the benefits they are receiving and those for which they are eligible.

[< Return to OPP Table of Contents](#) | [^ Back to Top of Page](#)

Criteria for
Referral to DWC

Criteria for assignment to Dependency Wellness
Court by court administration is as follows:
Eligibility Requirements:

- Must be 18 years or older
 - Note: An exception can be made for an emancipated parent who has not reached his/her eighteenth birthday.
- Must be in Family Reunification (FR), Family Maintenance (FM), or receiving services to support the parent/child relationship.

Note: In FR cases, applications must be submitted with *no less than 4 months of services remaining*.

- The parent is not likely to face long term incarceration.

[< Return to OPP Table of Contents](#) | [^ Back to Top of Page](#)

Graduation Requirements

Graduation Requirements:

- Consistent attendance and compliance with treatment plan and approval from DWC team.
- At least six consecutive months before graduation, all drug tests must be clean (negative). In the event of relapse in this time period, the parent must demonstrate an ability to re-stabilize in recovery after the relapse. No administrative positives (unexcused missed or dilute tests) at least 60 days prior to graduation.
- Consistent attendance at and proof of attendance at NA/AA programs.
- Successfully complete treatment program-residential/outpatient treatment or both.
- Maintain participation in aftercare.

- Obtain a sponsor or the equivalent if in an accepted alternative program.
- Resolved outstanding criminal warrants.
- Establish a support system and relapse prevention plan in place.
- Completion of all Five [Phases to Graduation](#).
- Life plan initiated and in place (i.e., employment, education, vocational training, housing).
- Must be in continued Family Reunification or be in Family Maintenance to graduate or be in agreement with the permanent plan for child/youth.

[< Return to OPP Table of Contents](#) | [^ Back to Top of Page](#)

DWC Referral and Court Procedures

The parent(s) must volunteer to participate in Dependency Wellness Court (DWC) and **only** the Parent's Attorney can submit the Application for DWC, consent and waiver forms.

At the DWC Hearing:

- The DWC application is reviewed and accepted.
- The Parent (s) are welcomed into Dependency Wellness Court.
- The court sets a separate DWC Review for each parent.
- DWC cases are calendared on Tuesdays in Department 70 or on Thursdays in Department 67.

[< Return to OPP Table of Contents](#) | [^ Back to Top of Page](#)

Family Support Team Meeting (FSTM)

Family Support Team Meetings (FSTM) will occur with DWC participants that are *not* engaged in case plan services and that have been accepted into DWC. It is recommended that, if there are placement planning issues to be resolved, they be resolved in a Team Decision Making Meeting (TDM) *prior* to the FSTM.

Family Support Team Meetings Information:

- A Family Support Team Meeting (FSTM) is scheduled for case planning and family engagement.
- The FSTM participants include the parent(s), social worker, agency partners, DWC team members and the parents' support network.
- The DWC team will determine the need for an FSTM.
- The DWC Liaison will schedule the FSTM meeting with the parent and notify the JDM unit scheduler and the primary social worker of the date and time of the FSTM.
 - The JDM unit scheduler will notify the DWC team of the date and time of the meeting. If there are changes to the schedule the JDM unit scheduler will coordinate with the social worker to reschedule and notify all team members of the changes.
- FSTMs will be held at the Family Resource Center on 591 N. King Road, San Jose, CA 95110 on Wednesday afternoons.

At the FSTM:

- A FSTM Case Plan Recommendation form is filled out during the meeting with a list of recommended services and actions for the parent to complete.
 - Each participant in the meeting gets a copy of the Case Plan Recommendations.
- The social worker attaches the Case Plan Recommendations to the next legal hearing court report along with the CWS/CMS case plan.

Note:

The FSTM Case Plan Recommendations, if created prior to the disposition hearing, should *mirror the disposition recommendations*.

If the FSTM occurs after the dispositional orders have been made by the court, and the FSTM case plan recommends an additional or different service for the DWC participant who is receiving court-ordered services, then the assigned social worker should file a JV-180/388 petition to request the court-ordered service plan be modified. For further information how to file a JV180 please see [OPP 18-5, Request to Change Court Order \(JV180\)](#).

The FSTM Case Plan Recommendations do not replace existing court orders.

[< Return to OPP Table of Contents](#) | [^ Back to Top of Page](#)

Services Provided
to DWC
Participants

The Dependency Wellness Court team provides to
parents and/or children:

- Legal representation.
- Early drug and alcohol assessment and treatment.
- Mentor Parent support from successful graduates of the Dependency Wellness Court.
- Domestic violence advocacy and services.
- Eligibility under an SSA Director's Exception, which waives financial eligibility, to receive General Assistance for up to three (3) months.
- Limited funding to assist with barriers to case plan completion.
- Linkages to employment and benefits services.
- Therapeutic services.
- Pregnancy prevention education.
- Comprehensive developmental and behavioral screening, assessment and interventions for children ages 0-5.
- Referrals to child appointed special advocates (CASA's) for many children.
- Linkages to health coverage and primary care physicians.
- Access to a wide array of parenting workshops.
- Home visitation.
- Early care and education services.
- Oral health care for children and some limited dental services for adults.
- A wide range of age appropriate community activities.

Expectations of DWC Participants

At the time of admission into DWC the parents are welcomed, and an orientation is given to inform the parents what the Team will expect of them.

Common expectations include the following:

- Be Honest and Consistent.
- Call the Drug testing line every day, including the day after he/she tests in a particular week.
- Find a sponsor, work a 12 step program and attend AA/NA/Health Realization meetings.
 - DWC requires that a sponsor have at least 5 years of sobriety
 - Secure a **same sex** sponsor
- Attend all DWC court reviews.
- Complete all Five [Phases to Graduation](#).
- Abstain from making threats, acting violently, or disrupting court or treatment.
- Keep all scheduled appointments with providers.
- Deal with limitations on employment and housing associated with treatment program the client is enrolled in.
- Obtain mental health support. (if necessary)
- Obtain domestic violence support. (if necessary)
- Obey all court orders and laws.
- Conduct self respectfully towards DWC team and participants.
- Completion of special assignments the Team may give to the client.
- Identified support persons the client may rely on at any time.

- A relapse prevention plan.

[< Return to OPP Table of Contents](#) | [^ Back to Top of Page](#)

How DWC and the Dependency Court Work Together

In Dependency Wellness Court, court orders are **not** made regarding the underlying dependency case. At each DWC Review, the Team may discuss all issues related to the case; however, dependency issues such as increasing visitation or return of a child to parental custody are legal issues and **cannot** be modified at a DWC Review.

The parents' attorneys have notice of the issue, and it is their responsibility to bring up the issue at the next dependency hearing or set it on the dependency calendar for discussion. As the Dependency Wellness Court case proceeds, the dependency case also proceeds through the dependency court system consistent with the Welfare and Institutions Code, including Initial Hearing, Jurisdictional Hearing, Dispositional Hearing, Six Month Status Review, Twelve Month Status Review, Permanency Planning Hearing and where applicable the Eighteen Month Status Review. If the parent ***does not reunify*** with the child, the dependency case is set for a Permanency Planning Hearing.

Note:

A parent may continue participation in DWC when Family Reunification services are terminated if the following criteria is met:

- The DWC Team will determine if the parent will continue participation in DWC to support

the parent/child relationship.

The social worker will need to get ***Manager's Approval*** for the following services when Family Reunification services have been terminated and the parent continues in DWC:

- Drug Testing
- Bus Passes

Reassessment of the necessity, the continued appropriateness of these services and Manager's approval is required ***every three months***.

For Manger's approval:

- Submit a memorandum to the Supervisor and Manager requesting the service and stating:
 - The reason for the continued need and appropriateness of the service and
 - The beginning and end date of the request with a maximum of three months.

For Drug testing services a signed copy of the memorandum must be submitted to the Drug Testing Social Work Coordinator.

For Bus Pass requests a signed copy of the memorandum must be attached to the SCZ414Z Bus Pass request form and submitted to the DFCS Office Management Coordinator's inbox. (located on the 4th floor, 373 W Julian office)

Social Worker's Role in DWC

The primary social worker:

- Prepare and **email** the Dependency Wellness Court Review ([SCZ 159](#)) to the Dependency Wellness Court Social Work Liaison for every DWC Hearing by 10:00 a.m. **the day before the DWC Hearing** for distribution to the DWC Team.
- The DWC Court Review helps the Team focus on concerns with DWC participants. It is important that the updated information on the participant's case compliance and progress in drug treatment services be included in the report.

Social workers are essential members of the Dependency Wellnees Court Team and are **encouraged** to attend Dependency Court Reviews and all Team staffings of the case.

[< Return to OPP Table of Contents](#) | [^ Back to Top of Page](#)

DWC Compliance Reviews

The client is expected to attend Dependency Wellness Court Compliance Reviews on a regular basis. These Reviews are usually held on Tuesdays in Department 70 or Thursdays in Department 67. Social workers are encouraged to attend the Reviews.

The Reviews are not recorded by a certified court reporter, and the only record of these hearings is a minute order noting that the client appeared. Prior to the actual Review, each client's attorney talks to his or her client about the client's progress. The client is then brought before the court on a one-by-one basis to discuss his or her progress. At the

Review, the Team members have the Dependency Wellness Court Review Report that was completed and submitted by the case carrying social worker.

The client is expected to bring in his or her AA/NA slips meeting slips and or proof of attendance at a comparable program. The client may also be asked to bring other completed documents and completed assignments to give to the court, such as essays that the Team has assigned, letters from sponsors, or progress reports on specific assignments.

At the end of the Compliance Review, the Team selects a new Review date, which may be set as soon as the following week or as far out as four weeks, depending on the client's progress. Upon leaving the Review, the parent receives a reminder sheet regarding information about the Team's expectations and a reminder of the next Compliance Review. Emergency contact information for various agencies in Santa Clara County can also be found on the back of the parents' reminder sheets.

A participant may drop by court anytime prior to their new Review date even if they are not on calendar. Upon the client's check in, if the parent's attorney and/or mentor is not present, the court personnel is asked to call the courtroom. In the event the Judge or Resource coordinator is unavailable, the parent receives a pre-written letter which provides them with several options of what to do.

DWC Compliance Reviews occur as the Team deems appropriate throughout the life of the dependency case.

How Long Does a Family Remain in Dependency Wellness Court

[< Return to OPP Table of Contents](#) | [^ Back to Top of Page](#)

- A parent may participate in Dependency Wellness Court for up to one year.
- If Dependency is dismissed Dependency Wellness Court Services are also closed.
- If a parent who is accepted into Dependency Wellness Court subsequently becomes incarcerated, she or he may continue engaging with Dependency Wellness Court at any time.
- If Family Reunification services have been terminated the parents attorney may request continued participation in DWC provided they have been DWC compliant. The DWC team will make this determination.

[< Return to OPP Table of Contents](#) | [^ Back to Top of Page](#)

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[< Return to OPP Table of Contents](#) | [^ Back to Top of Page](#)

Other References

 [Dependency Wellness Court Team Roles](#)

 [Dependency Wellness Court Phases to Graduation](#)

< [Return to OPP Table of Contents](#) | ^ [Back to Top of Page](#)