



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on May 18–19, 2017

Title	Agenda Item Type
Juvenile Law: Commitment to Department of Corrections and Rehabilitation	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Revise form JV-732	September 1, 2017
Recommended by	Date of Report
Family and Juvenile Law Advisory Committee	May 2, 2017
Hon. Jerilyn L. Borack, Cochair	Contact
Hon. Mark A. Juhas, Cochair	Daniel Richardson, 415-865-7619 daniel.richardson@jud.ca.gov

Executive Summary

The Family and Juvenile Law Advisory Committee proposes revising the Judicial Council order form for the commitment of a person found to be a ward eligible for commitment to the California Department of Corrections and Rehabilitation's Division of Juvenile Facilities (DJF) to ensure that the form reflects legally accurate commitment procedures. The form revisions would ensure that the court provides complete and accurate information needed for the acceptance of youth by the Division of Juvenile Facilities, thus avoiding unnecessary delays in the court's disposition orders.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective September 1, 2017, revise *Commitment to the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities* (form JV-732) to guide the court in providing complete and accurate information needed for the acceptance of youth by the California Department of Corrections and Rehabilitation's Division of Juvenile Facilities, thus avoiding unnecessary delays in the court's disposition orders.

A copy of the proposed revised form is attached at pages 10–11.

Previous Council Action

Effective January 1, 2003, the Judicial Council adopted form JV-732, then entitled “Commitment to the California Youth Authority,” as a mandatory form because at that time there were no specific rules or forms establishing a procedure for commitment and because use of a mandatory statewide form would ensure that the state youth correctional agency, now known as the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities, would receive valuable information about youths in a uniform manner instead of on various local forms. The form was revised effective January 1, 2006, and January 1, 2009, to conform to the name change of the state agency, to comply with the statutory requirements of Welfare and Institutions Code section 731(c), and for other minor issues.

Effective January 1, 2012, the Judicial Council revised form JV-732 to change a portion of the title from “Division of Juvenile Justice” to “Division of Juvenile Facilities” to reflect the correct name of the division.¹ In addition, an item was added to enable the court to indicate if it is aware that the child has been in a foster placement. This information was added to help DJF comply with its requirement to notify former foster youth of their rights to assistance before being released.

Rationale for Recommendation

The proposed changes in this report are in response to concerns regarding the efficacy of form JV-732 in procuring the court’s disposition orders in a commitment of a ward to DJF. Delays in commitment because of errors with the information on the form have been reported. Several modifications are needed to conform the form to statutory mandates and provide clarity as to sentencing and other information required by DJF to properly commit the youth to DJF and avoid delays while the youth is kept in a local holding facility. The committee also anticipates that the implementation of Proposition 57 will increase the amount of commitments to DJF, thus increasing the need for a more effectual form.²

¹ The statutory reference to the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities (DJF), enacted under Penal Code section 6001, designates the legal title to the organization at issue in this form. DJF houses youth between the ages of 12 and 25 who have committed serious and/or violent felonies and require intensive treatment services conducted in a structured environment. DJF is often referred to as the DJJ (Division of Juvenile Justice), including in materials distributed by the California Department of Corrections and Rehabilitation itself. For purposes of this report, DJF refers to the facility and the jurisdictional body to which youth are transferred, and DJJ refers to the department and its representatives.

² Proposition 57: The Public Safety and Rehabilitation Act of 2016 [[https://www.gov.ca.gov/docs/The_Public_Safety_and_Rehabilitation_Act_of_2016_\(00266261xAEB03\).pdf](https://www.gov.ca.gov/docs/The_Public_Safety_and_Rehabilitation_Act_of_2016_(00266261xAEB03).pdf)] requires that a minor have a hearing in juvenile court on a motion to transfer jurisdiction to the criminal court (Welfare and Institutions Code section 707(a)(1)), and eliminates the authority of the prosecuting agency to directly file a case involving a minor in criminal court. In addition, it eliminates statutory presumptions concerning which minors should be transferred to criminal court and provides the court with broad discretion to consider each statutorily eligible case individually. To the extent that juvenile courts order the transfer of fewer minors to criminal

On August 24, 2016, staff of the Judicial Council Center for Families, Children & the Courts received a formal letter from Mr. Anthony Lucero, director of the Division of Juvenile Justice (DJJ), suggesting updates and revisions to form JV-732, the mandatory Judicial Council form for ordering such commitments, to assist the court in providing the DJJ with complete and accurate information needed for the acceptance of youth to DJF facilities. Several edits were recommended, which the committee has incorporated into this proposal.

The committee also received correspondence from the Office of the Los Angeles County Public Defender raising concerns about the amount of time children are housed in local facilities because of errors related to form JV-732 as they await transfer to DJF. Specifically, youth who are sent to DJF for sex offenses are facing delays because the sexual recidivism risk assessment tool for youth is not ordered or the wrong assessment is ordered. Judicial officers from Los Angeles also suggested revisions to the form and concurred with the request of the Office of the Los Angeles County Public Defender. The revisions below are proposed by the Family and Juvenile Law Advisory Committee.

Adding check boxes for risk assessment tool for sex offenders

The committee proposes that the form be updated to conform to Welfare and Institutions Code section 706 and its requirements that the court use a State-Authorized Risk Assessment Tool for Sex Offenders (SARATSO) to assess a youth convicted of an offense requiring him or her to register as a sex offender.³ Currently the form does not include an order that the court has considered the SARATSO in the appropriate case. When a youth is recommended transferred to DJF under an adjudication for an offense requiring him or her to register as a sex offender under section 290.008 of the Penal Code, the court is required to use a SARATSO selected under Penal Code section 290.04(d) or (e) to assess the youth and must receive the SARATSO into evidence. The committee proposes that a new item 16 be added that will provide for situations when a SARATSO is necessary and indicate which SARATSO score is to be selected: the JSORATT-II when the youth was under 18 years of age at the time of the assessment or offense, or the Static-99 when the youth was 18 years of age at the time of assessment and 16 or 17 at the time of the offense. Accurate completion of this item should eliminate delays in the commitment of youth to DJF related to selection of the wrong SARATSO.

Clarifying the sentencing formula

Section 731(c) limits the period of confinement that may be imposed for a ward committed to the DJF by granting the court discretion to impose either the equivalent of the “maximum period of imprisonment that could be imposed upon an adult convicted of the offense or offenses” committed by the youth or some lesser period based on the “facts and circumstances of the matter or matters that brought or continued” the youth under the court’s jurisdiction. One of the

court as a result of these changes, they increase the likelihood that crimes that are more serious in nature will be heard in juvenile court, which may thus increase the number of commitments to DJF.

³ All subsequent statutory references are to the Welfare and Institutions Code unless otherwise specified.

chief concerns about form JV-732 as it currently stands is that the maximum period of imprisonment that could be imposed on an adult and the maximum period of confinement ordered by the court for the juvenile are not sufficiently distinct from each other. The DJJ has reported confusion related to sentences that are being imposed by the court, leading to delays and the form's return to the court because of mistakes. Revising this portion of the form will help to ensure that these delays are limited.

Maximum period of imprisonment for an adult. The committee proposes revising item 6 on form JV-732 to provide clarity regarding the maximum period of imprisonment that could be imposed on an adult. Revised item 6 lists the principal felony by code section, the maximum term, and enhancements, both by code section and length. The court would add the total of the maximum term and the enhancements to get the total maximum period of confinement for the principal felony. Below the principal felony, the court can add subordinate offenses, indicating whether they are felonies or misdemeanors, if appropriate. Because different offenses have different sentencing options, the committee elected to include a blank column to the right of the subordinate offense(s) to give the court the option of inserting the various applicable sentencing options. The court would then add the total of all these items together to get the total maximum period of imprisonment that could be imposed on an adult convicted of the offense or offenses that brought the youth before the court. Item 6 also specifies that the youth is committed only on the most recent offense under section 707(b) or Penal Code section 290.008, ensuring that ineligible offenses are not listed and thereby avoiding potential delays.

Maximum period of confinement for the juvenile. As noted above, section 731(c) requires that the juvenile court determine the maximum period of confinement to DJF based on the facts and circumstances of the matter or matters that brought or continued the ward under the jurisdiction of the juvenile court.⁴ The committee proposes revising item 8 (item 7 in the revised form) to clarify the correct procedure for determining the maximum period of confinement for the juvenile and whether the court has used its discretion to modify the sentence under section 731(c).

Specifically, item 8 (item 7 in the revised form) is amended to read as follows:

“After having considered the individual facts and circumstances of the case under section 731(c), the court orders that the maximum period of confinement is: _____ . (If lower than the total in item 6, the court has used its discretion to modify the maximum confinement period under section 731(c).”

Reports indicate that courts are inconsistently checking the box in current item 8b to indicate that they have considered the facts and circumstances, which has led to complications in youths' commitment to DJF. The proposed language acknowledges that the analysis required under section 731(c) has been made when the court specifies the maximum period of confinement. The

⁴ See *In re Alex N.* (2005) 132 Cal.App.4th 18, 25–27; *In re Carlos E.* (2005) 127 Cal.App.4th 1529, 1538.

form also indicates that if the amount is lower than the total confinement time listed in item 6, it is because the court used its discretion under section 731(c).

The committee also proposes switching the order of current item 7 and current item 8, as recommended by the DJJ. It makes logical sense for the court to read the credited time the youth has secured in custody after it states the confinement period. This change should also reduce confusion around the maximum confinement time. In addition, the committee proposes that new item 8 distinguish between the credit for time served at DJF and for time served at a local holding facility, to ensure that the youth has not reached the maximum time allowed at DJF if he or she is returned for a modification under section 1767.35 (see revised item 5b).

Adding check box for probation violations

The committee also proposes inserting a check box and new item 5b to reflect those situations in which the youth is returned to DJF as a result of a probation violation under section 1767.35. Currently, the form does not include this option. Section 1767.35 became operative on January 1, 2013, subsequent to the previous revisions to the form in 2012. Consequently, the form does not reflect the procedures of section 1767.35. The committee proposes revising the form to include language to specify that the court is ordering that the youth be returned to the DJF for a probation violation under section 1767.35, followed by the court-ordered release date. In addition, the committee proposes deleting the current item 5c because the options listed are no longer legally possible. Once a youth is discharged from DJF, DJF jurisdiction is terminated and the youth cannot then be recommitted to DJF under a prior commitment.⁵

Finding exceptional needs

Section 1742 requires that when the court commits a juvenile identified as an individual with “exceptional needs,” the court must furnish the juvenile’s individualized education program (IEP) to the DJF before the youth is conveyed to the physical custody of the DJF.⁶ The committee proposes amending item 11, which addresses findings of exceptional needs, in several respects to help ensure compliance with section 1742. First, the proposal adds instructional language in the heading to specify that box a, b, or c must be checked. This revision will help ensure that the court specifies whether a finding of exceptional needs has been made. Second, the proposal deletes 11a because it leaves open the possibility of the court’s finding that the youth has exceptional needs but not requiring the furnishing of the youth’s IEP. The new item 11a requires the court to include the IEP as an attachment, or to ensure that it will be furnished to DJF upon delivery of the youth. Finally, the proposal revises item 11a to clarify that the youth’s educational program is developed through Education Code section 56340 et seq., which address what an education program entails.

⁵ Section 1766(b)(7).

⁶ The statutory reference to the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities, enacted under Penal Code section 6001, has not been applied to all code sections, including sections 1742 and 1755.4, which still refer to the Department of the Youth Authority.

Other proposed revisions

The committee proposes several additional clarifying revisions to form JV-732, as follows:

- Remove former item 12, “The court requests that the youth be considered for programming related to ____.” When a minor is committed to DJF, the programs that the youth will be involved in while at DJF are determined based on an assessment at intake rather than any input provided by the court at item 12; therefore, removing this item should not result in programming impacts.
- Revise item 15 (item 14 in revised form) to include language requiring that a completed *Application for Psychotropic Medication* (form JV-220) be attached, if applicable. As recommended by the DJJ, doing so will ensure that the DJF has accurate information about the youth’s prescriptions for psychotropic medication, which furthers the mandate of protecting the health and short- and long-term well-being of a youth under the jurisdiction of the DJF as specified in section 1755.4.
- Revise item 17 (item 15 in revised form) to include an order for AIDS testing if there was a sustained sexual offense listed in Penal Code section 1202.1(e). Penal Code section 1202.1 requires that every person convicted of a sexual offense listed in Penal Code section 1202.1(e) “submit to a blood or oral mucosal transudate saliva test for evidence of antibodies to the probable causative agent of acquired immune deficiency syndrome (AIDS) within 180 days of the date of conviction.” Both the DJJ and the Office of the Los Angeles County Public Defender suggested adding an item to form JV-732 to address this requirement.
- Add new item 1d identifying who the minor’s education/developmental rights holder is. This information will help ensure that the individual who can make decisions about the minor’s education and developmental needs is identified. In addition, it is proposed that 1c now require the insertion of the parent’s/guardian’s address and phone number. Providing this information will facilitate contact with a parent or guardian to provide necessary consents for treatment and medical and educational issues that may arise. Recommendations to include this information on the form were received after the public comment period but were considered unlikely to be controversial by the committee and therefore are being proposed.

Comments, Alternatives Considered, and Policy Implications

External comments

The invitation to comment on this proposal circulated from December 15, 2016, through February 14, 2016, to the standard mailing list for family and juvenile law proposals, as well as to the regular rules and forms mailing list, which included judges, court administrators, attorneys, mediators, family law facilitators and self-help attorneys, and other family and juvenile law professionals and attorney organizations. Eleven comments were received.⁷ Three commentators agreed with the proposal as circulated. Four commentators agreed with the proposal if modified. No commentators opposed the proposal. Most of the commentators found

⁷ A chart providing the full text of the comments and the committee responses is attached at pages 12–32.

the proposed changes to the form favorable because they provided clarity and limited confusion and delays pertaining to the court's disposition orders committing a youth to DJF.

In response to a request for specific comment, 7 of the 11 commentators agreed that revised item 6 was sufficiently clear regarding eligible offenses to include in the calculation of maximum commitment time. Two commentators noted that under sections 731 and 733, the form should clarify that the most recent offense be an offense described in section 707(b) or Penal Code section 290.008, because these are the only offenses for which a youth may be committed to DJF.⁸ This suggestion was incorporated into the proposal.

A judge recommended that the new proposed item 6 be further revised in several respects. The commentator noted that the proposed chart, which included a box for a one-third midterm on each offense line, could lead to confusion and incorrect sentencing. The commentator recommended removing the one-third midterm option because the form made it appear as if a one-third midterm is mandatory, which is not always the case for each individual offense. The commentator also recommended that the subordinate offenses should be listed separately as felonies and misdemeanors, with the misdemeanors on the bottom and an option of including more on an attachment. The judge further suggested that the space to the right of the code section column and felony/misdemeanor box should be left blank so the court can include other sentencing options for each offense, leaving the principal felony row and enhancement column as they are.

Alternatively, the commentator suggested that instead of providing the sentencing abstract as item 6, item 6 could simply indicate the maximum period of imprisonment that could be imposed on an adult convicted of the offense or offenses that brought the youth before the court, and reference an attachment that will provide an abstract. The commentator suggested using the *Felony Abstract of Judgment—Determinate* (form CR-290) as an example of a sentencing abstract.

The committee agrees that the form reflect that the court has a range of sentencing options. The committee proposes that a blank column be inserted to the right of the subordinate offense, where the juvenile court can insert the various sentencing options that may be applicable. The committee also proposes to separate the felonies and misdemeanors.

In addition to the comments above, three commentators recommended that the following advisements be added to the form for the benefit of the parties:

- An explanation for the youth of the way maximum confinement time and parole eligibility are determined. The commentator reasoned that many youth are confused by the way maximum confinement time and parole eligibility are described. Providing

⁸ Section 731(c); section 733(c).

additional information is crucial to help youth understand the amount of time they will spend in custody before they are eligible for a board date.

- To item 8, a statement that presentence credit is not applied toward a parole eligibility date, but only toward maximum confinement time. According to the commentator, presentencing credits are a common source of confusion for the youth. Youth erroneously believe that time spent in local custody counts against their parole date. It is important to explain to them at the outset that the time they spend in local facilities before DJF disposition is not credited toward their parole eligibility date.
- A notice to the effect that the DJJ does not calculate victim restitution if no amount is specified by the court.

In response to these suggestions, the committee decided not to insert the advisements to the form because doing so would expand its length from two pages to three, and because the form is used as a commitment form and should thus be limited in that respect. However, the committee elected to pursue the creation of an information form in a future cycle. The committee agreed that providing the information suggested above would be very beneficial for the parties. Once approved, the proposed information form could accompany the form and be provided to the youth, the youth's family, attorneys, and the court. The form could contain important clarifying information about how the youth's commitment to DJF will be implemented and important information related to a commitment to DJF.

Three commentators also made recommendations related to how the form displays information about the court's restitution order. One commentator recommended combining items 9 and 10 and adding boxes, with one "to be checked" starting with the most common order: "No restitution is ordered at this time. If restitution is sought at a future time the prosecution will notify all parties and request a hearing to be calendared in the committing court." Items 9 and 10 have different functions. Item 9 refers to the fine that all offenders are ordered to pay into the fund. Item 10 is necessary only if there is a restitution order against this offender, which is not always the case. For this reason, the committee chose not to make the suggested revisions to the form. Information about restitution, however, can be added to the information form.

A commentator recommended inserting "as verified on youth's birth certificate" to the end of item 1(a) where the court provides the youth's name. The commentator did not provide a rationale for this recommendation. The committee chose not to make this revision because many youth do not have birth certificates or would have birth certificates that are difficult to locate, thus placing an extra burden on the court and possibly delaying processing.

In addition, several technical revisions were made to the proposed form in response to comments outlined in the attached comment chart, on pages 12–32.

Alternatives

The committee considered not revising form JV-732 but elected to proceed with the proposal. The committee agreed that the form needed revisions and, in light of the passage of Proposition 57 and the possibility of increased commitments to DJF, decided that to proceed with the revisions as soon as possible was best. In response to several comments received during the public comment period, the committee also considered proposing the creation of an information form to accompany form JV-732. The form would include information that the committee considers very beneficial for the youth, their family, the court, and the attorneys, including information on parole eligibility, restitution, visitation at a DJF facility, information on the youth's rights while detained at a DJF facility, and the contact information for and purpose of the state ombudsman. Because no information form was included in the proposal that circulated for public comment, the committee proposes pursuing the information form in a future cycle so that it can be considered for public comment.

Implementation Requirements, Costs, and Operational Impacts

The committee does not anticipate that this proposal will result in costs to the courts other than printing costs in courts that continue to distribute printed copies of blank forms. The greater clarity of the form has reduced its length from three pages to two and may result in fewer mistakes and the need to re-do the form, further providing cost savings.

Attachments and Links

1. Form JV-732, at pages 10–11
2. Chart of comments, at pages 12–32

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT - Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
YOUTH'S NAME:	
COMMITMENT TO THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, DIVISION OF JUVENILE FACILITIES	CASE NUMBER: JUVENILE:

1. a. Youth's name:
 b. Youth's date of birth:
 c. Parent's/guardian's name: _____ Address: _____ Phone No.: _____
 d. Educational rights/developmental rights holder (if applicable): _____
2. a. Date of hearing: _____ Dept.: _____ Room: _____
 b. Judicial officer (name): _____
 c. Persons present
 Youth Youth's attorney Mother Father Guardian Deputy district attorney
 Others as reflected on the attached minute order

THE COURT FINDS AND ORDERS:

3. The youth was under the age of 18 years at the time of the commission of the offense for which the youth is being committed to the Division of Juvenile Facilities.
4. The mental and physical condition and qualifications of this youth render it probable that the youth will benefit from the reformatory discipline or other treatment provided by the Division of Juvenile Facilities.
5. a. The youth is committed to the Division of Juvenile Facilities for acceptance.
 b. The youth is returned to the Division of Juvenile Facilities for a modification, as a sanction for a serious violation or a series of repeated violations of the conditions of supervision, under Welfare and Institutions Code section 1767.35. The court-ordered release date is: _____
 c. The youth is committed to the Division of Juvenile Facilities for a 90-day period of observation and diagnosis.
6. The youth has been declared a ward of the court and is committed based on the most recent offense(s) listed in Welfare and Institutions Code section 707(b) or Penal Code section 290.008:

	Code section			Enhancements (code section and max. term)	Total
Principal felony:	_____	with a max term of:	_____	+	= _____
			<u>Sentencing options</u>		
Subordinate offense(s):	<input type="checkbox"/> Felony		_____	+	= _____
	<input type="checkbox"/> Felony		_____	+	= _____
	<input type="checkbox"/> Felony		_____	+	= _____
	<input type="checkbox"/> Misdemeanor		_____	+	= _____
	<input type="checkbox"/> Misdemeanor		_____	+	= _____

Continued on attachment 6.

The maximum period of imprisonment that could be imposed on an adult convicted of the offense or offenses that brought the youth before the court is: _____

7. After having considered the individual facts and circumstances of the case under section 731(c), the court orders that the maximum period of confinement is: _____
 (If lower than the total in number 6, the court has used its discretion to modify the maximum confinement period under section 731(c).)

YOUTH'S NAME:	CASE NUMBER: JUVENILE:
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8. The youth has credit for time served at the Division of Juvenile Facilities of (number): _____ days.
 The youth has credit for time served at a local holding facility of (number): _____ days.

9. The youth is ordered to pay a restitution fine of: \$

10. The youth is ordered to pay victim restitution as stated on attachment 10.

11. Exceptional needs (a, b, or c must be checked)

- a. The youth has been identified as an individual with exceptional needs under Welfare and Institutions Code section 1742 and has an individualized education program under Education Code 56340 et seq. which (check one)
 - (1) is included as attachment 11a.
 - (2) will be furnished to the Division of Juvenile Facilities upon delivery of the youth.
- b. The youth is not an individual with exceptional needs.
- c. No determination has been made regarding whether the youth has any exceptional needs.

12. The court requests that a copy of the Clinical Summary Report be sent to the youth's attorney (name and address of attorney):

13. The probation officer is directed to forward a copy of the youth's medical records to the Division of Juvenile Facilities before delivery.

14. The youth has has not been prescribed psychotropic medication. If form JV-220 has been completed for the youth, it is attached on attachment 14. Such psychotropic medication, if still necessary based on an evaluation by a Division of Juvenile Facilities physician, may be continued for a period not to exceed 60 days from the date of delivery of the youth to the Division of Juvenile Facilities reception center and clinic.

If no form JV-220 accompanies this form, the types and dosages of medication is/are (specify):

Continued on attachment 14.

15. The youth is ordered to submit to AIDS testing

- a. under Welfare and Institutions Code section 1768.9.
- b. under Penal Code section 1202.1 due to a sustained offense listed in Penal Code section 1202.1(e).

16. The youth was committed for a sex offense under Penal Code section 290.008 requiring registration as a sex offender:

- a. The youth was 18 years of age or older at the time of assessment, 15 years of age or younger at the time of the offense, or is a female; no SARATSO tool was ordered.
- b. The appropriate SARATSO score, selected under Penal Code section 290.04(d) or (e), was used to assess the youth. The court has read and considered the following risk assessment and received it into evidence:
 - (1) The youth was under 18 at the time of assessment and offense; the JSORRAT-II was considered.
 - (2) The youth was 18 years of age at the time of assessment and 16 or 17 at the time of the offense; the Static-99 was considered.

17. The court has determined that the youth has been in at least one foster care or other title IV-E eligible placement (Part E of subchapter IV of chapter 7 of title 42 of the United States Code) during the course of a dependency or delinquency case.

18. Other findings and orders

- a. See attachment 18a
- b. (Specify):

Date: _____  _____
 JUDICIAL OFFICER

W17-03

Juvenile Law: Commitment to Department of Corrections and Rehabilitation (revise form JV-732)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
1.	California Judges Association By Lexi Howard Legislative Director	N/I	<p>Thank you for the opportunity to provide comments on behalf of the Juvenile Court Judges of California, a section of the California Judges Association.</p> <p><i>Is item 6 sufficiently clear regarding eligible offenses to include in the calculation of maximum commitment time?</i></p> <p>Partially, in that 731 and 733 require that the most recent offense be one described in 707(b) or Penal Code section 290.008. We recommend this be revised as follows: “The youth has been declared a ward of the court and is committed based on the most recent offense(s), which includes an offense described in Welfare and Institutions Code Section 707(b) or Penal Code Section 290.008(c):”</p> <p><i>Will the proposed changes in item 7 of the revised form provide greater clarity of the court’s order for the maximum custody time?</i></p> <p>Yes, this calls direct attention to the requirement that the court make such a determination.</p> <p><i>Does the designation of custody time served as “served at Division of Juvenile Facilities” and “served at a local holding facility” in item 8 of the revised form provide a useful distinction of custody time that will assist the court in sentencing?</i></p> <p>Yes.</p>	<p>No response required.</p> <p>The committee agrees with the suggestion to include that the committing offense must be described by section 707(b) or Penal Code section 290.008 to item 6.</p> <p>No response required.</p> <p>No response required.</p>

W17-03

Juvenile Law: Commitment to Department of Corrections and Rehabilitation (revise form JV-732)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p><i>Are there other changes to form JV-732 in addition to those included in this proposal that would improve the form’s clarity? (Please specify the particular changes.)</i></p> <p>Yes; we recommend that Paragraph 7 be highlighted with the box around it rather than the last sentence of paragraph 6 to highlight the maximum period of confinement actually ordered rather than the maximum allowed.</p> <p><i>Are there other changes to form JV-732 in addition to those included in this proposal that would help ensure that the youth can be committed to the California Department of Corrections and Rehabilitation without unnecessary delays? (Please specify the particular changes.)</i></p> <p>No.</p> <p><i>Would the proposal provide cost savings?</i></p> <p>We have not identified any cost savings.</p> <p><i>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</i></p>	<p>The committee agrees with this suggestion as the emphasis should be on the court’s order of confinement in item 7 after having considered the individual facts and circumstances. The committee has therefore highlighted the box where the court inserts the maximum period of confinement in item 7, to put further emphasis on this order of the court.</p> <p>No response required.</p> <p>No response required.</p>

W17-03

Juvenile Law: Commitment to Department of Corrections and Rehabilitation (revise form JV-732)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>Since JV-732 is a form already in use, the training time should be minimal on the use of the form but gathering some of the information such as exceptional needs materials and JV-220 orders may be time intensive.</p> <p><i>Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</i></p> <p>Yes.</p> <p><i>How well would this proposal work in courts of different sizes?</i></p> <p>We anticipate this will work well for all courts. Thank you for the opportunity to submit comments. Please do not hesitate to contact us for further information or with any questions.</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p>
2.	Hon. Becky Lynn Dugan Presiding Judge Superior Court of Riverside County	N/I	<p>The sentencing formula provided in item 6 provides an inaccurate sentencing formula that could lead to further confusion and incorrect sentencing. The sentencing formula for delinquents is the same as adult sentencing. As such, there should be some changes. First, the 1/3 midterm option should be removed because the form makes it appear as if it is mandatory, but a 1/3 midterm will not be used in many situations and doesn't apply to misdemeanors. It is also recommended that the subordinate offenses should be listed separately as felonies and misdemeanors, with the misdemeanors on the bottom. It should list three felonies and two</p>	<p>The committee agrees that the form should reflect that the court has sentencing options. In addition, the committee agrees that the proposed form's sentencing chart in item 6 makes it appear that a 1/3 midterm is mandatory when this will not always be the case. The committee also agrees that the felonies and misdemeanors can be separated into different rows. The committee also agrees with the recommendation that item 6 be amended to provide a space for the court to include a column for "sentencing options". This will provide the court with a space to provide the various sentencing options that may be applicable.</p>

W17-03

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	Commentator	Position	Comment	Committee Response
			<p>revised form provide greater clarity of the court’s order for the maximum custody time?</p> <p>Yes</p> <ul style="list-style-type: none"> • Are there other changes to form JV-732 in addition to those included in this proposal that would improve the form’s clarity? (Please specify the particular changes. <p>No. Excellent work.</p> <ul style="list-style-type: none"> • Are there other changes to form JV-732 in addition to those included in this proposal that would help ensure that the youth can be committed to the California Department of Corrections and Rehabilitation without unnecessary delays? (Please specify the particular changes.) <p>I added language signifying that the court has reviewed the minor’s birth certificate and that the name is correctly displayed as in the birth certificate.</p> <p>Also a notice to the effect that DJJ does not calculate victim restitution if no amount is specified by the court.</p>	<p>No response required.</p> <p>No response required.</p> <p>The committee choose not to make this revision because many youth do not have birth certificates or would have birth certificates that are difficult to locate thus potentially delaying processing.</p> <p>The committee elected to provide this information in the information form mentioned below. The committee will pursue development of an information form in a future cycle.</p>
4.	Orange County Bar Association By Michael Baroni President	AM	Is item 6 sufficiently clear regarding eligible offense to include in the calculation of maximum commitment time?	

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	Commentator	Position	Comment	Committee Response
			<p>Yes. The current form does not indicate that the commitment has to be based on the most recent offense and does not aid the court in calculating subordinate offenses (see <i>In re Eric J.</i> (1979) 25 Cal.3d 522, 538) The proposed changes clearly indicate that the court’s computation must be for the most recent offense and aid the preparer in calculating a maximum period of confinement. However, the form does not clearly indicate that the committing offense must be listed in Welfare and Institutions Code section 707, subdivision (b) or Penal Code section 290.008, subdivision (c). (Welf. & Inst. Code, § 733, subd. (c); <i>In re D.B.</i> (2014) Cal.4th 941, 947.) It may be helpful to consider amending the introductory sentence to the section to include the following italicized language: 6. The youth has been declared a ward of the court and is committed based on the most recent offense(s) <i>listed in Welfare and Institutions Code section 707(b) or Penal Code section 290.008:</i> Assuming that a commitment based on an ineligible offense would delay the imposition of a valid dispositional order, the italicized language may help reduce delay.</p> <p>Will the proposed changes in item 7 of the revised form provide greater clarity of the court’s order for the maximum custody time?</p> <p>Yes. In the current version of JV-732, the maximum period of confinement set by the</p>	<p>The committee agrees with the suggestion to indicate in item 6 that the committing offense must be described by section 707(b) or Penal Code section 290.008.</p> <p>No response required.</p>

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			<p>court is indicated in item 8, where it is not altogether clear whether the form is asking for the maximum period of confinement that could be imposed on an adult or the maximum period of confinement ordered by the court for the minor in its dispositional order. This distinction is critical because, in the exercise of its discretion and after having considered the individual facts and circumstances of the case under Welfare and Institutions Code section 731, subdivision, (c), the court has the authority to set a maximum period of confinement at less than even the mitigated term applicable to adult defendants in cases governed by the determinate sentencing law (<i>In re A.G.</i> (2011) 193 Cal.App.4th 791, 804) and for shorter periods for offense governed by the indeterminate sentencing law (<i>In re R.O.</i> (2009) 176 Cal.4th 487, 498).</p> <p>Does the designation of custody time served as “served at Division of Juvenile Facilities” and “served at a local holding facility” in item 8 of the revised form provide a useful distinction of custody time that will assist the court in sentencing?</p> <p>Yes. Under Welfare and Institutions Code section 1767.35, subdivision (c), the court “upon a finding that the ward violated his or her conditions of supervision” may “order that the person be returned to the custody of the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, for a specified</p>	<p>No response required.</p>

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			<p>amount of time no shorter than 90 days and no longer than one year” and can only be made if the court finds: “(1) that appropriate local options and programs have been exhausted, and (2) that the ward has available confinement time that is greater than or equal to the length of the return.” Distinguishing between credit for time served at DJF and a local holding facility will ensure that the youth has reached the limit of total commitment time at DJF if they are returned under section 1765.35.</p> <p>Are there other changes to form JV-732 in addition to those included in this proposal that would improve the form’s clarity?</p> <p>No, other than the change suggested in first response above.</p> <p>Are there other changes to form JV-732 in addition to those included in this proposal that would help ensure that the youth can be committed to the California Department of Corrections and Rehabilitations without unnecessary delays?</p> <p>No, other than the change suggested in first response above.</p>	<p>No response required.</p> <p>No response required.</p>
5.	Pacific Juvenile Defender Center By Pamela Villanueva and Sue Burrell 258A Laguna Honda Blvd. San Francisco, CA 94116		<p>Dear Members of the Judicial Council:</p> <p>These comments are submitted on behalf of the Pacific Juvenile Defender Center, in response to Invitation to Comment W17-03, submitted by</p>	<p>No response required.</p>

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			<p>the Honorable Jerilyn Borack and Honorable Mark Juhas, Co-Chairs of the Family and Juvenile Law Advisory Committee. This proposal is to change Form JV-732 to assure that courts provide complete and accurate information needed for the acceptance of youth by the Division of Juvenile Facilities (DJF), thus avoiding unnecessary delays in the court’s disposition orders. We support the need for such changes, and appreciate the Committee’s engagement in improving the form.</p> <p>The Pacific Juvenile Defender Center (PJDC) is a regional affiliate of the Washington, D.C.-based National Juvenile Defender Center. It provides support to more than 800 juvenile trial lawyers, appellate counsel, law school clinical programs and non-profit law centers throughout California and around the country. The Center works to improve the quality of representation for children, and to promote the development laws and policies that increase the success of youth in the system and reduce unnecessary confinement. Many of our members represent youth being committed to DJF, so they are sensitive to the need to assure that the commitment process unfolds as efficiently and expeditiously as possible.</p> <p>We are encouraged that the proposed form represents a vast improvement over the old form and is responsive to the concerns expressed by DJF Director Anthony Lucero, and the Los Angeles County Public Defender. In particular,</p>	<p>No response required.</p> <p>No response required.</p>

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			<p>we are heartened by efforts to more clearly describe the paperwork needed for transfer to DJF, thus preventing the previously existing delays that occurred simply because the right paperwork had not been submitted to DJF. We are especially pleased that the language relating to the SARATSO sex offender tool has been revised. These comments briefly touch on the request for specific comments and then offer additional suggestions for improving the form.</p> <p><u>Request for Specific Comments</u></p> <p>Is item 6 sufficiently clear regarding eligible offenses to include in the calculation of maximum commitment time?</p> <p>Yes. The new form clearly states under #6 that the ward is “committed on the most recent offense(s).” This will help to prevent youth from being committed on their entire juvenile record. Lack of clarity on this point previously resulted in many youth serving more time at DJF than contemplated and even sex registration, if an earlier petition, other than the intended “committing offense” was a sex offense.</p> <p>Will the proposed changes in item 7 of the revised form provide greater clarity of the court’s order for the maximum custody time?</p> <p>Yes.</p>	<p>No response required.</p> <p>No response required.</p>

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			<p>Does the designation of custody time served as “served at Division of Juvenile Facilities” and “served at a local holding facility” in item 8 of the revised form provide a useful distinction of custody time that will assist the court in sentencing?</p> <p>Yes.</p> <p>Are there other changes to form JV-732 in addition to those included in this proposal that would improve the form’s clarity? Are there other changes to form JV-732 in addition to those included in this proposal that would help ensure that the youth can be committed to the California Department of Corrections and Rehabilitation without unnecessary delays? (Please specify the particular changes.)</p> <p>Yes. In addition to the proposed changes, PJDC requests the judicial council consider modifying and/or including the following in the new form:</p> <p>In item 5, consider changing the order of the selections to reflect usage, which would move box (a) to the (c) position.</p> <p>In item 7, add additional clarification and advice about confinement time: After having considered the individual facts and circumstances of the case under section 731 (c), the court orders that the maximum period of</p>	<p>No response required.</p> <p>The committee agrees with this suggestion and has revised the form accordingly.</p> <p>The committee agrees with providing information to the youth that will provide the youth with clarification about their confinement time. Ensuring that the youth, his or her family, the attorneys and the court understand this</p>

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			<p>confinement is: (If lower than the total number 6, the court has used its discretion to modify the maximum confinement period under section 731(c). If the number is the same as the number in 6, the court has advised the minor of their likely parole eligibility date based upon their commitment offense in California Code of Regulations, Title 15, Division 4.5, Chapter 2, Article 3, §§ 4951-4957. Additionally, the court has advised the minor that release from DJF will not occur until the Board of Juvenile Hearings determines the minor is sufficiently rehabilitated or 90-120 days before their 23rd birthday, or two years, whichever occurs later (Sections 607, subd. (f), 1766, 1766.2, subdivision (a), 1769, subdivision (c).))</p> <p>Comment: Many youth are confused by the way maximum confinement time and parole eligibility are often described. PJDC believes that providing this additional advice is crucial to help youth to understand the amount of time they will spend in custody before they are eligible for a board date. This will also ensure that court officers and district attorneys understand how long the youth will be at DJF before they are eligible for release.</p> <p>In item 8, add: The court has advised the minor that presentence credit is not applied toward their parole eligibility date, only toward their maximum confinement time.</p> <p>Comment: Again, this is a common source of</p>	<p>information is helpful for everyone. However, the committee elected not to include this information on the form to limit the form's purpose of being a commitment form. In addition, in order to limit the use of excess paper and reduce the burden on courts, the committee would like the form to remain two pages instead of three. The committee has proposed including this important information in an information form that can accompany the form. The information form would contain a chart that will provide a list of offenses and correspond to their eligibility for a parole hearing. The committee considered including the information form in this proposal, but determined that the information form should go out for public comment first. The committee will pursue development of an information form in a future cycle.</p> <p>The committee agrees that the youth, the parties and the youth's family should be provided with this information. However, for the reasons noted above, the committee elected not to include this advisement in the form. The committee has proposed putting this advisement in an</p>

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			<p>confusion. Youth erroneously believe that time spent in local custody counts against their parole date. It is important to explain to them at the outset that the time they spend in local facilities prior to DJF disposition is not credited toward the youth’s eligibility for parole date.</p> <p>Items 9 and 10: Consider combining, adding boxes with one “to be checked” starting with the most common order “No restitution is ordered at this time. If restitution is sought at a future time the prosecution will notify all parties and request a hearing to be calendared in the committing court”</p> <p>Items 14and 15: Consider combining for clarity.</p> <p>//</p> <p>//</p> <p>We very much appreciate the opportunity to help to improve this form based on our experiences in the field. Please let us know if we can provide further explanations about any of the comments or suggestions in this document.</p>	<p>information form, along with other informative information, that can be provided to the youth and the parties. The committee will pursue development of an information form in a future cycle.</p> <p>Item 9 and item 10 are not mutually exclusive warranting a selection of one over the other. Item 9 refers to the fine that all offenders are ordered to pay into the fund. Item 10 is necessary if there is a restitution order, which is not always the case. The committee elected to include the information regarding when restitution is sought at a future time after the commitment order is made in the proposed information form mentioned above. The committee will pursue development of this information form in a future cycle that will include this information.</p> <p>The committee agrees with this suggestion and has revised the form accordingly.</p> <p>No response required.</p>

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	Commentator	Position	Comment	Committee Response
6.	State Bar of California, Standing Committee on the Delivery of Legal Services By Sharon Ngim Program Developer & Staff Liaison	A	<p>Specific Comments</p> <ul style="list-style-type: none"> • <u>Is item 6 sufficiently clear regarding eligible offenses to include in the calculation of maximum commitment time?</u> <p>Yes.</p> <ul style="list-style-type: none"> • <u>Will the proposed changes in item 7 of the revised form provide greater clarity of the court’s order for the maximum custody time?</u> <p>Yes.</p> <ul style="list-style-type: none"> • <u>Does the designation of custody time served as “served at Division of Juvenile Facilities” and “served at a local holding facility” in item 8 of the revised form provide a useful distinction of custody time that will assist the court in sentencing?</u> <p>Yes.</p> <ul style="list-style-type: none"> • <u>Are there other changes to form JV-732 in addition to those included in this proposal that would improve the form’s clarity? (Please specify the particular changes.)</u> <p>No.</p> <ul style="list-style-type: none"> • <u>Are there other changes to form JV-732 in addition to those included in this proposal that would help ensure that the youth can be committed to the California Department of</u> 	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p>

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			<p><u>Corrections and Rehabilitation without unnecessary delays? (Please specify the particular changes.)</u></p> <p>No.</p> <p>Additional Comments</p> <p>The proposed changes will help prevent youth from low income families, youth of color and other vulnerable youth from being kept for long periods of time in county facilities where in many cases appropriate education and treatment are not received.</p>	<p>No response required.</p> <p>No response required.</p>
7.	Superior Court of Los Angeles County	AM	<p>Propose Modifications:</p> <p>Form JV-732</p> <p>Item 1. a. – add “as verified on youth’s birth certificate:”</p> <p>Item 17. a. – add to read “The youth was 18 years of age <u>or older</u> at the time of assessment and 15 or younger at the time of offense; <u>or is</u> a female; no SARATSO tool was ordered.”</p> <p>Request for Specific Comments:</p> <p>Is item 6 sufficiently clear regarding eligible offense to include in the calculation of maximum commitment time?</p>	<p>The committee choose not to make this revision because many youth do not have birth certificates or would have birth certificates that are difficult to locate thus potentially delaying processing.</p> <p>The committee agrees with this suggestion and has revised the form accordingly.</p>

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			<p>Yes.</p> <p>Will the proposed changes in item 7 of the revised form provide greater clarity of the court's order for the maximum custody time?</p> <p>Yes.</p> <p>Are there other changes to form JV-732 in addition to those included in this proposal that would improve the form's clarity?</p> <p>No. Excellent work.</p> <p>Are there other changes to form JV-732 in addition to those included in this proposal that would help ensure that the youth can be committed to the California Department of Corrections and Rehabilitations without unnecessary delays? (Please specify the particular changes.)</p> <p>Please see proposed changes with added language signifying that the court has reviewed the minor's birth certificate and that the name is correctly displayed as in the birth certificate.</p> <p>We also suggest adding a notice to the effect that DJJ does not calculate victim restitution if no amount is specified by the court.</p>	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>The committee choose not to make this revision because many youth do not have birth certificates or would have birth certificates that are difficult to locate thus delaying processing.</p> <p>The committee agrees that this information be provided to the parties using an information form as mentioned above. The committee will pursue development of an information form in a future cycle.</p>

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8.	Superior Court of Orange County, Family and Juvenile Orange County Court Managers	N/I	<ul style="list-style-type: none"> ▪ On page 2, section 8, we recommend adding checkboxes before both options. This will help clarify if the youth is receiving credit for time served at a Division of Juvenile Facility, credit for time served at a local holding facility, or both. ▪ On page 2, section 17, we recommend revising the sentence to include a colon at the end. <i>The Youth has been committed for a sex offense under Penal Code section 290.008 offense</i>:. This will prompt the court to select either option <i>a</i> or <i>b</i>, which provides to the reason the youth is being required to register as a sex offender. <p>Due to the recent implementation of Prop. 57, the court anticipates there will be an increase in JV-732 filings.</p>	<p>The committee agrees with this suggestion and has revised the form accordingly.</p> <p>The committee agrees with this suggestion and has revised item 16 of the form accordingly. (Item 17 was changed to item 16 after the comment period).</p> <p>No response required.</p>
9.	Superior Court of Riverside county By Susan Ryan Chief Deputy of Legal Services	N/I	The form does provide the clarity needed to eliminate the delay in transferring juvenile offenders to DJF.	No response required.
10.	Superior Court of San Diego County By Michael M. Roddy Executive Officer	AM	<p>Is item 6 sufficiently clear regarding eligible offenses to include in the calculation of maximum commitment time?</p> <p><i>Yes, but is sufficient room provided for both the code section and the max term in the column under the heading “Enhancements”?</i></p> <ul style="list-style-type: none"> • Will the proposed changes in item 7 of the revised form provide greater clarity of the 	The committee has ensured that there is sufficient room in the enhancements column.

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			<p>court’s order for the maximum custody time?</p> <p><i>Yes.</i></p> <ul style="list-style-type: none"> • Does the designation of custody time served as “served at Division of Juvenile Facilities” and “served at a local holding facility” in item 8 of the revised form provide a useful distinction of custody time that will assist the court in sentencing? <p><i>Yes.</i></p> <ul style="list-style-type: none"> • Are there other changes to form JV-732 in addition to those included in this proposal that would improve the form’s clarity? (Please specify the particular changes.) <i>None known.</i> • Are there other changes to form JV-732 in addition to those included in this proposal that would help ensure that the youth can be committed to the CDCR without unnecessary delays? (Please specify the particular changes.) <p><i>None known.</i></p> <ul style="list-style-type: none"> • Would the proposal provide cost savings? If so, please quantify. <p><i>Unknown.</i></p> <ul style="list-style-type: none"> • What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures 	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p>

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			<p>(please describe), changing docket codes in case management systems, or modifying case management systems?</p> <p><i>Training staff (judicial officers, court clerks, back office clerks, clerical supervisors—hours of training unknown), revising procedures (requires coordination with probation departments and prosecuting agencies), and changing codes in JCMS.</i></p> <ul style="list-style-type: none"> • Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? <p><i>Unknown.</i></p> <ul style="list-style-type: none"> • How well would this proposal work in courts of different sizes? <p><i>Unknown.</i></p> <p style="text-align: center;"><u>FORM JV-732</u></p> <ul style="list-style-type: none"> • Page 1, item 5.c.: Insert hyphen. The court-ordered release date is: • Page 1, item 6: Delete “is.” Principal felony is: 1/3 midterm-is: 	<p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>The committee agrees with this suggestion and has revised the form accordingly.</p> <p>The committee agrees with this suggestion but the revision is no longer necessary because the reference to a”1/3 midterm” was deleted after the comment period in response to suggested modifications from one of the commentators.</p>

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			<p>QUERY: Is sufficient room provided for both the code section and the max term in the column under the heading “Enhancements”?</p> <p>The maximum period of imprisonment that could can be imposed upon an adult convicted of the offense or offenses which has brought the youth before the court is:</p> <ul style="list-style-type: none"> • Page 2, item 8: Change (state number) to <i>(specify number)</i>. • Page 2, item 11: Italicize <i>(a, b, or c must be checked)</i>. • Page 2, item 11.a.: Italicize <i>(check one)</i>. • Page 2, item 11.c.: It does not appear that a No determination has been made regarding whether the youth has any exceptional needs the youth may have. • Page 2, item 14: The youth has has not been prescribed psychotropic medication. If a JV-220 has been completed for the youth, it is attached 	<p>The committee has ensured that there is sufficient room in the enhancements column.</p> <p>The committee does not agree with this revision because Section 731(c) uses the language “could” instead of “can” in this sentence.</p> <p>The committee does not agree with this revision as the terms are so similar in meaning that a change is not warranted.</p> <p>The committee agrees with this suggestion and has revised the form accordingly.</p> <p>The committee agrees with this suggestion and has revised the form accordingly.</p> <p>The committee agrees with this suggestion and has revised the form accordingly.</p> <p>The committee agrees with this suggestion and has revised the form accordingly.</p>

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			<p>as attachment 14.</p> <p>If there is no form JV-220, specify the type(s) and dosage(s) of medication is/are (specify):</p> <ul style="list-style-type: none"> • Page 2, item 17.b.: The appropriate SARATSO score, selected under Penal Code section 290.04(d) or (e), was used to assess the minor youth. The court has read and considered the following risk assessment and received it into evidence: • Page 2, item 18: The court has determined that the youth has been in at least one foster care placement or other placement eligible for Title 42, U.S. Code, Part IV-E eligible placement funding during the course of a dependency or delinquency case. 	<p>The committee agrees with this suggestion and has revised the form accordingly.</p> <p>The committee agrees with this suggestion and has revised the form accordingly.</p> <p>The committee elected not to make these revisions. Keeping the language as it is will help to ensure that the court will make an inquiry into whether or not the youth has been in a foster care placement. The committee also does not feel that it is necessary to specify that a placement is eligible for funding, as the committee believes designating a placement as an eligible placement under Title 42, U.S. Code, Part IV-E is sufficient.</p>
11.	TCPJAC/CEAC Joint Rules Subcommittee	A	The proposal should be implemented because it provides needed clarity for justice system partners.	No response required.