



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 23-095

For business meeting on May 12, 2023

Title

Juvenile Law: New Disposition for Serious Offenses

Agenda Item Type

Action Required

Effective Date

July 1, 2023

Date of Report

April 21, 2023

Contact

Tracy Kenny, 916-263-2838
tracy.kenny@jud.ca.gov

Rules, Forms, Standards, or Statutes Affected

Adopt Cal. Rules of Court, rules 5.804, 5.807, and 5.808; amend rules 5.663, 5.670, 5.790, and 5.820; repeal rule 5.805; approve form JV-733; revise forms JV-060-INFO, JV-618, JV-665, JV-667, JV-690, JV-692, JV-735, and JV-751; revoke form JV-732

Recommended by

Family and Juvenile Law Advisory Committee

Hon. Stephanie E. Hulsey, Cochair

Hon. Amy M. Pellman, Cochair

Stephanie Lacambra, 415-865-7481

stephanie.lacambra-t@jud.ca.gov

Executive Summary

The Family and Juvenile Law Advisory Committee recommends adopting three rules of court, amending four rules of court, and repealing one rule of court, as well as approving one optional form, revising eight forms, and revoking one form to reflect the closure of the Department of Juvenile Justice and create new procedures to assist courts in using the new secure youth treatment facility disposition. These revisions would become effective on July 1, 2023, to align with the closure of the Division of Juvenile Justice on June 30, 2023.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2023:

1. Adopt Cal. Rules of Court, rules 5.804, 5.807, and 5.808 to implement the provisions of Welfare and Institutions Code section 875;
2. Amend Cal. Rules of Court, rules 5.663, 5.670, 5.790, and 5.820 to delete obsolete references to the Division of Juvenile Justice (DJJ) and update them to conform to recent statutory changes;
3. Repeal Cal. Rules of Court, rule 5.805 to reflect the closure of the DJJ;
4. Approve *Commitment to Secure Youth Treatment Facility* (form JV-733) for courts to use when committing youth to a secure youth treatment facility (SYTF);
5. Revise the following forms to reflect the closure of the DJJ, the new SYTF disposition, and recent legislative changes:
 - *Juvenile Justice Court: Information for Parents* (form JV-060-INFO);
 - *Waiver of Rights—Juvenile Justice* (form JV-618);
 - *Disposition—Juvenile Delinquency* (form JV-665);
 - *Custodial and Out-of-Home Placement Disposition Attachment* (form JV-667);
 - *School Notification of Court Adjudication (Welfare & Institutions Code Section 827(b) and Education Code Section 48267)* (form JV-690);
 - *Notification to Sheriff of Juvenile Delinquency Felony Adjudication (Welfare & Institutions Code Section 827.2)* (form JV-692);
 - *Juvenile Notice of Violation of Probation* (form JV-735); and
 - *Citation and Written Notification for Deferred Entry of Judgment—Juvenile* (form JV-751); and
6. Revoke *Commitment to the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities* (form JV-732) to reflect the closure of the DJJ.

The proposed rules and forms are attached at pages 11–45.

Relevant Previous Council Action

The Judicial Council approved a new rule of court, rule 5.806, at its March 24, 2023, meeting to be effective July 1, 2023, to implement the statutory directive in Welfare and Institutions Code section 875(h) that the council adopt an offense-based classification matrix to set the baseline terms for youth committed to an SYTF.

Analysis/Rationale

Background

In 2020, the Governor and the Legislature reached agreement on a framework to close the Division of Juvenile Justice (DJJ) and reallocate funding to counties to allow them to meet the needs of youth who would previously have been committed to the DJJ in local or regional programs. The details of this framework were spelled out in Senate Bill 92 (Stats. 2021, ch. 18), which was enacted in May 2021. Senate Bill 92 adds a new article, Secure Youth Treatment Facilities, to the Welfare and Institutions Code that sets forth a new dispositional option for juveniles ages 14 and over who are adjudicated for a Welfare and Institutions Code section 707(b) offense and for whom a less restrictive alternative disposition is unsuitable.

The proposal

The recommendations would amend and revise existing rules and forms to replace references to “Division of Juvenile Justice” with “secure youth treatment facility,” as appropriate. The recommendations would also repeal the current rule of court and revoke the form used to commit a youth to the DJJ and replace them with a set of rules and an optional form to be used by the court for the new SYTF disposition.

Changes to existing rules and forms to reflect closure of Division of Juvenile Justice

Numerous rules and forms currently refer to the Division of Juvenile Justice; those references must be removed and, where appropriate, replaced. In addition, with the closure of the DJJ, there will no longer be any juvenile sex offenses requiring registration as juvenile registration was only required for youth committed to DJJ, so those references must be deleted.

Rule 5.663

Rule 5.663, which sets forth the duties of counsel in juvenile justice matters, would be amended consistent with the provisions of Welfare and Institutions Code section 634.3. The legislation that enacted section 634.3 was passed in 2015, and while the council did implement the requirement that training standards and requirements be adopted by rule of court, the council did not revise rule 5.663 to clarify that attorneys in juvenile justice matters must represent the expressed interests of the child rather than their “best interests.” Rule 5.663 is referenced on form JV-665, which is proposed to be revised, and thus the committee wants to ensure that rule 5.663 accurately reflects the current state of the law and does not cause unnecessary confusion.

Rule 5.670

This rule, which contains the factors for the court to consider at a detention hearing, would be amended to require the court to consider whether a youth had been committed to an SYTF rather than to the DJJ. In addition, the rule would be amended to update internal cross-references.

Rule 5.790

Rule 5.790 would be amended to delete subdivision (i), concerning youths who were committed to the DJJ at the time of the disposition, and to re-letter the subsequent subdivision.

Rule 5.805

The committee recommends that rule 5.805 (commitment to the DJJ) be repealed because the DJJ would no longer be a dispositional option for juvenile courts.

Rule 5.820

Rule 5.820 would be amended to replace a reference to a commitment to the DJJ with a reference to an SYTF commitment.

Juvenile Justice Court: Information for Parents (form JV-060-INFO)

This form would be revised to remove language about the DJJ and substitute information about the SYTF disposition. The form would also be revised to reflect recent statutory changes concerning the interrogation of juveniles and a requirement that the public defender be notified within two hours of a youth being taken into custody. Revisions concerning the role of appointed counsel reflect recent changes to the law described above with reference to rule 5.663. In addition, information about transfer to adult court would be updated to reflect that only youth 16 and older are eligible for transfer. Also, a section is proposed to be added to the form to highlight that some juvenile adjudications will result in a prohibition on possessing firearms until age 30, as provided in Penal Code section 29820. Finally, all gendered pronouns and language would be made gender neutral consistent with the council's efforts to remove gendered language from rules and forms where it is not required.

Waiver of Rights—Juvenile Justice (form JV-618)

Form JV-618 would be revised to remove references to the DJJ in item 4b and substitute a reference to the SYTF disposition. In addition, item f would be revised to delete the check box for sex offender registration because it applies only to commitments to the DJJ, which cannot occur after June 30, 2023.

Disposition—Juvenile Delinquency (form JV-665)

Form JV-665 would be revised to remove item 18, the check box for the court to require sex offender registration; to renumber the remaining items; and to revise the reference to attached form JV-732 (commitment to the DJJ) to substitute proposed new form JV-733 (commitment to an SYTF).

Custodial and Out-of-Home Placement Disposition Attachment (form JV-667)

Form JV-667 would be revised to replace a reference to commitment to the DJJ with commitment to an SYTF in item 9, revise item 6h to remove check boxes for “mother” and “father” as superfluous in this context, and remove gendered pronouns in item 7b.

School Notification of Court Adjudication (Welfare & Institutions Code Section 827(b) and Education Code Section 48267) (form JV-690)

Form JV-690 would be revised to delete the check box for the DJJ and substitute one for an SYTF in item 2b. In addition, gendered pronouns would be replaced by gender-neutral terms on the form.

Notification to Sheriff of Juvenile Delinquency Felony Adjudication (Welfare & Institutions Code Section 827.2) (form JV-692)

Form JV-692 would be revised to remove a check box for a DJJ commitment and add one for an SYTF commitment.

Commitment to the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities (form JV-732)

The commitment form for the DJJ would be revoked and a new, optional form approved for commitment to an SYTF (see form JV-733).

Juvenile Notice of Violation of Probation (form JV-735)

Form JV-735 would be revised to replace a reference to the DJJ in item 3e with a reference to an SYTF. In addition, the notice to parents about financial liability would be revised to reflect recent changes in the law taking away financial liability for the cost of appointed counsel for a child and for the costs of the child's placement and supervision.

Citation and Written Notification for Deferred Entry of Judgment—Juvenile (form JV-751)

Form JV-751 would be revised to remove references to DJJ commitment as a possible consequence in items 8 and 9; delete item 10, concerning transfer to criminal court jurisdiction, because it is not an accurate statement of the law; and rewrite items 4a and 11 (to be renumbered as item 10) to remove gender-specific language.

New rules and form to implement new SYTF disposition

The committee recommends adopting three new rules (in addition to proposed rule 5.806, which contains the matrix for setting baseline terms and which the council has already approved after it was circulated for comment in a special cycle) and one optional form to commit youth to an SYTF.

Rule 5.804

The committee recommends a new rule of court to replace the DJJ commitment rule. Proposed new rule 5.804 restates the statutory criteria that youth must meet to be eligible for an SYTF commitment, as well as the finding the court must make before committing a youth to an SYTF. It also clearly lays out the statutorily required steps the court must take when making an SYTF commitment including setting the baseline term and maximum confinement term for the youth; ordering and approving an individualized rehabilitation plan within the statutory timeline; and setting a progress review hearing for the youth no later than six months from the date of commitment. In order to ensure that the court will have all necessary information to approve the individualized rehabilitation plan by the statutory deadline, the rule requires that the court set a hearing to review and approve the plan no later than the statutory deadline, and that the proposed plan be filed with the court and a copy provided to the parties by probation at least five calendar days before the hearing.

Rule 5.807

The committee recommends a new rule of court setting forth the statutory requirements for the court to set and conduct each six-month progress review hearing. It also includes the statutory requirements for when the court is considering transferring a youth from an SYTF to a less restrictive program, and procedures requiring that a motion for a transfer to a less restrictive placement be filed on all parties. The rule also clearly lays out the statutory process for the court to monitor the progress of a youth transferred to a less restrictive program and to address any failure by the youth to meet the terms and conditions of placement in the program.

Rule 5.808

The committee recommends a new rule of court that sets forth the statutorily required process for holding a discharge hearing at the end of the youth's baseline term of commitment, as well as the required findings for additional confinement if the youth poses a substantial risk of imminent harm at the time the baseline term is complete.

Commitment to Secure Youth Treatment Facility (form JV-733)

The committee proposes an optional form for courts to use when committing a youth to an SYTF disposition that includes the statutory requirements for an SYTF commitment, including the baseline term, maximum confinement term (which is identical to the similar item on form JV-732), and other information that was included on the JV-732 and will be useful to ensure that the treatment of the youth in the SYTF is well informed. The form also provides a means for a court to set a hearing to review the individualized rehabilitation plan and to order the first progress review hearing. The committee is proposing that this form be optional in contrast to the JV-732, which was mandatory, because that form was setting forth uniform statewide procedures to meet the needs of DJJ, while SYTFs are operated locally and thus each county and court may wish to create its own procedures for making a commitment order and providing information to the SYTF about the youth's needs.

Policy implications

Legislation enacted in 2020 (SB 823) and follow-up trailer bill legislation (SB 92) enacted in 2021 establish the framework for juvenile courts and counties to take over all responsibility for juvenile justice dispositions and require them to follow a new statutory process to commit serious offenders to a secure youth treatment facility in anticipation of the complete closure of the DJJ on June 30, 2023. This proposal would implement the new statutory requirements and provide some procedural guidance to the juvenile courts to ensure that they can implement the statutory intent.

Comments

This proposal was circulated for public comment from December 9, 2022, to January 20, 2023, as part of the winter rules and forms comment cycle. Six organizations and two individuals submitted comments on this proposal. Two organizations agreed with the proposal. Four organizations, including the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee, agreed if the proposal were modified. One commenter did not indicate a position but provided suggested revisions to one

form in the proposal. One individual indicated disagreement with the proposal but did not indicate why. A chart with the full text of the comments received and the committees' responses is attached at pages 46–61.

Comments on updating rule 5.663

The Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee raised concerns about the changes made to rule 5.663, which contains the standards for attorneys appointed to represent youth in juvenile justice matters. They are concerned that replacing the best interest standard of representation with the expressed interest standard is a substantive change that will be harmful to the court and suggest instead that expressed interest be added to the existing text of the rule. The committee, however, concluded that the change had to be made because of the enactment in 2015 of Welfare and Institutions Code section 634.3, which provides that counsel appointed to represent youth in juvenile justice matters must “[p]rovide legal representation based on the client’s expressed interests, and maintain a confidential relationship with the minor.”

When the council first adopted rule 5.663 in 2003 (as rule 1479) there was no statute outlining the duties of counsel in these cases and the council selected the best interest standard for representation based on its reading of the distinct purposes of the juvenile court relative to criminal courts.¹ With the enactment of section 634.3 the legislature has now made it clear that the standard should not be best interest, but rather expressed interest, as is the case in criminal proceedings. Including both standards in the rule would be inconsistent with statute because it would cause confusion in those instances when the attorney concludes that the best interest of the client and their expressed interest are at odds, and the attorney would then be unable to determine how to proceed and how to protect the confidentiality of their relationship with the client.

Comments on making the SYTF commitment form mandatory

The committee sought specific comment on whether the new *Commitment to Secure Youth Treatment Facility* (form JV-733) should be mandatory, as the form for commitment to DJJ has been. One commenter suggested that it should be mandatory for consistency of practice across the state, but the two courts who commented both agreed that an optional form would be preferable so that their courts could continue with the approach that was working locally. Because these facilities are locally run, the committee concurred that it was preferable to make the form optional. This ensures that every court would have a form available, but that courts with alternate means of documenting these dispositions could continue with or choose to implement the practice that is effective in their jurisdiction and not use the new form. The committee did adopt a suggestion to modify a provision on the circulated form to correctly reflect current law on calculating the maximum term of confinement for a youth committed to an SYTF.

¹ Judicial Council of Cal., Advisory Com. Rep., *Juvenile law : Responsibilities of attorneys for children in delinquency proceedings*, (October 21, 2003), p. 3.

Comments on adopting rules of court to implement an SYTF disposition

The committee sought specific comment on whether draft rules largely reiterating the statutory requirements for committing, reviewing, and discharging youth in secure youth treatment dispositions were of value on top of the text of the statute. All commenters agreed that the rules would be of benefit to the courts and the committee has included them with minor revisions based on the comments as described below.

Comments on clarifying statutory language on extending an SYTF commitment beyond the baseline term

The proposal includes a rule, rule 5.808, setting forth the procedures for discharging a youth from an SYTF commitment based on section 875(e)(3). Those requirements include authority for the court to extend the custody of a youth in an SYTF for a year beyond the baseline term set by the court if the court finds that the youth “constitutes a substantial risk of imminent harm to others in the community if released from custody.” Two commenters asked the committee to clarify or further define that standard as well as the burden of proof for the court to make that finding. The Orange County District Attorney proposed that the committee define the standard based on provisions in existing law for placing someone under an involuntary psychiatric hold, minus the provisions concerning a threat to the youth’s own safety. Building on this suggestion, he also suggested that the standard for making the finding be probable cause, as it is for Welfare and Institutions Code section 5150. The Pacific Juvenile Defender Center also suggested further clarity on this standard and that a burden of proof be included in the rule but did not provide a concrete suggestion for revising the rule. The committee, which had previously considered this question when it developed rule 5.806 for setting and reviewing the baseline term for an SYTF disposition, concluded that the statutory standard was sufficiently clear that further definition was not required, and that section 5150 was not a close analog. Moreover, the committee opted not to specify a burden of proof because the statute was silent, and thus under Evidence Code section 115, the default burden of proof of preponderance of the evidence would apply. Given the significance of the finding for the youth’s liberty, the committee did adopt a suggestion to revise the rule to require the court to recite the basis for finding that the youth poses a substantial risk of imminent harm to others on the record when it makes such a finding.

Comments on determining eligibility for an SYTF commitment

A commenter proposed that the committee amend rule 5.804 to include five enumerated statutory criteria (see section 875(a)(3)(A)–(E)) that the court must consider before it finds that a youth should be committed to an SYTF. The committee agreed that the statutory criteria were important but has a practice of avoiding extensively reiterating statutory provisions in the rules of court. The committee notes that these rules are largely a restatement of the key steps in the statutorily identified process but wanted to limit the inclusion of extended passages of statutory text, electing instead to redraft the rule text to highlight the consideration of the criteria as a distinct task and clarifying the statutory cross-reference.

Comments on individualized rehabilitation plans

Section 875 and rule 5.804 require the court to approve an individualized rehabilitation plan (IRP) for a youth committed to an SYTF within 30 judicial days of the commitment order. A commenter proposed including more of the statutory requirements for the IRP in the rule, rather than a statutory reference, and proposed that the rule require that the IRP be provided to all parties and counsel at least five days before the plan is approved. The committee opted not to add in the additional statutory text but concurred that a requirement that all parties have an opportunity to review the IRP at least five days before it is considered by the court would be beneficial to the court in ensuring that the IRP meets the needs of the youth. The recommended rule has been modified to include this requirement. In addition, the committee concluded that the court must set a hearing to review and approve the plan for all youth committed to an SYTF because that is the most efficient and effective means to fulfill the statutory obligation that the court obtain input from the prosecutor and the counsel for the youth and determine if any modifications to the plan are appropriate. Therefore, the proposed rule has been modified to require a hearing, and an item including the date and time of that hearing has been added to form JV-733.

Comments on progress review hearing requirements

Section 875 and rule 5.807 set forth the requirements for the court when reviewing the progress of a youth committed to an SYTF at hearings that must occur at least every six months. A commenter proposed a number of revisions to those rules that would have placed additional duties and requirements on the court that were not included in the statute to make it more likely that a court would reduce the baseline term of a youth for compliance with their case plan or transfer the youth to a less restrictive placement as soon as possible. The committee considered these suggestions but concluded that they went beyond the statute and were thus not authorized or required. The committee did make one change to these provisions to clarify that when the court is evaluating the progress of the youth relative to the IRP, that it do so in light of the programming made available to the youth so that progress is measured relative to the opportunities for programming that were offered. With regard to the need for further guidance, the committee can revisit these rules in a future cycle if it appears that courts are seeking direction in exercising their discretion or obtaining information from probation departments.

Additional information for parents of nonminors in the juvenile justice system

A comment was submitted with regard to *Juvenile Justice Court: Information for Parents* (form JV-060-INFO) and the need to let parents whose children have reached the age of majority understand that they would only have access to their children's cases as authorized by the youth. The committee added a question to this information form to remind parents that once the child is 18, they have rights to privacy and to meet separately with probation and other service providers.

Alternatives considered

The committee considered limiting the proposal solely to existing rules and forms that needed to be revised to reflect the closure of the DJJ and the new option of the SYTF disposition but determined that rules that clearly set forth the statutory requirements to commit a youth to an

SYTF would be of value to the courts as they implement the recently enacted statute. The committee also considered making the commitment form for the SYTF mandatory, but concluded that since these programs are run locally, it might be beneficial for courts to have the option to create a local form, use a minute order, or create another process to accommodate the specific needs of their programs.

Fiscal and Operational Impacts

Courts that make copies of form JV-060-INFO available to parents on paper may incur additional costs to print the updated form. Training and case management system update costs to the courts are also anticipated. Courts that commented indicated that these costs would be relatively minor and are required to implement the legislation.

Attachments and Links

1. Cal. Rules of Court, rules 5.663, 5.670, 5.790, 5.804, 5.805, 5.807, 5.808, and 5.820, at pages 11–19
2. Forms JV-060-INFO, JV-618, JV-665, JV-667, JV-690, JV-692, JV-732, JV-733, JV-735, and JV-751, at pages 20–45
3. Chart of comments, at pages 46–61
4. Link A: Welf. & Inst. Code, § 875,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=875.&lawCode=WIC
5. Link B: Welf. & Inst. Code, § 634.3,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=634.3.&lawCode=WIC

Rules 5.804, 5.807, and 5.808 of the California Rules of Court are adopted, rules 5.663, 5.670, 5.790, and 5.820 are amended, and rule 5.805 is repealed, effective July 1, 2023, to read:

Rule 5.663. Responsibilities of children’s counsel in delinquency proceedings
(§§ 202, 265, 633, 634, 634.3 634.6, 679, 700)

(a) ***

(b) Responsibilities of counsel

A child’s counsel is charged ~~in general with defending the child against the~~
~~allegations in all petitions filed in delinquency proceedings and with advocating,~~
providing effective, competent, diligent, and conscientious advocacy and making
rational and informed decisions founded on adequate investigation and preparation.
Counsel must maintain a confidential relationship with the child and provide legal
representation within the framework of the delinquency proceedings, that the child
~~receive care, treatment, and guidance consistent with his or her best interest based~~
on the child’s expressed interests.

(c) Right to representation

A child is entitled to have ~~the child’s~~ their interests represented by counsel at every stage of the proceedings, including in the postdispositional hearings phase. Counsel must continue to represent the child unless relieved by the court upon the substitution of other counsel, or for cause.

(d) ***

Rule 5.760. Detention hearing; report; grounds; determinations; findings; orders; factors to consider for detention; restraining orders

(a)–(f) ***

(g) Factors—violation of court order

Regarding the ground for detention in (c)(1)(A), the court must consider:

(1)–(8) ***

(h) Factors—escape from commitment

Regarding the ground for detention in (c)(2)(1)(B), the court must consider whether or not the child:

- (1) Was committed to ~~the California Department of Corrections and Rehabilitation, Division of Juvenile Justice;~~ or a county juvenile home, ranch, camp, forestry camp, secure youth treatment facility, or juvenile hall; and
- (2) Escaped from the facility or the lawful custody of any officer or person in which the child was placed during commitment.

(i) Factors—likely to flee

Regarding the ground for detention in ~~(c)(3)(1)(C)~~, the court must consider whether or not:

~~(1)–(8) ***~~

(j) Factors—protection of child

Regarding the ground for detention in ~~(c)(4)(1)(D)~~, the court must consider whether or not:

~~(1)–(3) ***~~

(k) Factors—protection of person or property of another

Regarding the ground for detention in ~~(c)(5)(1)(E)~~, the court must consider whether or not:

~~(1)–(3) ***~~

(l) ***

Rule 5.790. Orders of the court

~~(a)–(h) *~~**

~~(i) California Department of Corrections and Rehabilitation, Division of Juvenile Justice~~

~~If, at the time of the disposition hearing, the child is a ward of the California Department of Corrections and Rehabilitation, Division of Juvenile Justice (DJJ) under a prior commitment, the court may either recommit or return the child to the DJJ. If the child is returned to the DJJ, the court may:~~

- ~~(1) Recommend that the ward's parole status be revoked;~~
- ~~(2) Recommend that the ward's parole status not be revoked; or~~
- ~~(3) Make no recommendation regarding revocation of parole.~~

(i) Fifteen-day reviews (§ 737)

If the child or nonminor is detained pending the implementation of a dispositional order, the court must review the case at least every 15 days as long as the child is detained. The review must meet all the requirements in section 737.

Rule 5.804. Commitment to secure youth treatment facility

As provided in Welfare and Institutions Code section 875, the following applies if a court orders a youth to a secure youth treatment facility.

(a) Eligibility (§ 875(a))

A youth may be committed to a secure youth treatment facility as defined in section 875 if:

- (1) The youth committed an offense listed in section 707(b) when the youth was 14 years of age or older; and
- (2) The offense is the most recent offense for which the youth has been adjudicated; and
- (3) The court finds on the record that a less restrictive alternative disposition is unsuitable for the youth after considering all relevant and material evidence, including the recommendations of counsel, the probation department, and any other agency or individual designated by the court to advise on the appropriate disposition of the case. To make this finding the court must consider each of the criteria set forth in section 875(a)(3)(A)–(E).

(b) Setting baseline term (§ 875(b))

The court must set a baseline term for the youth as provided in rule 5.806.

(c) Setting the maximum term of confinement (§ 875(c))

1 The court must set a maximum term of confinement as provided in section 875(c)
2 based on the facts and circumstances of the matter or matters that brought or
3 continued the youth under the jurisdiction of the court and as deemed appropriate to
4 achieve rehabilitation. The court must apply the youth's precommitment credits to
5 the maximum term.

6
7 **(d) Individualized rehabilitation plan (§ 875(d))**
8

9 The court must, at the time of the commitment, order the probation department to
10 prepare a proposed individualized rehabilitation plan for the youth as provided by
11 section 875(d). The court must approve a plan for the youth no later than 30 court
12 days after the order of commitment.

13
14 (1) The court must set a hearing to review and approve the plan no later than 30
15 court days from the date of the commitment order.

16
17 (2) The proposed plan must be filed with the court and a copy of the plan must
18 be provided to the prosecuting attorney, the youth, and counsel for the youth
19 at least 5 calendar days before the hearing.

20
21 **(e) Setting the progress review hearing (§ 875(e))**
22

23 The court must set a progress review hearing no later than six months from the date
24 of the commitment order to evaluate the youth's progress in relation to the
25 rehabilitation plan and to determine whether the baseline term of confinement is to
26 be modified.

27
28
29 **Rule 5.805. California Department of Corrections and Rehabilitation, Division of**
30 **Juvenile Justice, commitments [Repealed]**

31
32 ~~If the court orders the youth committed to the California Department of Corrections and~~
33 ~~Rehabilitation, Division of Juvenile Justice (DJJ):~~

34
35 (1) ~~The court must complete Commitment to the California Department of Corrections~~
36 ~~and Rehabilitation, Division of Juvenile Justice (form JV-732).~~

37
38 (2) ~~The court must specify whether the offense is one listed in section 707(b) or~~
39 ~~subdivision (c) of Penal Code section 290.008.~~

40
41 (3) ~~The court must order the probation department to forward to the DJJ all required~~
42 ~~medical information, including previously executed medical releases.~~
43

- 1 (4) ~~If the youth is taking a prescribed psychotropic medication, the DJJ may continue~~
2 ~~to administer the medication for up to 60 days, provided that a physician examines~~
3 ~~the youth on arrival at the facility, and the physician recommends that the~~
4 ~~medication continue.~~
5
6 (5) ~~The court must provide to the DJJ information regarding the youth's educational~~
7 ~~needs, including the youth's current individualized education program if one exists.~~
8 ~~To facilitate this process, the court must ensure that the probation officer~~
9 ~~communicates with appropriate educational staff.~~

10
11 **Rule 5.807. Secure youth treatment facility progress review process**

12
13 **(a) Application**

14
15 This rule sets forth the statutory requirements for the court's review of a youth's
16 progress under section 875(e) and (f) and rule 5.806(c) for youth committed to
17 secure youth treatment facilities to evaluate the youth's progress in relation to the
18 rehabilitation plan approved under section 875(d) and rule 5.804(d).

19
20 **(b) Setting a progress review hearing (§ 875(e))**

21 The court must, during the term of commitment, set and hold a progress review
22 hearing for the youth not less frequently than once every six months.

23
24 **(c) Findings and orders (§ 875(e))**

25
26 At the progress review hearing, after having considered the recommendations of the
27 probation department and any recommendations of counsel and any behavioral,
28 educational, or other specialists having information relevant to the youth's
29 progress, the court must:

- 30
31 (1) Make a finding on the record supporting an order as to whether the youth is
32 to remain committed to the secure youth treatment facility for the remainder
33 of the baseline term or if the baseline term is to be reduced after considering:
34
35 (A) the progress of the youth in relation to the rehabilitation plan in light of
36 the programming made available to the youth, and
37
38 (B) the recommendations of probation concerning the youth's positive
39 behavior in the secure youth treatment facility program as required by
40 rule 5.806(c); and
41

- 1 (2) Set a progress review hearing or, if the baseline term remaining is six months
2 or less, a discharge hearing, no more than six months from the date of the
3 current hearing.
4

5 **(d) Transfer to a less restrictive program (§ 875(f))**
6

- 7 (1) Upon a motion by the probation department or the youth that the youth be
8 transferred from the secure youth treatment facility to a less restrictive
9 program, the court must consider such a transfer at the youth's next progress
10 review hearing or may set a separate hearing to consider the motion. The
11 moving party must serve the motion on the prosecution, the youth if the
12 youth is not the moving party, and the probation department if the probation
13 department is not the moving party.
14

- 15 (2) In making its determination, the court must consider:
16

17 (A) The youth's overall progress in relation to the rehabilitation plan in
18 light of the programming made available to the youth during the period
19 of confinement in a secure youth treatment facility; and
20

21 (B) The programming and community transition services to be provided, or
22 coordinated by the less restrictive program, including any educational,
23 vocational, counseling, housing, or other services made available
24 through the program.
25

- 26 (3) If the court orders the youth transferred to a less restrictive program:
27

28 (A) The court must set the length of time the youth is to remain in a less
29 restrictive program, not to exceed the remainder of the baseline or
30 modified baseline term, prior to a discharge hearing; and
31

32 (B) The court may require the youth to observe any conditions of
33 performance or compliance with the program that are reasonable and
34 appropriate in the individual case and that are within the capacity of the
35 youth to perform.
36

- 37 (4) If, after transfer to a less restrictive program, the court determines that the
38 youth has materially failed to comply with the court-ordered conditions of the
39 program, the court may:
40

41 (A) Modify the terms and conditions of placement in the program; or
42

(B) Order the youth to be returned to a secure youth treatment facility for the remainder of the baseline term, or modified baseline term, subject to further progress review hearings as required in this rule.

(5) If the court orders a youth returned to a secure youth treatment facility from a less restrictive program the court must adjust the youth's baseline or modified baseline term to include credit for the time served by the youth in the less restrictive program.

Rule 5.808. Discharge from secure youth treatment facility (§ 875(e)(3) & (4))

(a) Application

This rule sets forth the statutory provisions that apply to any youth committed to a secure youth treatment facility, or who has been transferred from a secure youth treatment facility to a less restrictive program under section 875(f) and rule 5.807(d), and who has reached the end of their baseline term, including any modifications to that term made during progress review hearings.

(b) Conduct of the hearing

At the discharge hearing the court must review the progress of the youth toward meeting the goals of the individual rehabilitation plan and the recommendations of counsel, the probation department, and any other agencies or individuals having information the court deems necessary.

(c) Findings and orders

(1) The court must order that the youth be discharged to a period of probation supervision in the community, unless the court finds that the youth poses a substantial risk of imminent harm to others in the community if released from custody. If a discharge is ordered, the court:

(A) Must determine and order the reasonable conditions of probation that are suitable to meet the developmental needs and circumstances of the youth and that will facilitate the youth's successful reentry into the community.

(B) Must periodically review the youth's progress under probation supervision and make any additional orders deemed necessary to modify the program of supervision in order to facilitate the provision of

services or to otherwise support the youth’s successful reentry into the community.

(C) May, if the court finds that the youth has failed materially to comply with the reasonable orders of probation imposed by the court, order that the youth be returned to a juvenile facility or to a less restrictive program for a period not to exceed either the remainder of the baseline term, including any court-ordered modifications, or six months, whichever is longer, subject to the maximum confinement limits of section 875(c).

(2) If the court finds that the youth poses a substantial risk of imminent harm to others in the community if released from custody, the court must recite the basis for that finding on the record and may order that the youth be retained in custody in a secure youth treatment facility for up to one additional year of confinement, subject to the maximum confinement provisions of section 875(c). If the court orders that the youth is to be confined, it must set a progress review hearing under section 875(d) and rule 5.807, or if the period of confinement is six months or less, a discharge hearing under section 875(e) and this rule for a date not to exceed six months from the date of the initial discharge hearing.

Rule 5.820. Termination of parental rights for child in foster care for 15 of the last 22 months

(a) ***

(b) **Calculating time in foster care (§ 727.32(d))**

The following guidelines must be used to determine if the child has been in foster care for 15 of the most recent 22 months:

(1)–(3) ***

(4) Exclude time during which the child was detained in the home of a parent or guardian; the child was living at home on formal or informal probation, at home on a trial home visit, or at home with no probationary status; the child was a runaway or “absent without leave” (AWOL); or the child was out of home in a non-foster care setting, including juvenile hall; ~~California Department of Corrections and Rehabilitation, Division of Juvenile Justice;~~ a ranch; a camp; a school; a secure youth treatment facility, or any other locked facility.

1

2

(5)–(6) ***

JV-060-INFO**Juvenile Justice Court: Information for Parents**

Juvenile justice court (sometimes called delinquency court) is a court that decides if a child broke the law. The juvenile justice court helps to protect, guide, and rehabilitate children. And it helps keep the community safe.

This information sheet answers common questions that many parents have. It has three sections:

1. What Happens When Your Child Is Arrested
2. Your Child's Court Hearings and Orders
3. How to Keep Your Child's Juvenile Court Records Private

This form describes the juvenile justice court process. Some children who have contact with law enforcement or probation never need to go to court, even if it is believed that they broke the law.

1 What Happens When Your Child Is Arrested

This section is about:

- What to expect when your child is arrested,
- What your child's legal rights are,
- What the *notice to appear* and the *petition* are,
- What it means to transfer your child to adult court, and
- What a *probation officer* does.

My child was arrested. What happens next?

Your child might be brought home or allowed to go home with you.

You will be given or mailed a notice to appear that tells you the date, time, and place you and your child need to go to the probation department or juvenile court. You may want to talk to a qualified juvenile defense lawyer about your child's case. You can call your local public defender's office before your child goes to court. If your child has to go to court, the court will appoint a lawyer to represent your child at no cost to you if you do not hire a lawyer.

Warning! You and your child *must* go to the meeting listed on the notice to appear even if no one contacts you again. Sometimes the meeting will be at probation. Sometimes the notice will order you to go to the juvenile court.

Your child might NOT be sent home immediately after the arrest.

If that happens, the officer who arrested your child may:

- Let your child go later, without going to juvenile hall.
- Take your child to juvenile hall and keep them there. This is called *in-custody detention*. If this happens, the arresting officer *must* try to contact you immediately to tell you where your child is and that your child is in custody.



What are my child's legal rights after arrest?



Your child has the right to make at least **two phone calls** within **1 hour** of being arrested.

- One call must be a *completed* call to a parent, guardian, responsible relative, or employer.
- The other call must be a *completed* call to a lawyer.
- If your child is currently in court-ordered foster care, your child may also be allowed to call a foster parent or social worker.

What if the police want to question my child?

If your child is under 18, and in custody, your child must have a confidential consultation with an attorney. Your child cannot decide to answer questions or give up rights without first talking to a lawyer. This right to speak to an attorney cannot be given up. After that consultation, and before any officer asks your child about what happened, the officer must first tell your child about your child's *Miranda* rights:



- "You have the right to remain silent.
- Anything you say will be used against you in court.
- You have a right to have a lawyer with you during questioning.
- If you or your parents cannot afford a lawyer, one will be appointed for you."



Does my child need a lawyer?

If a petition is filed, your child has a right to an *effective*



and *prepared* lawyer, who must have specific education and training in juvenile justice cases.

The lawyer will be appointed at your child's first hearing unless you hire an attorney for your child.

Your child's lawyer represents only your child, not you, even if you are paying for that lawyer. Your child's lawyer is required to have a confidential relationship with your child. That means the lawyer cannot talk to you about your child's case unless the child agrees and allows it.

Do I need a lawyer for myself?

The court can order you to do things for your child and can order you to pay *restitution* to the *victim*. Some parents hire lawyers for legal advice about these issues.

NOTE: If you think you need your own lawyer and cannot afford to hire one, you can ask the court to appoint a lawyer for you. The court will decide whether to appoint you a lawyer. If it does, you might be ordered to pay back the cost of the lawyer if the court decides you can afford to pay that cost.

If my child is required to meet with probation, how can we get ready?

It's a good idea to get legal advice. A defense lawyer who specializes in juvenile justice cases can help you understand your child's rights and know what to expect. Try to find school records and other information that shows what you and your child are doing to get back on track.

At the meeting, the probation officer will talk with you and your child about the next steps in your child's case.

NOTE: At this meeting, the probation officer must tell you and your child about the *Miranda* rights. Any information you or your child share with the probation officer might be shared with the court or the prosecuting attorney (D.A.).

- If the alleged offense is not serious or it's the first time your child has been accused of breaking the law, the probation officer might just tell your child what they did was wrong (reprimand them) and let your child go.

- The probation officer might offer to let your child do a special *diversion program* instead of going to court. Each county has different rules and different programs. If you and your child agree to the program and your child does everything the program requires, the juvenile court does not need to get involved.
- If the offense is more serious, the probation officer might refer your child's case to the prosecuting attorney (D.A.). If the prosecutor decides to file charges, they will file a petition in juvenile court. That's what the rest of this form is about.

What happens if my child is taken to juvenile hall after getting arrested?

The probation officer can decide to:

- Keep your child in custody, or
- Let your child go home with you.

If the probation officer lets your child go, the officer may still:

- Ask the D.A. to file a petition, and
- Set limits on what your child is allowed to do while at home.

If the probation officer does *not* let your child go, the officer must notify the public defender that your child is in custody within two hours. If the D.A. decides to file charges, a petition *must* be filed within 48 hours of the arrest. A detention hearing must be held the next day the court is in session. The courts are closed on Saturdays, Sundays, and holidays. You and your child *must* be given a copy of the petition.

How long can they keep my child in juvenile hall?

The judge will decide at the detention hearing. The judge may release your child or keep your child in juvenile hall until the next hearing or until the whole case is over.

Can I visit my child in juvenile hall?

Yes, but before you go, contact the juvenile hall or the probation officer to find out how to set up a visit.

What if the probation officer says a petition will be filed?

The petition states the things your child is accused of or charged with. It means your child's case will be sent to juvenile court. You have the right to receive a copy of the petition. If you have not received a copy of the petition, ask the probation officer or the court clerk for one.

The petition says your child did something against the law and asks the juvenile court to decide that what it says is true, but it does not prove anything.

Read the Petition Carefully! It is important to know what your child is accused of.

Are all petitions the same?

No. Each petition is tailored to the child and the alleged offense. There are two kinds of petitions:

A **601 Petition** is filed when a child has:

- Run away,
- Skipped school a lot,
- Violated a curfew, or
- Regularly disobeyed a parent or guardian.

These petitions are filed by the probation department at the juvenile court. If the court decides the charges are true, your child can become a “ward” of the court. That means the court will supervise your child, and your child must obey the court’s orders.

A **602 Petition** is for a charge that would be a *misdemeanor* (like shoplifting or simple assault) or *felony* (like stealing a car, selling drugs, rape, or murder) if an adult had done it.

These petitions are filed by the prosecuting attorney (D.A.). If the court decides the charges are true, the judge can:

- Order your child put on probation,
- Make your child a “ward” of the court, and
- Order your child placed out of your home or committed to (locked up in) a juvenile facility.

NOTE: If your family is involved with the child welfare system, talk with your lawyer about what your child’s arrest means for that case. Depending on everything that has happened, the court might decide that it’s best for your child to stay in the child welfare system, to be supervised in the juvenile justice system, or to be supervised and served in both systems.

Can my child’s case be moved to adult court?

In cases with felony charges, the prosecuting attorney (D.A.) can ask the juvenile court to transfer your child’s case to adult criminal court. If that happens, talk to your child’s lawyer right away. Adult criminal cases are handled very differently and there may be very serious consequences for your child.

Your child’s case can only be transferred to adult court if your child is 16 years old or older, charged with a felony, and the court finds that the juvenile system cannot rehabilitate your child.

What does the probation officer do?

Probation officers investigate children’s situations and backgrounds and write reports for the court. They also supervise children to see if they are doing what the court has ordered them to do.

Why does the probation officer write reports?

The probation officer writes reports to give the court information about your child. The reports give the judge a description of your child’s situation, including life at home and school, the current charges, and any previous arrests or petitions. It can also include:

- Statements from your child, you, your family, and other people who know your child well;
- A school report;
- A statement by the victim; and
- Recommendations about what the court should do if the judge finds that your child did what the petition says.

When does the judge see the reports?

The probation officer presents a report at the *detention hearing*, *disposition hearing*, and each *review hearing*. The judge uses the reports to help decide how to handle your child’s case.

2 Your Child's Court Hearings and Orders

If a petition is filed in your child's case, you and your child will have to go to juvenile court. Each time you go to court is called a "hearing." You may have to go to several court hearings. This section is about:

- What happens at the different court hearings,
- What happens after the hearings,
- What happens if your child becomes a ward of the court, and
- What your duties and responsibilities as a parent are.

Get Ready for Court

When is the first court hearing?

If your child is in custody, the first hearing, called the detention hearing, must take place on the court day immediately after the petition is filed. The probation officer or prosecuting attorney (D.A.) must tell you when and where the hearing will be. You will also get a copy of the petition. At this hearing, the court decides only whether your child can go home or needs to stay in custody until the next hearing.

If your child is not in custody, the first hearing, often called the initial hearing or "arraignment," must take place no more than 30 days after the petition is filed. In addition to the notice described earlier, you and your child will get a copy of the petition at least 10 days before the date of this hearing.

How will I find out about other court hearings?

If your child is in custody, both you and your child will get notice at least 5 days before the hearing. Someone will deliver it personally or by certified mail.

If your child is not in custody, both you and your child will get notice of each court hearing at least 10 days before the date of the hearing. Someone will deliver it personally, by first-class mail, or, if you agree, electronically.

Can I go to my child's court hearings?

Yes. In fact, the law says you *must* go. The judge decides what is best for your child. Depending on the charges, if you can show that your child will listen to you and follow your rules, and that you will hold your child accountable and be supportive at home, the judge may let your child go home with you.

How many times will we have to go to court?

You and your child will probably need go to court several times. There will be different kinds of hearings where the court makes different decisions. *See page 8 for a table of different hearing types.*

Do we have the right to an interpreter?

Both you and your child have a right to an interpreter if needed. Ask for one if you do not speak English well and don't understand everything being said in court.

Can I speak at the court hearings?

Yes. You may speak when:

- The judge asks you questions,
- You are called as a witness, or
- The judge gives you permission.

Who else speaks at the court hearings?

Your child's lawyer will speak for your child. The prosecuting attorney (D.A.) will speak for the government. The probation officer may speak for the probation department.

Can the victim go to the hearings?

Yes. A crime victim has a right to go to and speak at any court hearing about the effect the crime had on them. The victim and the victim's parents (if the victim is under 18) will get notice of the hearing. Do not talk to the victim unless your lawyer tells you to.

What is a jurisdiction hearing?

The jurisdiction hearing or "trial" is when the judge decides if your child actually did what it says in the petition. Before a jurisdiction hearing the judge may set a pre-jurisdiction hearing to decide if your child's case can be resolved without a contested jurisdiction hearing.

Here's what to expect:

- The judge will ask your child to *admit* or *deny* the charges listed in the petition.
- Your child's lawyer will consider the evidence and the possible outcomes, and then advise your child what to do.
- If your child *admits* some or all of the charges, your child gives up the right to a trial. The judge will decide that the petition is true.
- If your child *denies* the charges, there will be a trial (called a *contested hearing*). The court may hold the trial on another day to give your child's lawyer time to get ready.

What happens at the “trial”?

At the trial, the prosecuting attorney (D.A.) will call witnesses and present evidence to prove the charges. Then your child’s lawyer may call witnesses and present evidence in your child’s defense. The judge will consider all the evidence and decide if the charges are true “beyond a reasonable doubt.”

If there is not enough proof to decide the charges are true, the judge will dismiss individual charges or the entire case. If your child is in custody and the entire case is dismissed, your child will be let go. If this happens, skip ahead to section 3 of this form.

If the judge decides some or all of the charges are true, there will be a *disposition hearing*. That’s when the judge will say what your child will need to do and where your child will live. Sometimes this hearing is right after the jurisdiction hearing, but usually it is 2–4 weeks later.

If your child is in custody, the judge can order your child to stay in custody or be released until the disposition hearing.

If you live in a different county, the court can transfer the case to your local court for the disposition hearing.

What happens at the disposition hearing?

The judge will decide what orders to make to protect and rehabilitate your child and to protect the community.

The judge might order your child to:

- Live at home and obey informal probation rules for up to six months.
- Live at home, be supervised by a probation officer, and obey rules set by the judge.
- Live at a relative’s home, a foster family home, a private group home, or a residential treatment program; be supervised by a probation officer; and obey rules set by the judge.
- Spend time in a county camp, home, ranch, juvenile hall, or secure youth treatment facility (in custody) and on probation.

The judge may also order *you*, the parent, to get counseling or parent training or do other activities.

What if the judge puts my child on probation?

If your child is put on probation, the probation officer will supervise and work with your child to make sure that your child follows:

- The law,
- The court’s orders, and
- All the rules of probation.

The probation officer will also encourage your child to do well in school and participate in job training, counseling, and community programs.

How often will the probation officer see my child?

Each case is different. The probation officer will meet regularly with your child during their case.

What if the judge makes my child a ward of the court?

The juvenile law uses special language. Children who have committed offenses may become wards of the court, but are not “convicted.” If your child becomes a ward of the court, that means the court is in charge of some of your child’s care and conduct. The court does this to protect your child and the community.

What if the judge orders my child placed in foster care?

If the judge orders suitable out-of-home or foster placement, the probation officer may place your child in:

- An adult relative’s home,
- An approved foster family home,
- A licensed private group home, or
- A residential treatment program.

What if the court sends my child to a secure county facility?

Most wards of the court who need secure confinement are sent to county facilities, like a ranch, camp, or juvenile hall, where they can be close to their families and local rehabilitative services. Ask the probation department about your child’s program and how you can visit, stay in touch, and help your child’s rehabilitation.

Some of these secure confinement programs may be for an extended period of time and may be located in another county. They are called secure youth treatment facilities and can hold your child until age 25 or up to two years from the date your child was sent to the secure youth treatment facility, if that is later.

If my child's case was moved to adult court, can my child be sent to adult prison?

Yes, but between the ages of 16 and 18, your child must stay at a juvenile facility even if sentenced to adult prison.

Important! If your child's case gets moved to adult court, talk to your child's lawyer right away.

Do I have to pay for what my child did?

The court may order you to pay fines or penalties.

If the court decides that the victim is entitled to restitution, you and your child are equally responsible for paying the victim back. *Restitution* is money that pays the victim to make up for the damage or harm your child caused.

Restitution can pay the victim back for:

- Stolen or damaged property,
- Medical expenses, and
- Lost wages.

If restitution is not completely paid when your child's case is closed, it will become a *civil judgment*, which can affect your credit score.

Do I have to pay fees for services my child receives from the court or county?

No. You do not have to pay fees or pay back the cost of services, support, or an attorney *given to your child* by the county or court as part of this case.

What are my responsibilities as a parent?

Your parental duties do not end when the court gets involved. Your child may need you now more than ever.

If the judge decides the charges in the petition are true, you may be ordered to do things to:

- Help make up for harm your child caused, and
- Keep your child out of trouble in the future.

The court may order you to:

- Take classes,
- Go to counseling, or
- Do other activities that will help you and your child.

Can I be part of my child's case after my child turns 18?

When your child becomes a legal adult you will need to have your child's permission to be actively involved in their case. You will still receive notice of hearings but it will be up to your child to invite you to meetings with probation or other service providers.

What if my child is in foster care or in custody?

Wherever your child goes, stay in touch as much as you can, however you can. Visit your child as often as you can. Support your child's programs and activities. Encourage your child to obey the court's orders and not to leave the placement without permission.

Find out what is happening in your child's life so that you can get ready for your child to return home. Learn how to make a protective and supportive environment for your child's return to school or work. Develop plans to hold your child accountable for their actions.

Where can I find parenting resources?

Contact your child's probation officer. Ask for referrals to community organizations, such as parents' groups or counseling services, that can help you. Your school district and local hospital or mental health department may also have useful programs.

If you have any questions that have not been answered, you may want to contact a lawyer for help.

3 How to Keep Your Child's Juvenile Court Records Private

Will anyone be able to look at my child's juvenile records?

Maybe. Although most juvenile court records are confidential, the law sometimes allows government officials to look at them.

However, in many cases the court will "seal" your child's juvenile records. Once the records are sealed, the law treats the arrest and court case as if they never happened. That means your child can truthfully say that your child does not have a criminal or juvenile record.

Exception: If your child wants to join the military, get a federal security clearance, or become a law enforcement officer your child may need to disclose information about the juvenile record. Your child's lawyer can provide advice about that.

How can I seal my child's juvenile records?

It depends on your child's situation.

Sealing at dismissal. If the juvenile court dismisses your child's case without making your child a ward of the court, the court must seal your child's records.

If the court does make your child a ward and later dismisses the case because your child has satisfactorily completed probation, the court will also seal your child's records and send your child copies of the sealing order and form JV-596-INFO, *Sealing of Records for Satisfactory Completion of Probation*.

If your child completes a probation diversion program, the probation department will seal those records and give notice to your child.

Sealing on request. If your child does *not* satisfactorily complete probation or the probation diversion program, the court may *not* dismiss the case and your child's records will not be automatically sealed. Your child can either:

- Ask the court to review the probation department's decision and order the records sealed, or
- Ask the court later to seal the records. (See form JV-595-INFO, *How to Ask the Court to Seal Your Records*, for more information.)

If your child is made a ward for an offense listed in Welfare and Institutions Code section 707(b), your child can ask the court to seal the records at age 18.

Even sealed records can be viewed by the prosecuting attorney (D.A.) in some cases.

Can my child's juvenile court record be used against them as an adult?

Under the three-strikes law, some serious or violent felonies committed by a child at age 16 or 17 can be counted as strikes and used against the child in the future.

Will my child's right as an adult to possess a firearm be restricted?

If your child is made a ward of the court for certain offenses, your child is not allowed to have a firearm until reaching age 30. The Department of Justice can look at your child's sealed records to prevent your child from buying a firearm.

Court Hearings in Juvenile Justice Court

You and your child may have to go to court several times. Each time you go is called a “hearing.” Depending on your case, there may be different kinds of hearings where the judge makes different decisions. Here are some of them. Each time you have to go to court, you and your child (if 8 or older) will get a notice. The notice will tell you the date, time, and place to go.

Kind of hearing	What happens at this hearing
Detention	The judge will decide if your child can go home or must stay in custody until the next hearing.
Transfer to criminal court	The juvenile court judge will decide if the case of a child who is 16 or older should be transferred to adult criminal court. Children under 16 cannot have their cases transferred to adult court. This hearing usually happens for very serious or violent charges and only if the prosecuting attorney (D.A.) asks for the transfer.
Pre-jurisdiction (pretrial or settlement conference)	<p>The judge, lawyers, and probation officer try to resolve the case without having a trial. The D.A. may make an “offer” to reduce or dismiss some of the charges. The judge will ask your child to <i>admit</i> or <i>deny</i> the charges listed in the petition. Your child’s lawyer will consider the evidence and possible outcomes, and then advise your child what to do. Whether to admit a charge is your child’s decision.</p> <p>If your child admits the charges, your child will give up the right to a trial. The judge will decide that the petition is true.</p> <p>If your child denies the charges, there will be a trial, usually a week or two later.</p>
Jurisdiction (trial)	<p>At the trial, the prosecuting attorney will present evidence to prove the charges. Then your child’s lawyer will decide whether to present evidence in your child’s defense. The law does not require a defense to be presented. The judge will consider all the evidence and decide if the charges are true “beyond a reasonable doubt.”</p> <p>– <i>If there is not enough proof to decide the charges are true,</i> the judge will dismiss the case. If your child is in custody, your child will be let go.</p> <p>– <i>If the judge decides the charges are true,</i> there will be a disposition hearing.</p>
Disposition	This happens <i>only</i> if the judge decides that one or more charges in the petition are true. The judge then decides what orders to make for your child. This hearing is sometimes right after the jurisdiction hearing but is often postponed for another day.
Hearing on motions	The court decides legal questions that affect the case.
Review hearings	This hearing provides a way for the court to check how your child is doing on probation or in placement. If your child is placed in foster care or in a secure youth treatment facility, the court must hold a review hearing at least once every six months.

GLOSSARY OF TERMS

Civil judgment: A court order requiring a person to pay money to another person.

Detention hearing: The first court hearing after an arrest if the child is detained in custody.

Felony: An action that would be a serious crime if committed by an adult.

In-custody detention: Keeping a person in a secure place and not letting them go free or go home.

Juvenile delinquency: See *juvenile justice*, below.

Juvenile justice: The legal system designed to guide, rehabilitate, and protect children who break the law, and to keep the community safe. Also known as “juvenile delinquency.”

Miranda: The U.S. Supreme Court case that requires law enforcement to tell persons detained in custody their rights before asking them questions.

Misdemeanor: An action that would be a less serious crime if committed by an adult.

Notice to appear: A paper telling you and your child to meet with a probation officer or go to juvenile court at a specific time and place.

Notice of hearing: A paper telling you the date, time, and place of a court hearing, and what will happen there.

Petition: A paper filed with the court that says your child did something against the law.

601 petition: A petition filed by the probation officer that accuses your child of something that’s against the law for a child to do, for example, skipping school or breaking curfew.

602 petition: A petition filed by the prosecuting attorney that accuses your child of doing something that would be a crime if an adult did it.

Probation officer: A law enforcement officer who advises the court about the orders the child needs to protect and rehabilitate the child, and supervises the child as ordered by the court.

Restitution: Money owed to the victim of an act to make up for the damage or harm done.

Terms or terms and conditions of probation: Court orders that tell a person on probation what they must and must not do.

Ward: A child whom the court has decided to supervise because the child did something against the law.

- For the items below, write your initials on each line that applies to your case. If you have a question about an item, ask your attorney or the judge before you initial that item.**

- Page 1 of 2

CHILD'S NAME:	CASE NUMBER:
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6. My attorney has explained that when I admit to: _____, listed Count(s) _____ Initial _____
as: _____, I will have crime(s) on my record that are "strike" offenses under the three-strikes law. I have
talked with my attorney about what this could mean in my future and how I may have to spend much more time in jail or
prison if I get in trouble again because I am admitting to these offenses today. _____

7. I have talked to my lawyer about the charge(s) in the petition, the facts of what happened, and any possible defenses.
We have talked about what could happen if I admit, including what could happen if I break the rules of probation. _____

I declare under penalty of perjury, which means that I am guilty of a crime if I am lying, that my attorney has gone over this form with
me, explained what it means, and answered my questions. I understand the rights I am giving up, I know what could happen because
of my admission, and I am admitting to doing what the petition says because I want to and not because someone is forcing me to do
this.

Date: _____

(TYPE OR PRINT NAME)



(SIGNATURE OF CHILD)

DECLARATION OF INTERPRETER

The primary language of the child is

☐

Spanish.

☐

other (*specify*): _____

I certify that I interpreted this form for the parent or legal guardian in that person's primary language to the best of my ability.

Date: _____

(TYPE OR PRINT NAME)



(SIGNATURE OF INTERPRETER)

DECLARATION OF ATTORNEY

I am the attorney for the child. I have explained and discussed with my client the above rights, the facts of my client's case, possible
defenses, and the consequences of my client's decision to enter an admission. Based on my conversation with the minor, I am satisfied
that my client's admission to the petition is knowingly, intelligently, and voluntarily made, and I consent to the admission.

Date: _____

(TYPE OR PRINT NAME)



(SIGNATURE OF ATTORNEY)

ORDER AND FINDING

I have spoken with the child, reviewed the waiver form, and find that the child has been fully informed of the constitutional rights and
the consequences of the admission in this case and understands them. I further find that the child has knowingly, intelligently, and
voluntarily waived their rights and that there is a factual basis for the minor's admission.

IT IS ORDERED that the minor's admission be accepted and entered in the minutes of this court. This executed waiver of rights
form is filed in the records of this court and incorporated in the above-numbered case by reference.

Date: _____

JUDICIAL OFFICER

CHILD'S NAME:	CASE NUMBER:
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DISPOSITION—JUVENILE DELINQUENCY

- ☐ The court has read and considered the social study prepared by the probation officer and any other relevant evidence.
- ☐ The child has been detained and is at risk of entering foster care. The probation officer believes the child will be able to return home, and the social study includes a case plan as described in Welfare and Institutions Code section 636.1.
- ☐ The probation officer has recommended initial or continuing placement in foster care, and the social study includes a case plan as described in Welfare and Institutions Code section 706.6.

THE COURT FINDS AND ORDERS

1. ☐ Notice has been given as required by law.
2. ☐ The court takes judicial notice of all prior findings, orders, and judgments in this proceeding.
3. ☐ The court previously sustained the following counts. As to any offense that could be considered a misdemeanor or a felony, the court is aware of and exercises its discretion to determine the offense as follows:

Count number	Statutory violation	Misdemeanor	Felony	Enhancement (specify)
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. ☐ The child resides in (specify): _____ County.
5. ☐ The case is transferred to (specify): _____ County for disposition. *Juvenile Court Transfer-Out Orders* (form JV-550) will be completed and transmitted.
6. ☐ For the reasons stated on the record, the petition is dismissed ☐ in the interests of justice ☐ because the child does not need treatment or rehabilitation.
7. ☐ The child is placed on probation for up to six months under Welfare and Institutions Code section 725(a) under conditions described in an attachment to this form.
8. ☐ Deferred entry of judgment is ☐ granted ☐ denied.
9. ☐ The child is ☐ declared ☐ continued as a ward of the court.
10. ☐ The recommended findings and orders contained in the probation report dated _____ at pages _____ are adopted ☐ as modified by the court as its own, a copy of which is attached and incorporated herein.
11. ☐ The child is declared a ward and placed on probation
- a. ☐ under the supervision of the probation officer ☐ without probation supervision
- b. in the custody of
- (1) ☐ parent (name): _____ ☐ mother ☐ father
- (2) ☐ parent (name): _____ ☐ mother ☐ father
- (3) ☐ legal guardian (name): _____
- (4) ☐ probation for out-of-home placement or confined commitment. Form JV-667, *Custodial and Out-of-Home Placement Disposition Attachment*, is completed and attached.
- c. ☐ under terms and conditions described on the attached form.
12. ☐ The child and legal parent are to pay a restitution fine ☐ of \$ _____ ☐ as specified on the attached form.
13. ☐ The child, with their parent, is to pay restitution
- ☐ as described on the attached restitution order.
- ☐ to each victim (name each):
- a. _____ c. _____
- b. _____ d. _____
- ☐ in the amount of \$ _____ ☐ in the amount and manner determined by the probation office, with the opportunity for review by the court if disputed by the child or the parents.

CHILD'S NAME:	CASE NUMBER:
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14. ☐ The child, with the child's parents, is to pay a fine in the amount of \$ _____, plus a penalty assessment in the amount of \$ _____, for a total of \$ _____.
15. ☐ Terms regarding vehicles. The child must
- a. ☐ participate in and successfully complete (*specify*):
 - b. ☐ only drive to and from school, work, and/or counselling programs.
 - c. ☐ surrender license to ☐ court ☐ probation officer.
16. ☐ The child's driver's license is
- ☐ suspended.
 - ☐ revoked.
 - ☐ delayed
- ☐ for a period of _____ months _____ years.
- ☐ until the child attains 18 years of age.
17. ☐ The court will notify the Department of Motor Vehicles of the judgment. The DMV has independent authority to suspend, revoke, or delay driving privileges.
18. ☐ The child is ordered to submit to DNA collection under Penal Code section 296.
19. ☐ Other (*specify*):
20. ☐ **The next hearing will be:**
- | | | |
|-------|-------|-------|
| Date: | Time: | Dept: |
| Date: | Time: | Dept: |
21. ☐ The child is ordered to return to court on the above date and time.
22. ☐ The child is advised of their right to appeal.
23. ☐ The child is advised that their appointed attorney has a continuing obligation to represent them on this case, until counsel is relieved by the court under California Rules of Court, rule 5.663.
24. ☐ All prior orders not in conflict, including any terms and conditions of probation, remain in full force and effect.

Date:

JUDICIAL OFFICER

The following attachments are incorporated by reference as findings and orders:

- ☐ *Custodial and Out-of-Home Placement Disposition Attachment (JV-667)*
- ☐ *Terms and Conditions (JV-624)*
- ☐ *Juvenile Court Transfer-Out Orders (JV-550)*
- ☐ *Notice of Court Hearing and Temporary Restraining Order—Juvenile (JV-250)*
- ☐ *Commitment to Secure Youth Treatment Facility (JV-733)*
- ☐ *Order for Victim Restitution (CR-110/JV-790)*
- ☐ *Order on Application for Psychotropic Medication (JV-223)*
- ☐ *Order Designating Educational Rights Holder (JV-535)*
- ☐ *Parentage—Findings and Judgment (JV-501)*

Additional attachments:

- ☐ Indian Child Welfare Act responses from tribes or BIA
- ☐ *Order for Repayment of Cost of Legal Services (JV-135)*
- ☐ Victim Identification Form
- ☐ Probation officer's case plan approved by the court
 - ☐ As submitted
 - ☐ As amended and stated on the record
- ☐ Other (*specify*):

CHILD'S NAME:	CASE NUMBER:
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CUSTODIAL AND OUT-OF-HOME PLACEMENT DISPOSITION ATTACHMENT

THE COURT FINDS AND ORDERS

1. ☐ The maximum time the child may be confined
 - a. ☐ in secure custody for the offenses sustained in the petition before the court is *(specify)*:
 - b. ☐ in the petition before the court, with the terms of all previously sustained petitions known to the court aggregated, is *(specify)*:
2. ☐ The child is committed to *(specify)*: days months in juvenile hall
 - a. ☐ and is remanded forthwith. Continuance in the home is contrary to the child's welfare.
 - b. ☐ and is to report to *(name)*: by ☐ a.m. ☐ p.m. on *(date)*:
 - c. ☐ with credit for *(specify)*: days served.
3. ☐ The welfare of the child requires that physical custody be removed from the parent or guardian. *(Check only if applicable)*:
 - a. ☐ The child's parent or guardian has failed or neglected to provide, or is incapable of providing, proper maintenance, training, and education for the child.
 - b. ☐ The child has been on probation in the custody of the parent or guardian and has failed to reform.
 - c. Continuance in the home is contrary to the child's welfare.
4. ☐ Probation is granted the authority to authorize medical, surgical, or dental care under Welfare and Institutions Code section 739.
5. ☐ Reasonable efforts to prevent or eliminate the need for removal
 - a. ☐ have been made.
 - b. ☐ have not been made.
6. a. ☐ The probation officer will ensure provision of reunification services, and the following are ordered to participate in the reunification services specified in the case plan:

☐ Mother ☐ Biological father ☐ Legal guardian ☐ Presumed father
☐ Alleged father ☐ Indian custodian ☐ Other *(specify)*:
- b. ☐ Reunification services do not need to be provided to *(name)*: because the court finds by clear and convincing evidence that *(check one)*
 - (1) ☐ reunification services were previously terminated for that parent or not offered under section 300 et seq. of the Welfare and Institutions Code.
 - (2) ☐ that parent has been convicted of ☐ murder of another child of the parent ☐ voluntary manslaughter of another child of the parent ☐ aiding, abetting, attempting, conspiring, or soliciting to commit murder or manslaughter of another child of the parent ☐ felony assault resulting in serious bodily injury to the child or another child of the parent.
 - (3) ☐ the parental rights of that parent regarding a sibling of the child have been terminated involuntarily.
- c. ☐ The child is ☐ ordered to ☐ continued in the care, custody, and control of the probation officer for placement in a suitable relative's home or in a foster or group home.
- d. ☐ The following are ordered to meet with the probation officer on a monthly basis:

☐ Mother ☐ Biological father ☐ Legal guardian ☐ Presumed father
☐ Alleged father ☐ Indian custodian ☐ Other *(specify)*:
- e. ☐ The child is ordered to obey all reasonable directives of placement staff and probation. The child is not to leave placement without the permission of probation or placement staff.

CHILD'S NAME:	CASE NUMBER:
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6. f. ☐ The child is to be placed out of state at the following (*name and address*):
- (1) ☐ In-state facilities are unavailable or inadequate to meet the needs of the child.
- (2) ☐ The state Department of Social Services or its designee has performed initial and continuing inspection of the facility and has certified that it meets all California licensure standards, or has granted a waiver based on a finding that there is no adverse impact to health and safety.
- (3) ☐ The requirements of the Family Code section 7911.1 are met.
- g. ☐ Pending placement, the child is detained in juvenile hall. If being housed in another county, please specify county:
- h. ☐ The child is placed on home supervision in the home of
- (1) ☐ parent (*name*):
- (2) ☐ parent (*name*):
- (3) ☐ legal guardian (*name*):
- (4) ☐ other (*name and address*):
- ☐ and is subject to electronic monitoring.
- i. ☐ The parent or legal guardian must cooperate in the completion and signing of necessary documents to qualify the child for any medical or financial benefits to which the child may be entitled.
- j. ☐ The county is authorized to pay for care, maintenance, clothing, and incidentals at the approved rate.
- k. ☐ The likely date by which the child may be returned to and safely maintained in the home or another permanent plan selected is (*specify date*):
- l. ☐ The right of the parent or guardian to make educational decisions for the child is specifically limited. *Order Designating Educational Rights Holder* (form JV-535) will be completed and transmitted.
7. ☐ The child has been ordered into a placement described by title IV-E of the Social Security Act.
- a. ☐ The date the child entered foster care is: _____, which is 60 days after the day the child was removed from his or her home.
- b. ☐ An exception applies to the standard calculation of the date the child entered foster care because
- (1) ☐ the child has been detained for more than 60 days. Therefore, the date the child entered foster care is today's date of: _____.
- (2) ☐ the child has been in a ranch, camp, or other institution for more than 60 days and is now being ordered into an eligible placement. The date the child enters foster care will be the date the child is moved into the eligible placement facility, which is anticipated to be: _____.
- (3) ☐ at the time the wardship petition was filed, the child was a dependent of the juvenile court and in an out-of-home placement. Thus, the date entered foster care is unchanged from the date the child entered foster care in dependency court. That date is: _____.
8. ☐ The child is committed to the care, custody, and control of the probation office for placement in the county juvenile ranch camp, forestry camp, or:
- a. ☐ for: _____ months _____ days.
- b. ☐ until the requirement of the program has been satisfactorily completed.
- c. ☐ if being housed in another county, please specify:
9. ☐ The child is committed to a secure youth treatment facility and *Commitment to Secure Youth Treatment Facility* (form JV-733) or similar local form will be completed.
10. ☐ The minor is placed in a short-term residential therapeutic program. A hearing to review the placement under Welfare and Institutions Code section 727.12 was held on or is set for (*date*):

Date:

JUDICIAL OFFICER

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

SCHOOL NOTIFICATION OF COURT ADJUDICATION
(Welfare & Institutions Code Section 827(b) and Education Code Section 48267)

TO SUPERINTENDENT:

SCHOOL DISTRICT:

MAILING ADDRESS:

CITY, STATE, ZIP CODE:

1. YOU ARE HEREBY NOTIFIED that (*child's name*): _____, born on: _____, is currently enrolled in your public school and that under:
- a. ☐ Education Code section 48267, the child is in a grade 7 through 12 and is described by Welfare and Institutions Code section 602, and a condition of probation requires that the minor attend a school program approved by the probation officer.
- b. ☐ Welfare and Institutions Code section 827(b), the child is in a grade kindergarten through grade 12 and was found by a court of competent jurisdiction to have committed a felony or misdemeanor involving:
- | | |
|--|---|
| (1) <input type="checkbox"/> gambling (<i>code section optional</i>): | (6) <input type="checkbox"/> a sex offense listed in Penal Code section 290 (<i>code section optional</i>): |
| (2) <input type="checkbox"/> alcohol (<i>code section optional</i>): | (7) <input type="checkbox"/> assault or battery (<i>code section optional</i>): |
| (3) <input type="checkbox"/> drugs (<i>code section optional</i>): | (8) <input type="checkbox"/> larceny (<i>code section optional</i>): |
| (4) <input type="checkbox"/> graffiti (<i>code section optional</i>): | (9) <input type="checkbox"/> vandalism (<i>code section optional</i>): |
| (5) <input type="checkbox"/> carrying of weapons (<i>code section optional</i>): | (10) <input type="checkbox"/> distribution of tobacco products (<i>code section optional</i>): |
2. THE COURT-ORDERED DISPOSITION of the child's case is (*complete only for Welfare and Institutions Code, § 827(b)*):
- | | |
|---|---|
| a. <input type="checkbox"/> wardship probation | c. <input type="checkbox"/> nonwardship probation |
| b. <input type="checkbox"/> secure youth treatment facility | d. <input type="checkbox"/> Other: |

Date:

CLERK OF THE SUPERIOR COURT

For more information, contact the probation officer for the child.

WARNING: UNLAWFUL DISSEMINATION OF THIS INFORMATION IS A MISDEMEANOR

Any information received from this court is to be kept in a separate confidential file at the school of attendance. This record must be destroyed when the child graduates from high school, reaches the age of 18, or is released from court jurisdiction, whichever occurs first.

FURTHER INSTRUCTIONS

This form serves two purposes. It is primarily designed to provide the notice required by Welfare and Institutions Code section 827(b). The form can also be used to provide notice under Education Code section 48267. In addition, the form can be used to provide notice under both. If the form is providing notice for both section 827(b) and section 48267, the rules of section 827(b) on its dissemination, listed below, should be followed.

PURPOSE AND DISSEMINATION UNDER EDUCATION CODE SECTION 48267

Education Code section 48267 requires that if the child is in a grade from 7 through 12, the juvenile court must notify the superintendent of the child's school district when the child is described by Welfare and Institutions Code section 602 and a condition of probation requires attendance in a school program approved by the probation officer.

If the form is being used to provide notice under Education Code section 48267, the juvenile court must provide the written notice to the superintendent of the school district of attendance within seven days of the disposition order, which must be expeditiously transmitted to the principal or to one person designated by the principal of the school that the minor is attending. The principal or the principal's designee must not disclose this information to any other person except as otherwise required by law.

PURPOSE AND DISSEMINATION UNDER WELFARE AND INSTITUTIONS CODE SECTION 827(b)

Welfare and Institutions Code section 827(b) requires that when a child is found to have committed a felony or misdemeanor for certain offenses, the court must send this form to inform the school of the underlying offense and the outcome of the case. The form is intended to encourage communication between the courts, law enforcement, and schools to ensure rehabilitation of the child and to promote public safety.

Juvenile court proceedings and information related to the case are confidential, and disclosure of this form is governed by the rules of confidentiality found in Welfare and Institutions Code section 827. Information related to a child's juvenile case is strictly confidential; the disclosure on this form is a limited exception. It is to be provided only to select individuals in the child's school district. An intentional violation of these rules is a misdemeanor.

Welfare and Institutions Code section 827(b) provides specific instructions for the school on how the form should be disseminated when it is sent by the court:

- The court will send this form to the district superintendent of the child's school district.
- The district superintendent must expeditiously transmit it to the principal at the school of attendance.
- The principal must then expeditiously disseminate the information to those counselors directly supervising or reporting on the behavior or progress of the child. In addition, the principal must disseminate the information to any teachers or administrators directly supervising or reporting on the behavior or progress of the child, if the principal believes they need the information to work with the child in an appropriate fashion or to promote school safety.

Any information received from the court by a teacher, counselor, or administrator must be received in confidence for the limited purpose of rehabilitating the child and protecting students and staff.

A teacher, counselor, or administrator who receives the information in the form must *not* disclose the information or disseminate the form unless it is communication with the child, the child's parents or guardians, law enforcement personnel, or the juvenile probation officer and is necessary to effectuate the child's rehabilitation or to protect students and staff.

An intentional violation of the confidentiality provisions of Welfare and Institutions Code section 827(b) is a misdemeanor punishable by a fine not to exceed \$500.

If a child is removed from public school because of the court's finding described in this form, the superintendent must maintain the information in a confidential file and must defer transmitting the form received from the court until the child is returned to public school. If the child is returned to a school district other than the one from which the child came, the parole or probation officer having jurisdiction over the child must notify the superintendent of the last district of attendance, who must transmit the notice received from the court to the superintendent of the new district of attendance.

The form is required to be destroyed when the child graduates from high school, reaches the age of 18, or is released from court jurisdiction, whichever occurs first. At any time after the form is required to be destroyed, the child or the child's parent or guardian has the right to make a written request to the principal of the school to review the child's school records to verify that the form has been destroyed. After this requested review, the principal or the principal's designee must respond in writing to the written request and either confirm or deny that the form has been destroyed, or explain why destruction has not yet occurred.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF:

MAILING ADDRESS:
CITY AND ZIP CODE:
BRANCH NAME:

**NOTIFICATION TO SHERIFF OF
JUVENILE DELINQUENCY
FELONY ADJUDICATION
(Welfare & Institutions Code Section 827.2)**

TO THE SHERIFF OF THE COUNTY OF:

MAILING ADDRESS:
CITY AND ZIP CODE:

ATTENTION, COUNTY SHERIFF:

Pursuant to Welfare and Institutions Code section 827.2, you are hereby notified that

CHILD'S NAME:

CHILD'S DATE OF BIRTH :

was found by a court of competent jurisdiction to have committed at least one offense which would have been a felony if committed by an adult. The child was found to have committed the following felony offenses:

(List statutory violations)

YOU ARE BEING NOTIFIED BECAUSE *(Check all that apply)*:

- ☐ The offense(s) occurred in your county
☐ The child is a resident of your county.
☐ The child's disposition has been modified.

THE COURT-ORDERED DISPOSITION of the child's case is:

- | | |
|---|--|
| <input type="checkbox"/> Wardship probation | <input type="checkbox"/> Nonwardship probation |
| <input type="checkbox"/> Secure youth treatment facility commitment | <input type="checkbox"/> Other: |

Date: _____

Clerk of the Superior Court: _____

WARNING: UNLAWFUL DISSEMINATION OF THIS INFORMATION IS A MISDEMEANOR

Any information received from this court is to be received in confidence for the limited law enforcement purpose for which it was provided and shall not be further disseminated except as provided by the provisions of Welfare and Institutions Code section 827.2. An intentional violation of the confidentiality provisions of this section is a misdemeanor.

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council JV-732.v1.91422.cz REVOKED
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY: 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:

<u>Code section</u>	<u>Enhancements (code section and max. term)</u>	<u>Total</u>
Principal felony:		
	+	=
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:

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

1. a. Youth's name:
b. Youth's date of birth:
c. Parent's or guardian's name:
Address: _____ Phone No.: _____
d. Educational rights or 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

3. ☐ The youth was at least 14 years of age, and under the age of 18, at the time of the commission of the offense for which the youth is being committed to a secure youth treatment facility.
4. ☐ That a less restrictive, alternative disposition for the youth has been considered and is found to be unsuitable.
5. ☐ The youth is committed to a secure youth treatment facility.
6. ☐ The youth has been declared a ward of the court and is committed based on the most recent offenses listed in Welfare and Institutions Code section 707(b):

- | <u>Penal Code section</u> | <u>section and middle term)</u> | <u>Total</u> |
|---------------------------|--------------------------------------|--------------|
| Principal felony: | with a middle 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 | |

40

YOUTH'S NAME:	CASE NUMBER:
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7. After having considered the individual facts and circumstances of the case under Welfare and Institutions Code section 875(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 875(c).)
8. ☐ The youth has credit for time served 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 (check a, b, or c)
- a. ☐ The youth has been identified as an individual with exceptional needs and has an individualized education program under Education Code section 56340 et seq., which (check one)
- (1) ☐ is included as Attachment 11a.
- (2) ☐ will be furnished to the secure youth treatment facility 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 orders that an individualized rehabilitation plan be developed and submitted to the court by (date):
☐ A hearing on the individualized rehabilitation plan is set for (date): _____ (time): _____ in
Department: _____
13. The youth ☐ has ☐ has not _____ been prescribed psychotropic medication. If form JV-220, *Application for Psychotropic Medication*, has been completed for the youth, it is attached as Attachment 13.
If no form JV-220 accompanies this form, the types and dosages of medication are (specify): _____
- ☐ Continued on Attachment 13.
14. ☐ The youth is ordered to submit to AIDS testing under Penal Code section 1202.1 due to a sustained offense listed in Penal Code section 1202.1(e).
15. ☐ 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.
16. ☐ Other findings and orders
- a. ☐ See Attachment 16.
- b. ☐ (Specify) _____
17. ☐ A progress review hearing is set for (date): _____ (time): _____ (location): _____

Date: _____



JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL 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:	
CHILD'S NAME:	
JUVENILE NOTICE OF VIOLATION OF PROBATION Welfare and Institutions Code <input type="checkbox"/> § 725 <input type="checkbox"/> § 777(a)	CASE NUMBER:

1. Petitioner on information and belief alleges the following:

a. <input type="checkbox"/> Under a previous order of this court, dated _____, the child was declared a ward under Welfare and Institutions Code section <input type="checkbox"/> 601(a) <input type="checkbox"/> 601(b) <input type="checkbox"/> 602.			
b. <input type="checkbox"/> Under a previous order of this court, dated _____, the child was NOT declared a ward and was placed on summary probation under Welfare and Institutions Code section 725(a).			
c. Child's name and address	d. Age:	e. Date of birth:	f. Sex:
g. Name: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown If mother or father (check all that apply): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged	h. Name: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown If mother or father (check all that apply): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged		
i. Name: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown If mother or father (check all that apply): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged	j. Other (state name, address, and relationship to child): <input type="checkbox"/> No known parent or guardian resides within this state. This adult relative lives in this county or is closest to this court.		
k. Attorney for child (if known): Address: Phone number:	l. Child is <input type="checkbox"/> not detained <input type="checkbox"/> detained Date and time of detention (custody): Current place of detention (address):		

(See important notice on page 2.)

CHILD'S NAME:

CASE NUMBER:

2. The child is a ☐ probationer or ☐ ward of the court under Welfare and Institutions Code section ☐ 601 ☐ 602 ☐ 725(a) and the child has violated a condition of probation or order of the court. (State supporting facts concisely, and number them 1, 2, etc.)
- ☐ See Attachment 2.

3. The recommended ☐ modification ☐ consequence is:
- a. ☐ Removal from the custody of a ☐ parent ☐ guardian ☐ relative ☐ friend
 - b. ☐ Placement in a foster home or relative's home
 - c. ☐ Commitment to a private institution
 - d. ☐ Commitment to a county institution
 - e. ☐ Commitment to a secure youth treatment facility
 - f. ☐ To be determined
 - g. ☐ Other (specify):

4. ☐ The child violated nonwardship probation. Petitioner requests a hearing be set under Welfare and Institutions Code section 725(a) to decide if the child should be a ward and determine the appropriate disposition.

5. ☐ Number of pages attached: _____

**TO PARENTS OR OTHERS LEGALLY
RESPONSIBLE FOR THE SUPPORT OF THE CHILD**

You and the estate of your child may be jointly and severally liable for the cost of legal services for you by a court-appointed attorney if one is appointed to represent you, and the cost of any restitution owed to the victim.

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name): STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	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:	
CITATION AND WRITTEN NOTIFICATION FOR DEFERRED ENTRY OF JUDGMENT—JUVENILE <input type="checkbox"/> Notice of Hearing	CASE NUMBER:

CITATION

TO (Name of youth):

(Name of custodial parent, guardian, or caregiver):

(Address):

1. The district attorney has determined that this youth is eligible to be considered by the juvenile court for a deferred entry of judgment on the offense or offenses alleged in the petition filed (date):

2. YOU ARE ORDERED TO APPEAR AT A HEARING

on (date):	at (time):	in Dept.:	Room:
------------	------------	-----------	-------

located at: ☐ courthouse address above ☐ other (specify address):

At the hearing the court will consider whether or not to grant a deferred entry of judgment.

NOTICE
**To Parent and Others Legally Responsible for
the Care and Support of the Youth**

If the court grants a DEFERRED ENTRY OF JUDGMENT, you may be required to participate in a counseling or education program with the youth.

YOUTH'S NAME:

CASE NUMBER:

WRITTEN NOTIFICATION

3. A DEFERRED ENTRY OF JUDGMENT will mean that the youth will be on probation for a specific length of time (between 12 and 36 months). Upon successful completion of probation:
 - a. The petition that has been filed will be dismissed.
 - b. The arrest for the offenses will be considered to NEVER have occurred.
 - c. All records in the court, probation department, and law enforcement agencies regarding the petition will be sealed, although the district attorney and the probation department may have access for the limited purpose of determining future eligibility for deferred entry of judgment.
4. If the court grants a DEFERRED ENTRY OF JUDGMENT instead of normal court proceedings, the youth will be required to do all of the following:
 - a. To admit that they committed the offense or offenses alleged to have been committed.
 - b. To agree to postpone the final determination of the case.
 - c. To satisfactorily complete a program of probation.
 - d. To obey all laws, follow all of the orders of the court, and the directions of the probation officer.
5. At the hearing, the court will consider the information provided by the district attorney, any report by a probation officer, and other evidence presented. The youth or the youth's attorney may submit written or oral evidence or statements.
6. If the court grants a DEFERRED ENTRY OF JUDGMENT, it must impose the following probation condition:
Submission to a search of the youth's person, residence, and property under the youth's control, without a warrant, by a police or probation officer.
7. The court may also consider imposing other conditions of probation, such as:
 - a. A curfew.
 - b. Regular attendance at school or an education or training program, or employment.
 - c. Prohibiting the consumption or possession of alcoholic beverages, controlled substances, and tobacco and requiring submission to chemical tests to determine the use of any of these items, if appropriate.
 - d. Restitution to a victim.
 - e. Any other orders the court finds would assist the youth and protect the community, including orders for the parent, guardian, or caregiver of the youth to participate in a counseling or education program.
 - f. Counseling or treatment that the court finds will benefit the youth.
8. IF AT ANY TIME DURING THE PERIOD OF PROBATION
 - a. the youth is found to have committed a felony,
 - b. the youth is found to have committed misdemeanor offenses on more than one occasion, or
 - c. the district attorney or the probation officer notifies the court that the youth is not complying with the conditions of probation, or the orders are not benefiting the youth, the court will lift the deferred entry of judgment and set a hearing to conclude the case, with consideration of all possible consequences under the law.
9. IF AT ANY TIME DURING THE PERIOD OF PROBATION the youth is found to have committed one misdemeanor or more on only one occasion, the court may set a hearing to determine if the deferred entry of judgment should be lifted and other orders, including punishment, should be made, or if the deferred entry of judgment should be continued with additional or different conditions of probation. If the court terminates the deferred entry of judgment, the court will then conclude the case, with consideration of all possible consequences.
10. During this proceeding, the youth will be represented by an attorney acting on the youth's behalf. The district attorney will act for the state, prosecuting the case. The probation department will supervise the youth during the period of the deferred entry of judgment. The court's role is to ensure that the procedures are properly followed.

Juvenile Law: New Disposition for Serious Offenses (Adopt Cal. Rules of Court, rules 5.804, 5.807, and 5.808; amend rules 5.663, 5.670, 5.790, and 5.820; repeal rule 5.805; approve form JV-733; revise forms JV-060-INFO, JV-618, JV-665, JV-667, JV-690, JV-692, JV-735, and JV-751; and repeal form JV-732)

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	Commenter	Position	Comment	Committee Response
1.	Joint Rules Subcommittee of the Trial Court Presiding Judges and Court Executives Advisory Committees	AM	The JRS notes that the proposal is required to conform to a change of law.	The committee concurs that the proposal is required by July 1 to conform the rules and forms to recent legislative changes.
			<p>The JRS suggests the following changes:</p> <p>The statement “within the framework of the delinquency proceedings...” should not be deleted. The JRS approves of adding “...and based on the child’s expressed interests”, but deleting the other considerations is a major philosophical shift in Juvenile Justice dynamics that seems to exceed the scope of the new legislation.</p>	The committee notes that the changes to Rule 5.663 were made to implement legislation enacted in 2015 which created Welfare and Institutions Code section 634.3. The council did implement a rule of court pursuant to the directive of that statute to set minimum training hours, but failed to update rule 5.663 to reflect the specific standards in section 634.3(a) which defines the responsibilities of counsel appointed to represent youth in juvenile justice proceedings. The language circulated for comment reflects the statutory text and adding back in the requirement to represent the child’s best interest would be at odds with the requirement to represent the child’s expressed interests and thus cause confusion for attorneys appointed to represent youth in juvenile justice matters.
2.	Orange County Bar Association By Michael A. Gregg, President	A	These proposed deletions, amendments and revocations to the rules of court and Judicial Council Forms are consistent with the required SB 92 revisions. The proposal adequately addresses the stated purpose.	The committee appreciates the support for the proposed changes to implement the closure of the Division of Juvenile Justice (DJJ) and implement the new secure track disposition.
			For the sake of clarity and uniformity, the proposed commitment form JV-733 should be mandatory.	The committee appreciates the value of consistency but has opted to keep this form optional to allow each court and county to determine the best way to document a

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	Commenter	Position	Comment	Committee Response
				commitment to its Secure Youth Treatment Facility (SYTF).
			New rules of court setting forth the SYTF commitment process rather than reliance on the directives of W&I §875 are preferable in that such rules will: 1) foster uniform implementation and practice among the counties; 2) give guidance to counsel and the court, and; 3) reduce the need for unnecessary litigation and appellate review.	The committee concurs that the rules are of value, as all commenters were in favor of their adoption and thus they are included in the proposal.
3.	Orange County District Attorney's Office By Todd Spitzer, District Attorney	AM	In response to the Judicial Council of California - Invitation to Comment W23-07 "Juvenile Law: New Disposition for Serious Offenses," the Office of the District Attorney of Orange County has the following requests with respect to proposed Rule 5.808: I. <u>Provide a definition of "Substantial Risk of Imminent Harm" within Rule 5.808 as contemplated by W.I.C. §875(e)(3).</u> II. <u>Articulate and define the petitioner's burden of proof within Rule 5.808.</u>	The committee appreciates the time taken by the commenter to review the proposal and responses to both comments are below.
			Define "Substantial Risk of Imminent Harm" within Rule 5.808, per W.I.C. §875(e)(3), with the proposed definition, included below and	

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W23-07

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	Commenter	Position	Comment	Committee Response
			<p>highlighted in yellow, and articulate petitioner's burden of proof as Probable Cause.</p> <p>Discussion of the proposed definition:</p> <p>I. <u>"Substantial Risk of Imminent Harm" Requires Definition Within Rule 5.808.</u></p> <p>Rule 5.808 provides a cogent outline of the procedure for discharging youth from SYTF and placing them on probation. The procedure is consistent with §875(e)(3-4). Furthermore, the Rule restates the findings necessary to extend commitment to SYTF for up to one year in the event the youth presents a "substantial risk of imminent harm if released." However, the Rule does not articulate (1) the definition of "substantial risk of imminent harm" or (2) the burden of proof for further commitment. As a result, our concern is that courts and/or involved parties will not be able to effectively utilize §875(e)(3) when appropriate.</p> <p>Under §5150/ 5585.50 a person may be involuntarily detained if there is a rational belief the individual is a danger to themselves or others. However, W.I.C. §875(e)(3) does not extend the basis for detention to self, therefore the following definition is proposed:</p> <p>Proposed Definition:</p>	<p>The committee considered a suggestion to further define substantial risk of imminent harm when reviewing the comments received on California Rule of Court, rule 5.806 and determined that the statutory language was sufficiently clear for courts to make this determination. In addition, the committee does not agree that there is a clear nexus between the standard in Welfare and Institutions Code section 5150/5585.50 and the review being undertaken pursuant to section 875(e)(3) to infer that the legislature intended to apply that definition in this context without an express cross-reference in the statutory language. Section 5150 addresses the need for a temporary involuntary psychiatric hold for a person who needs to be assessed for mental health treatment, while section 875(e)(3) relates to youth who will have been in custody for an extended period of time and whose behavior will be well documented by the agency overseeing the SYTF.</p>

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W23-07

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	Commenter	Position	Comment	Committee Response
			<p>"The ward constitutes a substantial risk of imminent harm to others in the community if released from custody if: a state of facts known to the court would lead a person of ordinary care and prudence to believe, or entertain a strong suspicion, that the person detained is a danger to others."</p>	
			<p>I. <u>Rule 5.808 Should Articulate that "Probable Cause" is the Burden of Proof Required to Extend SYTF Commitments Under W.I.C. §875(e)(3).</u></p> <p>Rule 5.808, as drafted, is silent as to the burden of proof required to extend a minor's commitment to SYTF when they present a substantial risk of imminent harm. However, using W.I.C. §5150/5585 for guidance, probable cause for involuntary detention is satisfied if the person knew of facts that would lead a person of ordinary care and prudence to believe or entertain a strong suspicion that the detained person is a danger to others. <i>Heater v. Southwood Psychiatric Ctr. (1996) 42 CA 4th 1068, 1080, 49 CR 2d 880, citing People v. Tripplett (1983) 144 CA 3d 283, 288, 192 CR 537.</i> The facts must be specific and articulable, and taken together with rational inferences, must support the belief or suspicion. <i>Id.</i> at 1080. Accordingly, Rule 5.808 should articulate that the</p>	<p>As noted, rule 5.808 is silent on the burden of proof to extend the confinement of a youth beyond the baseline term as authorized in section 875(e)(3), but the committee did not specify such a burden because the statute is also silent on this point. Evidence Code section 115 provides that when a statute is silent on the burden of proof, the burden of proof is the preponderance of the evidence. Given this long standing evidentiary rule, the committee is not persuaded that the legislature intended that the burden of proof in this context should be probable cause rather than the typical default standard of preponderance of the evidence.</p>

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	Commenter	Position	Comment	Committee Response
			burden of proof required for continued commitment is "probable cause" when the court finds that a ward presents a substantial risk of imminent harm.	
			Thank you for allowing us to address our concerns and for considering our recommended modifications to proposed Rule 5.808. Please contact our office if you have would like us to provide further information or comment.	The committee is grateful for the review and comments even as it deems them outside of its purview to specify absent legislative direction.
4.	Pacific Juvenile Defender Center By Brooke Harris, Executive Director, and Laurel Arroyo, President	AM	The Pacific Juvenile Defender Center (PJDC) submits this letter as comment on the proposed changes regarding New Dispositions for Serious Offenses, first introduced by the adoption of Senate Bill 92 (Stats. 2021, ch 18). We support adoption of the three new proposed rules, and amendment of four existing rules in their current form, with the additions and clarifications explained below. Specifically, we will focus on Rule 5.804, Rule 5.807, and Rule 5.808.	The committee appreciates the support for many of the components of the proposal as they were circulated for comment, and addresses the specific issues raised by PJDC below.
			The Pacific Juvenile Defender Center (PJDC) was founded in 1999 as an affiliate of the National Juvenile Defender Center (now the Gault Center) with an overall mission to promote justice for all youth by ensuring excellence in juvenile defense and advocating for systemic reforms to the delinquency system. Today, PJDC has a	No response required.

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W23-07

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	Commenter	Position	Comment	Committee Response
			membership of over 1,600 defenders and advocates across California. To further its mission, PJDC engages its members through training and technical assistance, communications and outreach, research, and policy and legal reform.	
			<p>Proposed Rule 5.804. Commitment to secure youth treatment facility</p> <p>(a) Eligibility</p> <p>The Committee should expand on this section to incorporate the number of criteria enumerated in Welfare and Institutions Code section 875(a)(3), which provide meaningful guidance to the court making a determination about eligibility that are not reflected in the proposed rule as currently written. The court’s determination required under §875(a)(3) strikes at the heart of DJJ “realignment” – that California is committed to moving away from long term imprisonment of young people, and that youth are better served in rehabilitative, community oriented programs close to home. Accordingly, the legislature adopted specific language to further these aims, including the requirement that the court consider a less restrictive alternative disposition before determining that a young person receive an SYTF disposition. (Welf. & Inst. § 875(a)(3)(D).) Likewise, the statutory language requiring that the programs that a particular youth needs are both available and appropriate to the youth’s</p>	<p>The committee agrees that the criteria in section 875(a)(3)(A-E) are important but does not wish to include such a lengthy restatement in the rule. The committee however has clarified this section of the rule by dividing paragraph (3) of subdivision (a) of the rule into separate sentences so that the requirement to evaluate the criteria in §875(a)(3)(A-E) is specifically referenced and are not subjugated to the other eligibility determinations.</p>

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	Commenter	Position	Comment	Committee Response
			<p>rehabilitation is fundamental to better serving youth. (Welf. & Inst. § 875(a)(3)(C).)</p> <p>In counties across the state, our constituency has seen a rote determination of eligibility and/or available, alternative programming required by §875(a). Elaborating on this section while referencing §875(a)(3)(A-E) will help to ensure the courts undertake a deeper and more robust analysis of eligibility in each case coming before them.</p>	
			<p>Proposed Rule 5.804. Commitment to secure youth treatment facility</p> <p>(b) Individualized Rehabilitation Plan (§ 875(d))</p> <p>The Committee should expand on this section of proposed Rule 5.804, and add and adopt language from Welfare and Institutions Code §875(d) specifying the components of an Individualized Rehabilitation Plan (IRP). The IRP process is a crucial component of a youth's rehabilitation, and serves not only as a benchmark for the youth and court to determine a young person's progress at six month review hearings, but also holds service providers accountable for delivering appropriate programs and doing so in a timely and clear manner.</p> <p>Regrettably, this process has become all too rote. Our membership has reported that in several counties, the IRP consists mainly of check boxes as to whether a youth needs, or is eligible, for</p>	<p>Although the SYTF rules in this proposal largely set forth statutory provisions, they are intended to clearly lay out each of the courts required steps in making a commitment and reviewing the progress of a youth. They are not intended to completely restate all of the provisions of section 875. Any juvenile court judicial officer and any stakeholder who assists in developing or implementing an individualized rehabilitation plan (IRP) should be very familiar with the provisions of section 875, and there is no reason to think that they would be relying primarily on the rule of court to guide the development and approval of the content of the plan. As a result, the committee believes that the addition of a statutory cross reference noted above is appropriate and adequate to address these requirements.</p>

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W23-07

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	Commenter	Position	Comment	Committee Response
			certain services, with no clear follow-through or accountability for provision of those services. The language in §875(d)(1)(2)(A-D) elaborates that an IRP identify the youth's treatment, education and development needs with input from the youth and family, and the programs and supports that will meet those needs through trauma-informed, evidence-based, and culturally responsive care. The statutory parameters of an IRP also provide guidance on further issues such as who should be at an IRP hearing, including defense counsel, family, and other relevant community members and a thorough, trauma informed and evidence based approach to the provision of services. Rule 5.804 should reflect the important guidance set forth in §875(d).	
			This body should also require that a copy of the IRP be provided to all parties, including counsel, five days prior to the 30 day review hearing so that counsel and the young person have an opportunity to meaningful review the IRP prior to the Court's approving the plan.	The committee agrees that this suggestion will ensure that all parties have an opportunity to review the IRP and provide input before it is approved by the court and has modified the proposed rule to include this requirement. In addition the rule now includes a requirement for a hearing to finalize the IRP to ensure that a court can obtain the required input from the prosecutor, the youth, and counsel for the youth.
			Proposed Rule 5.807. Secure youth treatment facility progress review hearing With respect to proposed rule 5.807, PJDC urges the Committee to make a number of changes	Responses to each of these issues are provided below in response to their more detailed explication.

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W23-07

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	Commenter	Position	Comment	Committee Response
			based on feedback from juvenile defense lawyers across the state. First, a common concern is that young people are getting zero days of commitment credit, even when they are doing well with respect to their IRP. Second, there is concern that no mechanism exists to ensure that probation or other service providers are providing the court with adequate information about their ability to provide the programs adopted in the IRP. Third, there are concerns that when courts do award credits or time cuts, they do so only when an IRP is completed and not while they are in progress.	
			<p>(a) Findings and orders</p> <p>The Committee should add and adopt language that makes explicit the types of information, documents, and certifications that should be provided to the Court to more accurately inform its determination of credits or time cuts to the baseline term. Examples of this type of information include: the number of sessions of a particular program offered, required, and completed by the young person; copies of certificates highlighting positive behavior, accomplishments, school progress; and information from outside services providers such as DMH, behavioral treatment specialists, and community based organizations.</p>	<p>The committee notes that rule 5.806(c), which was approved by the council on March 24, 2023, specifically requires the probation agency to track the youth's positive behavior and gather information from all services providers and report to the court, including a recommendation for the amount of time that should be reduced from the baseline term. The committee believes that the language in rule 5.806(c) strikes the appropriate balance between allowing local flexibility in determining how to evaluate the youth's behavior, and ensuring that the court has the information it needs to make its determination regarding the baseline term. A reference to that new rule has been added to the one recommended here. The committee notes that this process is entirely new, and thus it is premature to determine that the existing statute and rule of court are inadequate,</p>

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				but the committee will consider revisiting it in a future cycle should it be deemed appropriate.
			In this section, the Judicial Council should add and adopt language instructing the court to determine whether the probation department or any other service providers have considered that the identified needs of the youth could be met in a non-custodial or less restrictive program, and what programs have been considered.	Section 875(e)(1) provides that the court is required to make a finding about the baseline term at each review hearing and either reduce it by up to six months or keep it at the current level. It also provides that the court “may additionally order that the ward be assigned to a less restrictive program” and section 875(f) provides that the court must consider making such an order if probation or the youth makes a motion asking for the youth to be transferred to a less restrictive setting. Given this structure in the statute, the committee believes that there is no affirmative duty on the court to make such a determination if no motion has been filed.
			Probation should have an affirmative duty to determine whether they <i>cannot</i> serve an identified need and bring this conclusion to the Court’s attention as soon as they are aware that they are unable to serve.	Even before the enactment of the SYTF disposition, probation has been serving the needs of the vast majority of youth in the juvenile justice system and the committee is not persuaded that it is necessary to adopt rules of court directing the probation agency to responsibly manage the case plans of the youth subject to its supervision. The committee trusts that probation agencies will oversee youth in SYTF commitments and report to the court if they believe that they are unable to serve an identified need without this specific requirement being in a rule of court.

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			<p>(b) Transfer to a less restrictive placement Adopting a new “Matrix” with ranges for baseline terms will promote greater individualized treatment of youth and reduce overincarceration. In keeping with these principles, the Committee should add and adopt language that credits are earned, and not discretionary, and fall squarely within the principles of adolescent development. We urge the Committee to include language clarifying that the IRP does not need to be <i>completed</i> in order for a young person to be placed in a step-down program, and that step-downs are contemplated to continue to provide necessary services and programs related to the IRP, as they youth transitions and acclimates to a less restrictive setting. We propose the following language: “If the court finds that substantial progress has been made, the court <i>shall</i> (award credits, or release to a step-down).”</p>	<p>As noted above, rule 5.806, which was adopted by the council on March 24 and becomes effective on July 1, 2023, does require that probation agencies systematically track the positive behavior of the youth and report to the court at each progress review hearing. The suggestion here is that rule 5.807 go further and require the court to order a reduction in the baseline term if it finds that there has been substantial progress in completing the IRP. The committee does not see that requirement as consistent with section 875(e) which provides that the court must make a finding and can either maintain or reduce the baseline term. Given that statutory language, the committee declines to reduce the court’s discretion. Similarly, the committee declines to make an order to a less restrictive placement mandatory when the statute affords the court discretion to determine when such an order is appropriate. However, the committee has added language to rule 5.807 to clarify that when the court is evaluating the youth’s progress in meeting the IRP it is to consider that progress in light of the programming that has been made available to the youth.</p>
			<p>Proposed Rule 5.808. Discharge from secure youth treatment facility disposition Lastly, the Committee should include guidance regarding the court’s assessment of whether a youth poses a “substantial risk of imminent harm to others in the community,” including whether</p>	<p>As explained above, in response to the comment by the Orange County District Attorney, the committee believes that the court can assess whether a youth poses a substantial risk of imminent harm to others in the community without further direction in the rule, and also has concluded that as the burden of proof is not</p>

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			or not a hearing is required, the burden of proof required, or the criteria used to assess “substantial risk” and “imminent harm.” At a minimum, this Committee should add and adopt language reflected in Rule 5.770(c) (Conduct of transfer of jurisdiction hearing under section 707), that the court must state a basis for its decision to be recorded in the minutes.	specified that it would be the preponderance of the evidence as provided in Evidence Code section 115 as the statute does not specify an alternate burden and that to specify that here would be superfluous. The committee has included the suggestion that the court be required to recite the basis for its finding on the record.
			We have no comments on Rule 5.5663, Rule 5.760, and Rule 5.790, the repeal of 5.805, or changes to the proposed forms.	The committee is grateful for the careful review and support for the bulk of the proposal.
			We thank the Committee for its incredibly hard and thoughtful work on these proposed changes and the many positive, fair proposals contained in these new rules. Please do not hesitate to contact us further.	
5.	Christina Scott Mission Viejo, CA	N	*Commenter indicated disapproval of the proposal and then provided specific comments detailing personal experiences that were not germane or relevant to the proposal*	No response required
6.	Superior Court of Riverside County By Susan Ryan, Chief Deputy of Legal Services	A	Does the proposal appropriately address the stated purpose? Yes, the proposed changes to rules of court and the new forms as well as the revisions to several other forms and revoking the JV-732 will address the closing of DJJ.	The committee appreciates the review and concurrence in the substance of the proposal.
			Should the new commitment form JV-733 be mandatory or optional?	The committee agrees that an optional form is preferable here as it ensures that all courts have an

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			This form should be optional. Many counties, including Riverside have adopted local internal probation department forms to include the findings and orders needed for a SYTF commitment. Keeping the JV-733 optional will allow the processes that have been working to continue. The findings and orders on the local probation department forms can be updated as needed to match the JV-733.	option available, but any court that has already implemented a process or wants to do so in the future can issue its own findings and orders so long as it complies with the statutory requirements.
			Are new rules of court required to set forth the SYTF commitment process, or would it be preferable to rely on the statutory directives in Welfare and Institutions Code section 875? New rules would be appreciated as it makes it easier for the court to create procedures and policies. This will also create more uniformity for the various courts.	The committee heard from all commenters that the rules were of value and has kept them in the proposal with minor revisions.
			Would the proposal provide cost savings? If so, please quantify. No.	The committee concurs that the proposal will not provide cost savings.
			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?	The committee will note these impacts in its report to the council.

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			<p>2-4 hours of training for courtroom staff on the new requirements and findings that must be included in the minutes.</p> <p>Court staff, judges and agencies would need to be notified of the rules/forms revisions and new rules and forms.</p> <p>Filing and minute codes would need to be created and/or modified in the case management system.</p>	
			<p>Would 1.5 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <p>Generally, these processes are already in place, however a little more time may be needed for training and communication with the agencies. 1.5 months may be a bit too short-3 months would be sufficient.</p>	The committee appreciates that additional time would be ideal but because DJJ will be closed on July 1 it has concluded that a July 1, 2023 effective date is necessary.
			<p>How will would this proposal work in courts of different sizes?</p> <p>This would likely work the same for courts of any size.</p>	The committee agrees that the proposal can be implemented in courts of any size.
7.	Superior Court of San Diego County By Mike Roddy, Executive Officer	AM	<ul style="list-style-type: none"> Does the proposal appropriately address the stated purpose? Yes. The changes are necessary as a result of the closure of DJJ. Should the proposed commitment form JV-733 be mandatory or optional? The San Diego Superior Court would prefer an optional form. In this court, a minute order is used to make the required findings and orders. 	<p>The committee appreciates the review and concurrence in the substance of the proposal.</p> <p>The committee agrees that an optional form is preferable here as it ensures that all courts have an option available, but any court, like San Diego Superior Court, that has already implemented a process or wants to implement one in the future</p>

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				can do so, as long as it complies with the statutory requirements.
			• Are new rules of court required to set forth the SYTF commitment process, or would it be preferable to rely on the statutory directives in Welfare and Institutions Code section 875? The new rules may not be required, but they are helpful.	The committee heard from all commenters that the rules were of value and has kept them in the proposal with minor revisions.
			• Would the proposal provide cost savings? No.	The committee concurs that the proposal will not provide cost savings.
			• 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? Train judges and staff; create minute order codes. (This has already been done in San Diego.)	The committee will note these impacts in its report to the council.
			• Would 1.5 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes.	The committee is pleased to hear that the proposal can be implemented by July 1, 2023.
			• How well would this proposal work in courts of different sizes? It should work in courts of different sizes.	The committee agrees that the proposal can be implemented in courts of any size.
			CRC 5.804(a)(3): consider amending “evaluate the criteria in section 875(a)(1)-(3)” to “evaluating the criteria in section 875(a)(3)” to match verb tense	The committee revised this provision to break it into two sentences for clarity.

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			and since 875(a)(1)-(2) are already covered by CRC 5.804(a)(1)-(2).	
			JV-733, very bottom of page two of the form: “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:” This language is no longer accurate, as the maximum term now cannot exceed the middle term. See Welf. & Inst. Code 875(c)(2).	The committee has corrected this provision on the JV-733 to reflect that it may not exceed the middle term for an adult convicted of the offense or offenses.
8.	Robert Tamayo, Deputy Probation Officer III, Monterey County Probation Department	NI	JV060 I noticed there is no information for the parents or the youth regarding their rights after they turn 18 and are still on juvenile probation, especially since some crimes can cause the youth to be on probation until 25. Some questions to consider: Are parents allowed to attend probation meetings and access the court regardless of consent from the youth? Can the youth decline to have parent s access to probation information or info on their case? Can the parent request information from probation on their performance, etc? Do parents have a right to know what is going on in their child’s case if they are over 18? Etc.	The committee agrees that it may be helpful to parents to remind them that different rules apply to minor children and those who are legal adults, and has added a question on page 6 of the JV-060-INFO alerting parents to the rights to control access to information that arise once a person under juvenile court jurisdiction reaches majority.

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