



Judicial Council of California

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Subject Details (With Text)

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Title

Juvenile Law: Implementation of Proposition 57, the Public Safety and Rehabilitation Act of 2016 (Action Required)

Summary

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council amend or repeal six California Rules of Court and revise five forms to be consistent with the recently enacted provisions of Proposition 57, the Public Safety and Rehabilitation Act of 2016. Proposition 57, which became effective on November 9, 2016, substantially amends the process by which juvenile offenders may be transferred to the jurisdiction of the criminal court by (1) eliminating the authority of prosecutors to directly file petitions in criminal court, and (2) requiring that the juvenile court hold a hearing and determine if a transfer is appropriate.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective May 22, 2017:

1. Amend rule 4.116 of the California Rules of Court concerning certification to juvenile court to delete obsolete statutory references;
2. Amend rule 5.664 of the California Rules of Court concerning training for children's counsel in delinquency proceedings to update terminology from "fitness" to "transfer of jurisdiction to criminal court";
3. Amend rules 5.766, 5.768, and 5.770 of the California Rules of Court concerning the procedures for transfer of cases from juvenile to criminal court jurisdiction to conform them to the revisions in Proposition 57;
4. Repeal rule 5.772 of the California Rules of Court concerning specified juvenile fitness hearings because its provisions are obsolete;
5. Revise *Promise to Appear-Juvenile Delinquency (Juvenile 14 Years or Older)* (form JV-635) to replace the words "police officer" with "peace officer" to be consistent with the authorizing statute;
6. Revise and retitle *Juvenile Fitness Hearing Order* (form JV-710) to *Order to Transfer Juvenile to Criminal Court Jurisdiction (Welfare and Institutions Code, § 707)* to conform the form to the changes

enacted by Proposition 57; and

7. Revise *Juvenile Wardship Petition* (form JV-600), *Initial Appearance Hearing-Juvenile Delinquency* (form JV-642), and *Juvenile Notice of Violation of Probation* (form JV-735) to delete obsolete statutory references and references to juvenile fitness hearings.