



# **LOS ANGELES COUNTY PROBATION DEPARTMENT**

**JUVENILE MANUAL  
2008**

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**LOS ANGELES COUNTY PROBATION DEPARTMENT**

<b>Subject:</b>  <b>JUVENILE MANUAL</b>  <b>JUVENILE LAW</b>	<b>Section Number:</b> <b>JM-100</b>
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In our society, the care, direction and correction of minors are presumed to be a private, family matter in which the State shall not intervene except as the law provides. The Welfare and Institutions Code (WIC) provides for intervention on behalf of three classes of children under the age of 18:

- **300 WIC:** Minors who lack adequate parental care. These “dependent children” in Los Angeles County are the responsibility of the Department of Children and Family Services (DCFS) and the Juvenile Dependency court.
- **601 WIC:** Minors who persistently disobey their parents; who are beyond control of school authorities; who are habitually truant or who have violated a curfew ordinance. These youth are referred to as “status offenders” because their offenses are linked to their status as minors.
- **602 WIC:** Minors who have violated any state or federal law or any local ordinance, except curfew. In individual cases, the designation “602 WIC” is generally accompanied by specification of the minor’s offense(s) in code number(s) and words.

As declared in the WIC, the purpose of juvenile court law is to protect the public and the best interests of the minor. The law directly addresses juvenile courts and all related public agencies, enjoining them to consider, in all exercises of their authority, that purpose. It is to be accomplished by strengthening the family whenever possible and by removing the minor from home only when necessary for the public’s or the minor’s protection.

At the same time, the law provides that the care, treatment and guidance of delinquent minors are to be consistent with holding them accountable for their behavior. Clearly, sanctions appropriate to particular delinquent acts are part of protecting both the safety of the community and the interests of the minor.

Sections 652 and 653 WIC require the Probation Officer to investigate any case involving minors who may come within sections 601 or 602 WIC. Sections 290 WIC mandates probation investigation and reports as a component of the court disposition process. Sections 654 and 727 WIC provide for general types of

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supervision of juveniles. Together these sections provide the framework for the two main functions of the juvenile probation officer; investigation and supervision.

Investigation is the systematic gathering and interpreting of information by the Probation Officer to assess whether a minor's case should be referred to the District Attorney (D.A.) by petition or to select a non-court option. The investigative process for cases with petition filings usually ends with a Disposition/Pre-Plea report to the court.

Supervision is aimed at ensuring the minor's compliance with court orders, including participation in a treatment case plan.

## **101 THE JUVENILE COURT**

Pursuant to Section 245 WIC, the Superior Court of a county sits as the juvenile court in juvenile matters. In the County of Los Angeles there are separate juvenile court departments. Cases are heard by judges, commissioners or referees.

Other court personnel include the prosecuting attorney (D.A.), defense attorney (Public Defender, Alternate Public Defender, court appointed or private counsel), bailiff (Sheriff's deputy), court reporter, court clerk and a Deputy Probation Officer (court officer) assigned to that courtroom.

## **102 JUVENILE COURT HEARINGS**

### **Arraignment Hearing**

This is the minor's first appearance before that court. Formal allegations are reviewed for the minor and parents or guardian, the court ensures an attorney is assigned to represent the minor, and a plea is entered. The court typically orders a pre-plea report and the next hearing date is set. No testimony is taken.

### **Adjudication Hearing**

This hearing is much the same as a trial in adult court. If all counts in all petition(s) are dismissed, no further hearing is set. If any count is sustained, the case is set for disposition hearing.

### **Pre-Plea/Disposition Hearing**

By law (280, 702, 706 WIC), the probation officer must prepare a "social study" for the court to take into evidence prior to disposition. This study is known as a Pre-Plea or Disposition report. It is in fact a broader report, which gives an account of the minor's offense, victim(s) statement, delinquency/dependency

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history, social history information and minor/parent/guardian assessment. The report concludes with an evaluation of the factual material and a recommendation/plan. Following review of the dispositional report, the court will order the plan it deems most appropriate.

### **Fitness Hearing**

Any minor age 14 through 17 charged with certain and specific 602 WIC offenses may be ordered to a fitness hearing on the D.A.'s motion. The judicial officer determines whether the minor remains "fit" for juvenile court or becomes the subject of adult proceedings.

### **Detention Hearing**

Any minor taken into custody and not released from juvenile hall or placed on community detention program within 48 judicial hours from arrest must be brought before the juvenile court for a detention hearing. This hearing combines all elements of the arraignment hearing and adds a review of the decision leading to the minor's detention. A "detention report" is prepared by the probation officer to assist the court. The detention is based on the filing of allegations in the form of a petition or a previously issued court order allowing the detention.

### **"Dennis H." Hearing**

If a minor is ordered detained at the detention hearing, the minor has the right to confront those who have prepared reports upon which the detention is based. This hearing is held three to five days following the detention hearing. If the witnesses do not appear, the minor is released.

### **"William M." Hearing**

In this hearing, continued detention of a minor rests on a number of issues, including the presentation of a prima facie case that (in 602 WIC cases) the minor committed the alleged offense and that the detention process was sufficiently individualized for the minor. "William M." hearings are also held three to five judicial days following the detention hearing. ("Dennis H." and "William M." issues are often heard at the same hearing.)

## **103 THE COURT OFFICER**

Pursuant to Section 280 WIC the probation officer is present in court, except where waived, at all juvenile court hearings and rehearings. It is the duty of the probation officer to represent the interests of minors and to furnish to the court such information and assistance as the court may require.

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DPOs assigned to juvenile court are designated “court officers” and represent the Department at juvenile court hearings. The court officer also serves as a liaison and resource person to the court and other officers of the court by providing information regarding Department policies and programs. In addition, the court officer provides assistance to the field DPO whenever needed.

**General responsibilities of the court officer include but are not limited to the following:**

- Reviews the court calendar and locates any missing reports.
- Distributes copies of reports to the court, D.A. and defense counsel.
- Reviews all reports prior to any court action, cross checking for accuracy of the minor’s name, court, and PDJ numbers.
- Verifies that detained minors are present for the hearing or arranges transportation to court.
- Obtains parents’ signatures on all consent forms, i.e. CDP, medical.
- Notifies the DPO, Supervising Deputy Probation Officer (SDPO), or Officer of the Day (OD) of all detained cases continued for disposition, continuances, and disposition orders which differ from the DPO’s recommendation and require the preparation of a packet, such as Division of Juvenile Justice (DJJ), placement, or camp.
- Prepares or compiles all documents relating to the detention and release of a minor.
- Prepares citations for a minor or parent to appear for hearing when ordered.
- Answers any questions from the court or attorneys regarding a DPO’s report or recommendation.
- Presents last minute information to the court and represents the DPO.
- Forwards necessary papers to the area office.

## **104 APPEARANCES IN JUVENILE COURT**

This section of the manual is designed to provide information regarding the DPO’s role in court and offers directions on how to carry out this role effectively.

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The DPO, as an officer of the court, must be prepared to appear in court as needed and when so directed. One of the most important of such appearances occurs when the DPO testifies in support of his or her own recommendation.

### **Notification of Court Appearance**

Methods of notification to appear in court vary and include subpoenas, information on court minute orders, etc. Additionally due to time constraints in juvenile court, DPOs often receive short notice (via electronic mail or telephone from the court officer) that they are required in court on a particular date and time to testify. This notice is honored as if the DPO had been served with a subpoena.

On some occasions, the DPO will be told to bring the "case records", which generally include all documents utilized in preparing the report about which the DPO has been summoned. Juvenile records are in the custody of the juvenile court, and cannot be subpoenaed. Release of juvenile records requires consent of the presiding judge of the juvenile court.

In supervision cases, this may include all documents on which the DPO has recorded results of case notes. If the minor has a testing order, all documents relating to the testing order would also be included.

If the notice to appear in court does not include an order for the DPO to bring case records, it is advisable for the DPO to prepare notes from case documents and refer to such notes during testimony.

Unless so ordered, the DPO should not bring the case file or other confidential documents, such as the case notes, to court.

### **Personal Appearance**

DPOs should dress professionally and appropriately, according to departmental standards and in compliance with the Department dress code policy. Field staff should be cognizant of the possibility of being called before the court and should have an appropriate change of business clothing readily available. Institutional staff may appear in court in uniform if they are on duty and unexpectedly summoned to appear before the court. In all other instances, staff should dress appropriately for scheduled court appearance.

### **Courtroom Demeanor**

DPOs shall arrive in court at the appointed time. When court is in session, the DPO is careful to enter the courtroom quietly and leave in the same manner.

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When court is in recess, the DPO reports to the bailiff or court officer and may inquire as to the possibility of being called early on the calendar.

### **Preparation for Testimony**

When called to court, the DPO should ask which party to the case requested the DPO's presence. Sometimes the request will involve only one or two questions the defense attorney, the prosecutor or the court wants answered.

On occasion, one side or the other will challenge the DPO's recommendation or report by questioning the DPO's reasoning. It is vital in such instances that the DPO prepare by reviewing the court report in question and other pertinent records, including supervision case notes.

The DPO should inspect such documents closely, particularly noting any points which might be vulnerable to claims of deviation from court order or Departmental policy.

If, for some reason, the DPO has failed to carry out an order of the court or policy of the Department, the DPO must be prepared to say so when questioned. It is better to admit error frankly than to have an attorney exaggerate its importance by prolonging the examination.

### **Testifying in Court**

When called to testify, the DPO should avoid walking in the area known as "the well," located between the counsel tables and the judicial officer's bench. Instead, the DPO shall walk outside of the tables while approaching the witness stand.

The DPO should remain standing and face the court clerk, who will swear in the DPO. The DPO then sits in the witness box, prepared to answer all questions unless otherwise instructed by the judicial officer.

It is important to remember that the DPO is not an advocate for the defense or the prosecution, but a neutral expert who has evaluated the minor's behavior and who has then taken or recommended a course of action designed to protect the community and contribute to the minor's rehabilitation.

The DPO should not answer questions hastily, but give consideration to the implications of questions before responding. Speaking clearly and simply, and avoiding probation jargon is desirable. The minor should be referred to as "the minor" or by his or her first name. The judge is always addressed as "Your Honor," and attorneys may be addressed by name, "Ms. or Mr. Smith," "sir" or "counsel."

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Some questions may be designed to confuse the DPO, or counsel may mis-state an answer the DPO has already provided. The DPO should not hesitate to answer, “I don’t understand the question”, if the question is confusing. “I don’t know” is acceptable as an honest response, but DPOs should remember that one purpose of preparation is to reduce the number of “I don’t know” answers.

During some courtroom examinations, the attorney may attempt to provoke DPOs through a variety of techniques. The DPO can best remain calm by ignoring the examiner’s tone and concentrating on the questions being asked and the answers to be given.

### **Court Appearances other than Formal Testimony**

On occasion DPOs will be called to advise the court, either in the courtroom or in the judicial officer’s chambers, rather than from the witness stand. These discussions may or may not involve counsel and are usually initiated by the court. The DPO may also be contacted by either of the attorneys.

### **Developing a Relationship with Courtroom Staff**

The DPO should arrange to be introduced to the judicial officers at court departments for which the DPO prepares reports, particularly if most of the DPO’s reports are for a small number of court locations.

Contacting the court officer and requesting an introduction to the commissioner or judge probably represents the best means of initiating such contact.

### **Flow Chart**

The chart illustrates the juvenile intake and court processes and details the DPO’s role in the juvenile justice system (see Appendix A).

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	<b>Sharon Harada, Bureau Chief</b>

In the course of performing everyday duties, Deputy Probation Officers (DPOs) must frequently respond to requests for sensitive case information. This chapter provides guidelines for responding to those requests.

Section 827 WIC invests the Juvenile Court with exclusive jurisdiction over juvenile documents and records and makes the Court responsible for confidentiality of these records.

All information gathered by the DPO through investigation and supervision becomes part of the Department's official case record. Such information is confidential and not disclosed to or discussed with unauthorized persons (see Appendix 1, Agencies Authorized to Receive Juvenile Record Information).

Information will be released only to persons or agencies having both a "right" and a "need" to know as authorized by state statutes. When in doubt as to whether information should be released, the DPO consults the Supervising Deputy Probation Officer (SDPO).

"Right-to-know" is the right to obtain Criminal Offender Record Information (CORI) under court order, statute, or decisional law. It is a right that is inherent in the agency or agent's purpose or function.

"Need-to-know" is the necessity to obtain CORI to execute official duties and responsibilities. The need is a case-related need; that is, the officer or agent must have the information to carry out a specific work assignment with respect to a certain case or cases.

Example:

- An officer, by reason of his status, may have general access to a type of record (a right), but he may not use it to satisfy mere curiosity about an acquaintance (there must be a need).

Persons that are authorized/entitled to inspect juvenile records may do so by completing a "Declaration in Support of Access to Juvenile Records" form (see Appendix 2) accompanied by presentation of proper identification. Staff shall place the original copy of the declaration in the minor's PDJ file. If the authorized/identified person subsequently requests copies of records after



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conducting their inspection of the PDJ file, a copy of the "Declaration in Support of Access to Juvenile Records" form shall be faxed to Civil Litigation at (562) 658-2306. Copies of requested documents will be provided through the Superior Court Juvenile Division through Civil Litigation.

**201 RECORDS AND DOCUMENTS**

The procedures established by the Presiding Judge of the Juvenile Court are not intended to prevent DPOs from disclosing case record information when conducting normal case management duties. The DPO may also exchange verbal information with other agencies having a "right" and "need" to know.

Access to case records shall be limited to that part of the record which is relevant to the requesting party's purpose; other privileged information is safeguarded.

The term "juvenile records" includes, but is not limited to:

- Any document or record filed in any juvenile court proceeding
- Case record information regarding probationer or victim
- Name & date of birth of probationer or victim
- Physical description of probationer or victim
- Dates of arrests of probationer
- Disposition of probationer case(s)
- Criminal charges for probationer
- Detention information
- Release date from juvenile hall, group home or camp
- PDJ file information
- Any document or record made available to the probation officer during investigation or in preparing a report.
- Any agency document or record relating to juvenile contacts and arrests, even if juvenile court proceedings were not instituted.

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Also within the definition of juvenile records are photographs, polygraph tapes, tapes or printouts of radio calls.

Requests for documents in possession of the Department, such as a police report or clinical study, originated by another agency, are referred to that agency.

**Application of the Confidentiality Policy**

Juvenile records cannot be subpoenaed. Unless otherwise confidential (see exceptions below), records may be **inspected** without a court order upon proof of identification to the following:

- Authorized juvenile court personnel, including judicial officers and court clerk staff.
- District Attorney (D.A.) or City Attorney authorized to prosecute
- Probation Officers
- Parole Officers
- Public Defender or Attorney of Record for the parties actively participating in criminal or juvenile proceedings involving the minor
- The juvenile subject of the criminal offender record information
- Attorney for the minor who is actively participating in the criminal or juvenile proceedings involving the minor
- Those authorized pursuant to a certified court order
- Persons authorized pursuant to Sections 827 and 828 WIC, including:
  - Parents or legal guardians
  - Superintendent of schools or designee in district where minor attends school
  - Officials from the government child protective agencies
- Victims of juvenile probationers – Centralized Restitution (CRU) staff or the DPO or Record shall provide information to the victim, pursuant to Section 730.7 WIC

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- The minor or minor's attorney.
- The minor's parent or guardian, or the attorney for the parent or guardian.

**NOTE:** If the court has ordered that the minor's location is confidential from the minor's parents, the parents or their attorney must petition the court to inspect or copy records.

Exceptions:

- Medical records and psychological evaluations, including Evidence Code 730 evaluations.
- Juvenile records such as police reports that name more than one minor suspect.

Unless all the minors named in the report (including minor victims who are court wards or the subject of an investigation) are siblings, the D.A., minor, parent or guardian, or their attorney, must petition the court for record information.

**201.1 Out-of-County Request**

Case information may be shared with other probation, law enforcement, school, and child protective agencies as permitted under Section 827 WIC. These requests are referred to the Custodian of Records, Central Adult Investigations (CAI) for information from closed files.

**201.2 Emergency Request**

In responding to inquiries received by telephone or walk-in that require an immediate response, such as information needed for a court report, the assigned DPO:

- Identifies the requesting party (this requires a call-back to an official agency phone number).
- Determines the right and need to know.
- Secures information necessary to process the request.
- Advises the requesting party to send a written follow-up.
- If time is not of the essence, informs the person to submit a request in writing.

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- If time constraints are a factor, releases the information over the telephone and advises the requesting party to submit a written request.
- Logs information on the "Record of Release of CORI" (Prob. 1076).

**201.3 Community Request**

Occasionally, members of the community will call to inquire about a probationer's status. The DPO never acknowledges that a minor has a record or is under Department investigation or supervision without first determining the requester's right and need to know. Under certain circumstances, information can be released pursuant to Sections 827.5 WIC and 827.6 WIC. Any requests for information should be cleared with the SDPO.

**201.4 Victims and Other Requests**

Victims are entitled to notification of court dates and continuances. They may obtain from the court copies of the charging petitions, the minutes of the proceedings, and orders of the court contained in the file. They also have the right to have two support persons of their choosing present at all hearings.

Persons other than victims seeking record information are referred to the Presiding Judge of the Juvenile Court. That office will provide the required forms. Inquiries are directed to:

Presiding Judge of the Juvenile Court  
201 Centre Plaza Drive  
Monterey Park, CA 91754

**201.5 Minor's Attorney**

The DPO may divulge the completed report to the attorney of record (listed in the court file) after the report has been filed. Prior to disclosing information, the attorney's identity must be verified. The attorney receives a copy of the court report from the court clerk after it is filed with the county clerk's office.

**201.6 Record Access Requiring Minor's Consent**

**CONFIDENTIALITY**

The following agencies must attach the minor's written authorization with the petition to inspect or copy records:

- Armed Services
- Job Corps
- Immigration and Naturalization Service (INS)
- Federal, state or local licensing agencies (such as the Department of Insurance, Department of Real Estate).
- Prospective employers (even if a police agency).

**201.7 Traffic Accident Request**

Reports involving a minor, including minors suspected of driving under the influence of alcohol or drugs, or those cited to appear before a probation officer or in court, may be released by a police agency, without a court order, to the following upon proper identification or representation: parties involved in the accident; attorneys of the parties; insurance agent of any involved party; any state or local engineering department for use in the normal scope of their duties.

If other minors who are not siblings, and who are wards of the court or the subject of an investigation are involved, a court order is required. Any request for these reports shall be referred to the agency that produced the report.

**201.8 Release of Information Among Law Enforcement Agencies**

Section 828 WIC permits law enforcement agencies such as police and probation departments to release certain information to other law enforcement agencies, including school district police or security department.

**202 RESPONSE TO SUBPOENA**

As juvenile records are in the custody of the juvenile court, they cannot be subpoenaed. The DPO, if subpoenaed to produce case records, immediately notifies the SDPO and gives the SDPO a photocopy of the subpoena. The SDPO or Director will contact the initiating party and attempt a resolution.

**203 MINOR'S RIGHT TO PRIVACY**

There are limitations on access to juvenile records. However, not all court proceedings are closed to the public. Also, information regarding certain offenses and juvenile suspects can be released to the public.

**CONFIDENTIALITY**

Juvenile court hearings are not open to the public unless requested by the minor and parent or guardian present, or the minor is charged with an offense listed in Section 676 WIC. For hearings on these charges, members of the public shall be admitted on the same basis as they may be admitted to trials in adult court. The list of hearings that are open to the public under this code section shall be posted in a conspicuous place accessible to the public with the location and time of the hearing for each day that the court is in session.

The juvenile court is required under Section 602.5 WIC to report the complete criminal history of each minor adjudged to be a ward of the court under 602 WIC for any felony to the State Department of Justice (DOJ). The DOJ is required to retain the information and make it available to the same extent as it does the criminal histories of adults.

A law enforcement agency may disclose the name of any minor 14 years of age or older taken into custody for the commission of any serious felony, as defined in Section 1192.7(c) PC, and the offenses allegedly committed, upon the request of interested persons following the minor's arrest for the offense. Any requests made to Probation on such cases are referred to the department Public Information Officer for handling.

Section 827.6 WIC authorizes law enforcement to release the name, description and the alleged offense of any minor alleged to have committed a violent offense as defined in Section 667.5 (c) PC, and against whom an arrest warrant is outstanding if this action would assist in apprehension of the minor or the protection of the public safety.

**Media Requests**

The DPO records the requester's name, phone number and organization and explains that the request will be forwarded to a Department representative who will contact them by the close of the next business day. The information is given to the Public Information Officer at Probation Headquarters.

**204 CRIMINAL OFFENDERS RECORD INFORMATION (CORI)**

CORI consists of records and data compiled by criminal justice agencies for the purposes of identifying criminal offenders. CORI maintains for each offender a summary of arrests, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release.

To be considered CORI, information must:

- Be collected as a result of an arrest or other initiation of criminal proceedings.

**CONFIDENTIALITY**

- Be stored in a summary format (such as Juvenile Automated Index (JAI) or delinquency section of the court report).

CORI is maintained at the local, state and national level, and includes Department of Motor Vehicles record information. Records must be accessible by name or other personal identifiers rather than by dates or type of accident, and must specify charges.

Example:

An inquiry citing “an accident on 7-22-90 at 5th and Main streets, Los Angeles” will not enable a response unless it specifies “John Doe, DOB 6-5-70, arrested LAPD, reckless driving.”

The State Attorney General has established regulations for protecting offenders (juvenile or adult) from illegal and unwarranted release of criminal record information.

Unauthorized use of information, accidental or deliberate, is a well-documented problem. As a result, the Department of Justice monitors record queries.

Patterns suggesting abuse of confidentiality are investigated and may have serious repercussions for any involved employees, including departmental discipline and criminal prosecution.

#### **204.1 Documentation and Recording of CORI Releases**

Department requirements concerning CORI are in the Probation Department Policy Manual (PDPM), Chapter 12, Section 12-4.

Materials provided employees are available at each work location and consist of:

- ASM, Vol. I, Instruction G-15, entitled “Criminal Offenders Record of Information Release and Security.”
- “Confidentiality of CORI Information” (Prob. 1233) – original, plus two copies for each employee’s signature.
- “Record of Release of CORI” (Prob. 1076) – attached to the inside front of the case file.
- “CORI Authorized Agency List” – one copy for each supervisor of line staff.
- “California Criminal Record Statutes and Regulations” – one copy for the office head as an office resource document.

#### **204.2 Training**

LOS ANGELES COUNTY PROBATION DEPARTMENT	<b>JM-200</b>
<b>CONFIDENTIALITY</b>	

New employees are trained regarding the confidentiality requirements of CORI.

All department staff and volunteers must have a signed “confidentiality statement” on record, which states they have read and are complying with CORI regulations.



LOS ANGELES COUNTY PROBATION DEPARTMENT	JM-200
<b>CONFIDENTIALITY</b>	

## **APPENDIX A**

### **AGENCIES AUTHORIZED TO RECEIVE JUVENILE RECORD INFORMATION**

The following agencies or their duly authorized representative(s) may obtain juvenile record information upon the filling of a "Declaration in Support of Access to Juvenile Records." They are:

- City Attorney
- Police or Sheriff's Departments
- County Counsel
- County Probation
- County Welfare
- Children's Services Departments
- Child Advocates Office
- Conciliation Court
- Department of Mental Health
- Department of Motor Vehicles (for licensing)
- Federal, state, county and city auditors (for auditing purposes)
- Interstate Compact on Juveniles
- Public Guardian's Office
- United States Probation
- Department of Juvenile Justice
- State Department of Corrections
- Indian Tribes
- School Superintendent

LOS ANGELES COUNTY PROBATION DEPARTMENT

<b>Subject:</b>  <b>JUVENILE MANUAL</b>  <b>CHILD ABUSE</b>	<b>Section Number:</b> <b>JM-300</b>
	<b>Effective Date:</b> 7/17/2008
	<b>Approved By:</b>  <b>Sharon Harada, Bureau Chief</b>

Probation Department employees are mandated reporters of child abuse. Any employee who observes, has knowledge of, or reasonably suspects child abuse is required to make a report under Penal Code Sections 11166 through 11168.

Failure to report a known incident of child abuse is a misdemeanor, punishable by a county jail confinement not to exceed 6 months or by a fine of not more than \$1000 or by both. **Mandated reporters incur no civil or criminal liability in filing such reports.**

Reports are made to the Department of Children and Family Services (DCFS) by calling 1-800-540-4000, or the local law enforcement agency where the incident occurred. The child abuse report is made by telephone immediately or as soon as practicable, and is followed by a written report on Form SS-8583 within 36 hours of awareness of the suspected child abuse.<sup>302</sup>

### 301 WHAT TO REPORT

The Deputy Probation Officer (DPO) shall report the following specific instances of child abuse:

- **Willful cruelty or unjustifiable punishment:** Any person who causes or permits any child to suffer unjustifiable pain or mental suffering or having the care or custody of a child permits the person or health of the child to be endangered.
- **Unlawful corporal punishment or injury:** Any person who willfully inflicts upon any child any cruel or inhuman corporal punishment or injury.
- **Abuse in out-of-home care:** Any licensee having the care and custody of any child who permits other than accidental physical injury to a child, or sexual abuse or neglect, or unlawful corporal punishment.
- **General neglect:** A person having the care and custody of a child who negligently fails to provide adequate food, shelter, medical care or supervision where no physical injury to the child has occurred.

**CHILD ABUSE**

- **Severe neglect:** A person having the care or custody of a child who negligently fails to protect the child from malnutrition or endangers the child's health as confirmed by a physician.
- **Sexual assault:** Conduct in violation of the following Penal Code Sections: 261 (rape), 264.1 (rape in concert), 285 (incest), 286 (sodomy), subdivision (A) and (B) of 288 (lewd or lascivious acts upon a child under 14 years of age), 288a (oral copulation), 289 (penetration of a genital or anal opening by a foreign object), or 647a (child molestation).
- **Sexual exploitation:** Depicting a minor engaged in obscene acts; persuading or coercing a child to engage in prostitution, a live performance involving obscene sexual conduct, or to pose or model for film or other pictorial depiction involving obscene sexual conduct.

**NOTE:** Acts of consensual sexual behavior between minors under the age of 14, who are of similar age, or acts of unlawful sexual intercourse (Section 261.5 PC – statutory rape), or mutual fight situations do not come within the meaning of Sections 11166 through 11168 PC.

When a case of suspected child abuse is brought to the attention of a DPO and assistance is required in determining the need for reporting, advice can be obtained from the District Attorney's Sexual Crimes and Child Abuse Unit at (310) 319-4248.

**302 REPORTING LAW ENFORCEMENT OFFICERS**

Attorney General's Opinion No. 85-1201, Feb. 3, 1987, concludes that a DPO has no duty to report non-accidental injury to a child by police action unless the force used was excessive for the purposes of arrest preventing escape or overcoming resistance.

In determining whether the force used was excessive, the DPO is not expected to make such full investigation as a child protective agency would make of a report, but simply enough to determine whether it is reasonable to suspect excessive force.

Because such a report would be likely to have a significant impact on Departmental relationships with an allied agency, the DPO shall "clear" such cases with the SDPO and a decision to report shall be telephoned to the watch commander or equivalent officer of the law enforcement agency concerned.

**303 REPORTING PROCEDURES**

LOS ANGELES COUNTY PROBATION DEPARTMENT	JM-300
<b>CHILD ABUSE</b>	

If there is suspicion, observation or knowledge of child abuse, the DPO notifies by telephone, immediately or as soon as practicable:

- DCFS 24-hour number, (1-800-540-4000) will provide the location to send the written report, or
- The law enforcement agency having jurisdiction where the offense occurred. It is not the DPO's responsibility to verify reports of child abuse, only to report them for investigation.

**Telephone Reports:** Include the name of the person who was contacted, the person making the report, the name of the child, the present location of the child, the nature and extent of the injury and any other information requested by the child protective agency.

**Written Reports:** Within 36 hours of the DPO's awareness of the suspected abuse, the report is sent to the agency to which the telephone report was made. Use "Suspected Child Abuse Report", Department of Justice Form SS 8583.

When two or more persons are present and jointly have knowledge of a known or suspected instance of child abuse, the telephone report and the written report may be made, if there is common agreement, by one volunteer.

Any DPO with the knowledge that the DPO designated to report has failed to do so, shall make the report.

#### **304 DEPARTMENT OF JUSTICE FORM (SS 8583)**

- The blue copy is placed in the PDJ file and the yellow copy sent to the area office Director, who maintains an office Child Abuse File.
- A photocopy of the report is sent to the Ombudsman at Probation Headquarters.
- The remaining pre-carbon package goes to the agency to which the telephone report was made.

**NOTE:** If probation staff is involved in the incident, the Director notifies the Bureau Chief and forwards copies of the SS 8572 to the Department's Internal Affairs Office.

#### **305 CASE RECORDING**

**CHILD ABUSE**

The DPO, whenever alerted to a possible child abuse incident, records the information, the decision to report and reasons for the decision in the case management system (case notes).

**Example:**

Phone call received from minor's neighbor J. Smith on 7-5-06. She reports minor has been heard "screaming in terror at all hours of the night," may be victim of child abuse. Made report by phone to DCFS 7-5-06; completed and sent form SS 8572 7-5-90; copies to case file and Area Office Director.

**306 DETAINED MINORS**

When a detained minor is the subject of a child abuse report by an agency, a copy of the SS 8572 is sent to the Superintendent of Juvenile Hall. The Superintendent will send the report to the DPO of record.

The DPO of record notifies the court which last heard the minor's case that the minor is the subject of a child abuse report.

**307 DISMISSED PETITION OR TERMINATED CASE**

If a Section 241.1 WIC Joint Assessment by Probation and DCFS has not been made, subsequent notification to DCFS is necessary when the 602 WIC petition is dismissed (new cases) or 602 WIC wardship is terminated (active cases), and the DPO recently reported to DCFS the need to investigate possible abuse of the minor.

The court officer notifies the DPO of record regarding the dismissal or termination.

The DPO:

- Makes a copy of the SS 8572.
- Prepares a "cover memo" showing that the petition was dismissed or the case was terminated.
- Forwards the SS 8572 Form with the cover memo to the DCFS office that received the initial report. The memo is to include the reasons the DPO believes the minor needs child protective services. See Example Memo.

LOS ANGELES COUNTY PROBATION DEPARTMENT	JM-300
<b>CHILD ABUSE</b>	

**Example:**

**MEMO**

July 5, 2006

To: Department of Children and Family Services  
3075 Wilshire Blvd, 5th Floor  
Los Angeles, CA 90010

From: Jane Oshiro, DPO  
County of Los Angeles Probation Department  
Crenshaw Area Office  
3606 Exposition Blvd.  
Los Angeles, CA 90016

Re: Michael Hong  
DOB 2-2-90

This is to advise that the minor is no longer the subject of investigation by the Probation Department and may continue to require protective services by your agency.

Our initial referral was made when the minor complained of sexual assaults by the mother's boyfriend (see attached report for information). The 602 WIC petition filed in minor's behalf on 6-14-06 was dismissed on 7-5-06. The attached report was originally sent to LAPD on 7-6-06.

JO: jo

Attachment

LOS ANGELES COUNTY PROBATION DEPARTMENT

<b>Subject:</b>  <b>JUVENILE MANUAL</b>  <b>DEPENDENT ADULT AND ELDER ABUSE</b>	<b>Section Number:</b> <b>JM-400</b>
	<b>Effective Date:</b> 7/17/2008
	<b>Approved By:</b>  <b>Sharon Harada, Bureau Chief</b>

All Probation Department employees are mandated reporters of suspected physical abuse of elders (age 65 or older) and dependent adults (age 18–64), specifically identified in Section 15610 WIC.

Failure to report known or suspected physical abuse is a misdemeanor, punishable by a county jail confinement not to exceed 6 months or by a fine of not more than \$1,000 or both. **Mandated reporters incur no civil or criminal liability in filing such reports.**

#### **401 REPORTING REQUIREMENTS**

##### **Mandatory Reporting**

All probation personnel must report any known or suspected instance of physical abuse, which comes to their attention during the performance of their duties.

Reports shall be made when the employee:

- Has observed an incident that reasonably appears to be physical abuse.
- Has observed a physical injury, which by its nature, its location on the body, or its repetition seems to be a result of physical abuse.
- Is told by an elder or dependent adults that they have experienced behavior constituting physical abuse.

When two or more persons are present and jointly have knowledge of a known or suspected instance of Dependent Adult/ Elder Abuse, the telephone report and the written report may be made, if there is common agreement, by one volunteer.

Any Deputy Probation Officer (DPO) with the knowledge that the DPO designated to report has failed to do so, shall make the report.

##### **Voluntary Reporting**

Known or suspected instances of other than physical abuse, such as neglect, intimidation, fiduciary abuse, abandonment or other treatment that result in physical harm, pain, or mental suffering may be reported. These are considered on a case-by-case basis.

**DEPENDENT ADULT AND ELDER ABUSE****402 REPORTING PROCEDURES****Physical Abuse**

The DPO immediately reports alleged abuse occurring in a long-term care facility in the City of Los Angeles to either the Long Term Care Ombudsman Coordinator or the local police agency.

Abuse alleged to have occurred elsewhere is reported to Adult Protective Services (APS) or the local police agency. The telephone number for APS is: (877) 477-3646.

The telephone report is to include the:

- Reporter's name.
- Victim's name, age and present location.
- Names and addresses of family members or other persons responsible for the victim's care.
- Nature and extent of the victim's condition.
- Information that led the reporter to suspect that abuse had occurred.
- Date of the incident.

The DPO submits the "Report of Suspected Dependent Adult/Elder Abuse" (SOC 341) within 2 working days to the agency that accepted the phone report. That form can be accessed through the website <http://www.dss.cahwnet.gov/Forms/English/SOC341.pdf>. When a report to Adult Protection Services is made, a brief description of the possible elder abuse, the name of the victim and date of the report shall be entered in the automated system case notes or Detention Observation Report.

If elder or dependant abuse is suspected by the DPO, the DPO shall consider the following:

- Minor's relationship to the victim.
- Presence of the minor in the home of the victim.
- Nature of ongoing and/or future contact with the victim.
- Potential for a recommendation to remove the minor from the home.



**DEPENDENT ADULT AND ELDER ABUSE**

- Which conditions of probation are appropriate relative to the circumstances of the offense.

Inform the Supervising Deputy Probation Officer (SDPO) of the incident and confirm completion of telephone and written reports by memo to the SDPO.

**Non-Physical Abuse**

- Submit SOC 341 within 2 working days of a known or suspected incident to the APS unit servicing the victim's area or the appropriate long-term care Ombudsman coordinator.
- A telephone report is not required.
- Inform the SDPO by memo of the incident and written report.

LOS ANGELES COUNTY PROBATION DEPARTMENT

<b>Subject:</b>  <b>JUVENILE MANUAL</b>  <b>CASE ASSIGNMENT TO AREA OFFICES</b>	<b>Section Number:</b> <b>JM-500</b>
	<b>Effective Date:</b> 7/17/2008
	<b>Approved By:</b>  <b>Sharon Harada, Bureau Chief</b>

Cases are assigned to area offices according to residence address zip codes or the parameters of applicable special programs. A minor's legal residence is that of the parents or guardian with legal custody. A master zip code assignment list is maintained in each area office (see Appendix A).

## **501 GUIDELINES**

### **New Investigations**

Detained or non-detained cases are assigned to the area office serving the zip code of the minor's legal residence as determined at the Detention/Arraignment hearing.

Active Division of Juvenile Justice (DJJ) cases are assigned the same as new cases.

### **Non-detained Cases**

Cases assigned in error are investigated by the office which initially received the case unless transferred and received in the proper office at least 10 full working days before the court date or due date.

### **Active Cases**

Referrals on minors with active probation cases are assigned to the office with case responsibility.

## **502 EXCEPTIONS TO ZIP CODE ASSIGNMENT**

Northeast/Kenyon Juvenile Justice Centers (KJJJC): Case assignment is based on pre-established geographical boundaries.

Active 300 WIC Minors: Case assignment is done through the Special Investigations Unit (SIU), unless special exceptions apply (e.g. KJJJC and Antelope Valley (AVY)).

Special Programs: Operations such as Intensive Gang Supervision Program (IGSP), Placement, Camp Community Transition Program (CTCP), School-

**CASE ASSIGNMENT TO AREA OFFICES**

Based supervision and other special programs assign cases based upon specific program or operational mandates.

**503 SPECIAL SITUATIONS**

Legal Residence in Los Angeles County

The area office is determined by:

- **Separated parents with joint custody...** the residence of the parent with whom the minor has been residing.
- **Minor residing continually with the parent who does not have custody...** the residence of the parent with whom the minor resides.
- **Minor residing continually with a relative...** the residence of the relative.
- **No parent or guardian in this county but active to the Department of Children and Family Services (DCFS) ...** the location of the DCFS Office.

**Legal Residence Outside County of Los Angeles County**

Minors residing in an adjoining county (see Out of County zip code directory, appendix B) are referred to the area office serving the adjacent territory. The DPO consults the area office boundary map for the nearest office and transfers the case to that office.

Disagreements are handled between the SDPOs of the receiving office and any affected office. If a course of action cannot be agreed on at the SDPO level, the Directors of the receiving office and any affected office shall resolve the dispute.

If a Pre-plea/Disposition report is required on a minor who does not reside in an adjoining county, it is assigned to the area office that services the address of the arresting agency.

**CASE ASSIGNMENT TO AREA OFFICES****Appendix A**

<b>Juvenile Zip Code Directory</b>		
<b>Zip Codes</b>	<b>City/Community</b>	<b>Area Office</b>
90001	LA FLORENCE	KJJ
90002	LA WATTS	KJJ
90003	LA MANCHESTER	KJJ
90004	LA OAKWOOD	CRN
90005	LA SANFORD	CRN
90006	LA PICO HEIGHTS	CRN
90007	LA DOCKWEILER	CRN
90008	LA CRENSHAW	CRN
90009	LA AIRPORT	CRN
90010	LA WILSHIRE	CRN
90011	LA KEARNY	FIR
90012	LA FED BLDG	CRN
90013	LA FED BLDG	CRN
90014	LA METRO	CRN
90015	LA DEL VALLE	CRN
90016	LA WEST ADAMS	CRN
90017	LA FOY	CRN
90018	LA CIMARRON	CRN
90019	LA RIMPAU	CRN
90020	LA HANCOCK PARK	CRN
90021	LA MARKET	NEJ
90022	LA EAST	NEJ
90023	LA LUGO STATION	NEJ
90024	LA WESTWOOD	SAM
90025	LA WEST	SAM
90026	LA EDENDALE	CRN/NEJ*
90027	LA LOS FELIZ	CRN/NEJ*
90028	LA HOLLYWOOD	CRN
90029	LA VERMONT	CRN/NEJ*
90030	LA TERM ANNEX	CRN
90031	LA LINCOLN HEIGHTS	NEJ
90032	LA EL SERENO	NEJ
90033	LA BOYLE HEIGHTS	NEJ
90034	LA PALMS	SAM
90035	LA PREUSS	SAM
90036	LA WILSHIRE	SAM

**CASE ASSIGNMENT TO AREA OFFICES**

Juvenile Zip Code Directory		
Zip Codes	City/Community	Area Office
90037	LA GREEN	CRN
90038	LA WILCOX	CRN
90039	LA GRIFFITH	NEJ
90040	LA COMMERCE	NEJ
90041	LA EAGLE ROCK	NEJ
90042	LA HIGHLAND PARK	NEJ
90043	LA TIJERA	CEN
90044	LA HANCOCK PARK	CEN/KJJ*
90045	LA WESTCHESTER	CEN
90046	LA COLE	SAM
90047	LA WAGNER	CEN
90048	LA BRIGGS	SAM
90049	LA BARRINGTON	SAM
90050	LA YORK STATION	CRN
90056	LA LADERA HEIGHTS	CEN
90057	LA FLINT	CRN
90058	LA VERNON	FIR
90059	LA GREENMEAD	KJJ
90061	LA SOUTH	FIR
90062	LA WESTERN	CRN
90063	LA CITY TERRACE	NEJ
90064	LA RANCHO PARK	SAM
90065	LA GLASSELL PARK	NEJ
90066	LA MAR VISTA	SAM
90067	LA CENTURY CITY	SAM
90068	LA HOLLYWOOD	CRN
90069	WEST HOLLYWOOD	SAM
90070	LA AMBASSADOR STA	CRN
90071	LA ARCO TOWERS	CRN
90072	LA WESTERN STA	CRN
90073	LA VETS ADMIN	CRN
90077	LA BEL AIR	SAM
90080	LA AIRPORT STA	CEN
90089	LA USC	CRN
90094	LA PLAYA VISTA	CEN
90201	BELL/BELL GARDENS/CUDAHY	FIR
90210	BEVERLY HILLS	SAM
90211	BEVERLY HILLS	SAM
90212	BEVERLY HILLS	SAM

**CASE ASSIGNMENT TO AREA OFFICES**

Juvenile Zip Code Directory		
Zip Codes	City/Community	Area Office
90213	BEVERLY HILLS	SAM
90220	COMPTON	SOC
90221	COMPTON	SOC
90222	COMPTON	SOC
90230	CULVER CITY	SAM
90232	CULVER CITY	SAM
90240	DOWNEY	RIO
90241	DOWNEY	RIO
90242	DOWNEY	RIO
90245	EL SEGUNDO	CEN
90247	GARDENA	CEN
90248	GARDENA	CEN
90249	GARDENA	CEN
90250	HAWTHORNE	CEN
90254	HERMOSA BEACH	HAR
90255	HUNTINGTON PARK	FIR
90260	LAWNDALE	CEN
90261	LAWNDALE	CEN
90262	LYNWOOD	SOC
90263	MALIBU	SAM
90264	MALIBU	SAM
90265	MALIBU	SAM
90266	MANHATTAN BEACH	HAR
90270	MAYWOOD	FIR
90272	PACIFIC PALISADES	SAM
90274	PALOS VERDES	HAR
90275	RANCHO PALO VERDES	HAR
90277	REDONDO BEACH	HAR
90278	REDONDO BEACH	HAR
90280	SOUTH GATE	SOC
90290	TOPANGA CANYON	SAM
90291	VENICE	SAM
90292	MARINA DEL REY	SAM
90293	PLAYA DEL REY	CEN
90301	INGLEWOOD	CEN
90302	INGLEWOOD	CEN
90303	INGLEWOOD	CEN
90304	INGLEWOOD/LENNOX	CEN

**CASE ASSIGNMENT TO AREA OFFICES**

Juvenile Zip Code Directory		
Zip Codes	City/Community	Area Office
90305	INGLEWOOD	CEN
90401	SANTA MONICA	SAM
90402	SANTA MONICA	SAM
90403	SANTA MONICA	SAM
90404	SANTA MONICA	SAM
90405	SANTA MONICA	SAM
90501	TORRANCE	HAR
90502	TORRANCE	HAR
90503	TORRANCE	HAR
90504	TORRANCE	HAR
90505	TORRANCE	HAR
90601	WHITTIER	RIO
90602	WHITTIER	RIO
90603	WHITTIER	RIO
90604	WHITTIER	RIO
90605	WHITTIER	RIO
90606	WHITTIER	RIO
90631	LA HABRA HEIGHTS	RIO
90638	LA MIRADA	RIO
90640	MONTEBELLO	RIO
90650	NORWALK	RIO
90660	PICO RIVERA	RIO
90670	SANTA FE SPRINGS	RIO
90701	ARTESIA	RIO
90703	CERRITOS	RIO
90704	AVALON	LBH
90706	BELLFLOWER	RIO
90710	HARBOR CITY	HAR
90712	LAKEWOOD	LBH
90713	LAKEWOOD	LBH
90715	LAKEWOOD	RIO
90716	HAWAIIAN GARDENS	RIO
90717	LOMITA	HAR
90723	PARAMOUNT	SOC
90731	SAN PEDRO	HAR
90732	SAN PEDRO	HAR
90744	WILMINGTON	HAR
90745	CARSON	SOC

**CASE ASSIGNMENT TO AREA OFFICES**

Juvenile Zip Code Directory		
Zip Codes	City/Community	Area Office
90746	CARSON	SOC
90747	CARSON	SOC
90801	LONG BEACH	LBH
90802	LONG BEACH	LBH
90803	LONG BEACH	LBH
90804	LONG BEACH	LBH
90805	LONG BEACH	LBH
90806	LONG BEACH	LBH
90807	LONG BEACH	LBH
90808	LONG BEACH	LBH
90809	LONG BEACH	LBH
90810	LONG BEACH	LBH
90811	LONG BEACH	LBH
90812	LONG BEACH	LBH
90813	LONG BEACH	LBH
90814	LONG BEACH	LBH
90815	LONG BEACH	LBH
90816	LONG BEACH	LBH
90817	LONG BEACH	LBH
90822	LONG BEACH	LBH
90840	CSULB	FOT
91001	ALTADENA	FOT
91006	ARCADIA	SGV
91007	ARCADIA	SGV
91010	DUARTE	SGV
91011	LA CANADA	FOT
91016	MONROVIA	SGV
91020	MONTROSE	FOT
91024	SIERRA MADRE	FOT
91030	SO. PASADENA	FOT
91040	SUNLAND	FOT
91042	TUJUNGA	FOT
91046	VERDUGO CITY	FOT
91101	PASADENA	FOT
91102	PASADENA	FOT
91103	PASADENA	FOT
91104	PASADENA	FOT
91105	PASADENA	FOT



**CASE ASSIGNMENT TO AREA OFFICES**

Juvenile Zip Code Directory		
Zip Codes	City/Community	Area Office
91106	PASADENA	FOT
91107	PASADENA	FOT
91108	SAN MARINO	FOT
91109	PASADENA	FOT
91201	GLENDALE	FOT
91202	GLENDALE	FOT
91203	GLENDALE	FOT
91204	GLENDALE	FOT
91205	GLENDALE	FOT
91206	GLENDALE	FOT
91207	GLENDALE	FOT
91208	GLENDALE	FOT
91209	GLENDALE	FOT
91214	GLENDALE/LA CRESCENTA	FOT
91301	AGOURA	SAM
91302	CALABASAS	SAM
91303	CANOGA PARK	VAN
91304	CANOGA PARK	VAN
91306	WINNETKA	VAN
91307	CANOGA PARK	VAN
91311	CHATSWORTH	VAN
91316	ENCINO	VAN
91321	NEWHALL	VAL
91324	NORTHRIDGE	VAN
91325	NORTHRIDGE	VAN
91326	PORTER RANCH	VAN
91330	CSUN	VAN
91331	PACOIMA	VAN
91335	RESEDA	VAN
91340	SAN FERNANDO	VAN
91341	SAN FERNANDO	VAN
91342	SYLMAR	VAN
91343	NORTH HILLS	VAN
91344	GRANADA HILLS	VAN
91345	MISSION HILLS	VAN
91350	SANTA CLARITA/SAUGUS/GREEN VALLEY/AGUA DULCE	VAL
91351	CANYON COUNTRY	VAL

**CASE ASSIGNMENT TO AREA OFFICES**

Juvenile Zip Code Directory		
Zip Codes	City/Community	Area Office
91352	SUN VALLEY	VAN
91354	VALENCIA	VAL
91355	VALENCIA	VAL
91356	TARZANA	VAN
91361	WESTLAKE VILLAGE	SAM
91362	WESTLAKE VILLAGE	SAM
91364	WOODLAND HILLS	VAN
91365	WOODLAND HILLS	VAN
91366	WOODLAND HILLS	VAN
91367	WOODLAND HILLS	VAN
91381	STEVENSON RANCH	VAL
91382	SANTA CLARITA	VAL
91383	SANTA CLARITA	VAL
91384	CASTAIC	VAL
91401	VAN NUYS	VAN
91402	PANORAMA CITY	VAN
91403	SHERMAN OAKS	VAN
91404	VAN NUYS	VAN
91405	VAN NUYS	VAN
91406	VAN NUYS	VAN
91411	VAN NUYS	VAN
91423	SHERMAN OAKS	VAN
91436	VAN NUYS	VAN
91501	BURBANK	FOT
91502	BURBANK	FOT
91504	BURBANK	FOT
91505	BURBANK	FOT
91506	BURBANK	FOT
91601	NORTH HOLLYWOOD	VAN
91602	NORTH HOLLYWOOD	VAN
91603	NORTH HOLLYWOOD	VAN
91604	NORTH HOLLYWOOD/STUDIO CITY	VAN
91605	NORTH HOLLYWOOD	VAN
91606	NORTH HOLLYWOOD	VAN
91607	NORTH HOLLYWOOD	VAN
91608	UNIVERSAL CITY	VAN
91702	AZUSA	SGV
91706	BALDWIN PARK	SGV

**CASE ASSIGNMENT TO AREA OFFICES**

Juvenile Zip Code Directory		
Zip Codes	City/Community	Area Office
91711	CLAREMONT	PVY
91715	CITY OF INDUSTRY	SGV
91722	COVINA	PVY
91723	COVINA	PVY
91724	COVINA	PVY
91731	EL MONTE	SGV
91732	EL MONTE	SGV
91733	EL MONTE	SGV
91734	EL MONTE	SGV
91740	GLENDORA	PVY
91741	GLENDORA	PVY
91744	LA PUENTE	SGV
91745	LA PUENTE	SGV
91746	LA PUENTE	SGV
91747	LA PUENTE	SGV
91748	LA PUENTE	SGV
91750	LA VERNE	PVY
91754	MONTERREY PARK	SGV
91755	MONTERREY PARK	SGV
91765	DIAMOND BAR	PVY
91766	POMONA	PVY
91767	POMONA	PVY
91768	POMONA	PVY
91770	ROSEMEAD	SGV
91773	SAN DIMAS	PVY
91775	SAN GABRIEL	SGV
91776	SAN GABRIEL	SGV
91780	TEMPLE CITY	SGV
91788	WALNUT	PVY
91789	WALNUT	PVY
91790	WEST COVINA	SGV
91791	WEST COVINA	SGV
91792	WEST COVINA	SGV
91793	WEST COVINA	SGV
91801	ALHAMBRA	SGV
91802	ALHAMBRA	SGV
91803	ALHAMBRA	SGV
93510	ACTON	AVY

LOS ANGELES COUNTY PROBATION DEPARTMENT	<b>JM-500</b>
<b>CASE ASSIGNMENT TO AREA OFFICES</b>	

<b>Juvenile Zip Code Directory</b>		
<b>Zip Codes</b>	<b>City/Community</b>	<b>Area Office</b>
93532	LAKE HUGHES	VAL
93534	LANCASTER	AVY
93535	LANCASTER	AVY
93536	LANCASTER	AVY
93543	LITTLE ROCK	AVY
93544	LLANO/CRYSTAL AIRE	AVY
93550	PALMDALE	AVY
93551	PALMDALE	AVY
93552	PALMDALE	AVY
93553	PEARBLOSSOM	AVY
93563	VALYERMO	AVY
93591	PALMDALE/LAKE LOS ANGELES	AVY

\*For shared zip codes, contact Area Office for boundaries

LOS ANGELES COUNTY PROBATION DEPARTMENT	<b>JM-500</b>
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## Appendix B

Out Of County Juvenile Zip Code Directory			
Zip Codes	City/Community	County	Area Office
90620	BUENA PARK	ORANGE	RIO
90622	BUENA PARK	ORANGE	RIO
90623	BUENA PARK	ORANGE	RIO
90630	CYPRESS	ORANGE	RIO
90631	LA HABRA	ORANGE	RIO
90680	STANTON	ORANGE	RIO
90720	LOS ALAMITOS	ORANGE	LBH
90740	SEAL BEACH	ORANGE	LBH
90742	SUNSET BEACH	ORANGE	LBH
90743	SURFSIDE	ORANGE	LBH
91320	NEWBURY PARK	VENTURA	SAM
91360	THOUSAND OAKS	VENTURA	SAM
91361	THOUSAND OAKS/WESTLAKE VILLAGE	VENTURA	SAM
91699	ALTA LOMA	SAN BERNARDINO	PVY
91709	CHINO HILLS	SAN BERNARDINO	PVY
91729	RANCHO CUCAMONGA	SAN BERNARDINO	PVY
91739	RANCHO CUCAMONGA	SAN BERNARDINO	PVY
91743	GUASTI	SAN BERNARDINO	PVY
91760	ONTARIO	SAN BERNARDINO	PVY
91761	ONTARIO	SAN BERNARDINO	PVY
91762	MONTCLAIR	SAN BERNARDINO	PVY
91764	ONTARIO	SAN BERNARDINO	PVY
91786	UPLAND	SAN BERNARDINO	PVY
92315	BIG BEAR LAKE	SAN BERNARDINO	PVY
92316	BLOOMINGTON	SAN BERNARDINO	PVY
92318	BRYN MAWR	SAN BERNARDINO	PVY
92324	COLTON	SAN BERNARDINO	PVY
92335	FONTANA	SAN BERNARDINO	PVY
92346	HIGHLAND	SAN BERNARDINO	PVY
92352	LAKE ARROWHEAD	SAN BERNARDINO	PVY
92354	LOMA LINDA	SAN BERNARDINO	PVY

**CASE ASSIGNMENT TO AREA OFFICES**

<b>Out Of County Juvenile Zip Code Directory</b>			
<b>Zip Codes</b>	<b>City/Community</b>	<b>County</b>	<b>Area Offices</b>
92359	MENTONE	SAN BERNARDINO	PVY
92369	PATTON	SAN BERNARDINO	PVY
92373	REDLANDS	SAN BERNARDINO	PVY
92374	REDLANDS	SAN BERNARDINO	PVY
92382	RUNNING SPRINGS	SAN BERNARDINO	PVY
92399	YUCAIPA	SAN BERNARDINO	PVY
92401	SAN BERNARDINO	SAN BERNARDINO	PVY
92404	SAN BERNARDINO	SAN BERNARDINO	PVY
92405	SAN BERNARDINO	SAN BERNARDINO	PVY
92407	SAN BERNARDINO	SAN BERNARDINO	PVY
92408	SAN BERNARDINO	SAN BERNARDINO	PVY
92410	SAN BERNARDINO	SAN BERNARDINO	PVY
92411	SAN BERNARDINO	SAN BERNARDINO	PVY
92609	EL TORO	ORANGE	LBH
92614	IRVINE	ORANGE	LBH
92615	HUNTINGTON BEACH	ORANGE	LBH
92616	IRVINE	ORANGE	LBH
92624	CAPISTRANO BEACH/DANA POINT	ORANGE	LBH
92625	CORONA DEL MAR	ORANGE	LBH
92626	COSTA MESA	ORANGE	LBH
92627	COSTA MESA	ORANGE	LBH
92628	EL TORO	ORANGE	LBH
92646	HUNTINGTON BEACH	ORANGE	LBH
92647	HUNTINGTON BEACH	ORANGE	LBH
92648	HUNTINGTON BEACH	ORANGE	LBH
92649	HUNTINGTON BEACH	ORANGE	LBH
92651	LAGUNA BEACH	ORANGE	LBH
92652	LAGUNA BEACH	ORANGE	LBH
92653	LAGUNA HILLS	ORANGE	LBH
92655	MIDWAY CITY	ORANGE	LBH
92660	NEWPORT BEACH	ORANGE	LBH
92662	NEWPORT BEACH	ORANGE	LBH
92663	NEWPORT BEACH	ORANGE	LBH

**CASE ASSIGNMENT TO AREA OFFICES**

<b>Out Of County Juvenile Zip Code Directory</b>			
<b>Zip Codes</b>	<b>City/Community</b>	<b>County</b>	<b>Area Office</b>
92672	SAN CLEMENTE	ORANGE	LBH
92675	SAN JUAN CAPISTRANO	ORANGE	LBH
92676	SILVERADO CANYON	ORANGE	RIO
92677	LAGUNA BEACH/LAGUNA NIGUEL	ORANGE	LBH
92679	COTO DE CAZA/TRABUCO CANYON	ORANGE	LBH
92688	RANCHO SANTA MARGARITA	ORANGE	LBH
92690	MISSION VIEJO	ORANGE	LBH
92691	MISSION VIEJO	ORANGE	LBH
92692	MISSION VIEJO	ORANGE	LBH
92701	SANTA ANA	ORANGE	LBH
92702	SANTA ANA	ORANGE	LBH
92703	SANTA ANA	ORANGE	LBH
92704	SANTA ANA	ORANGE	LBH
92705	COWAN HEIGHTS/SANTA ANA	ORANGE	LBH
92706	SANTA ANA	ORANGE	LBH
92708	FOUNTAIN VALLEY	ORANGE	LBH
92709	USMC AIR STATION/IRVINE	ORANGE	LBH
92710	IRVINE	ORANGE	LBH
92715	IRVINE/TURTLE ROCK	ORANGE	LBH
92717	UC IRVINE	ORANGE	LBH
92718	IRVINE	ORANGE	LBH
92720	IRVINE	ORANGE	LBH
92780	TUSTIN	ORANGE	LBH
92801	ANAHEIM	ORANGE	RIO
92802	ANAHEIM	ORANGE	RIO
92803	ANAHEIM	ORANGE	RIO
92804	ANAHEIM	ORANGE	RIO
92805	ANAHEIM	ORANGE	RIO
92806	ANAHEIM	ORANGE	RIO
92807	ANAHEIM	ORANGE	RIO
92812	ANAHEIM	ORANGE	RIO
92814	ANAHEIM	ORANGE	RIO
92815	ANAHEIM	ORANGE	RIO

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<b>Out Of County Juvenile Zip Code Directory</b>			
<b>Zip Codes</b>	<b>City/Community</b>	<b>County</b>	<b>Area Office</b>
92816	ANAHEIM	ORANGE	RIO
92817	ANAHEIM	ORANGE	RIO
92821	BREA	ORANGE	RIO
92825	ANAHEIM	ORANGE	RIO
92831	FULLERTON	ORANGE	RIO
92832	FULLERTON	ORANGE	RIO
92833	FULLERTON	ORANGE	RIO
92835	FULLERTON	ORANGE	RIO
92840	GARDEN GROVE	ORANGE	LBH
92841	GARDEN GROVE	ORANGE	LBH
92842	GARDEN GROVE	ORANGE	LBH
92843	GARDEN GROVE	ORANGE	LBH
92844	GARDEN GROVE	ORANGE	LBH
92865	ORANGE	ORANGE	RIO
92866	ORANGE	ORANGE	RIO
92867	ORANGE	ORANGE	RIO
92868	ORANGE	ORANGE	RIO
92869	ORANGE	ORANGE	RIO
92870	PLACENTIA	ORANGE	RIO
92886	YORBA LINDA	ORANGE	RIO
93001	VENTURA	VENTURA	VAN
93003	VENTURA	VENTURA	VAN
93004	VENTURA	VENTURA	VAN
93010	CAMARILLO	VENTURA	SAM
93015	FILLMORE	VENTURA	VAN
93021	MOORPARK	VENTURA	VAN
93022	OAK VIEW	VENTURA	VAN
93023	OJAI	VENTURA	VAN
93030	OXNARD	VENTURA	SAM
93033	OXNARD	VENTURA	SAM
93035	OXNARD	VENTURA	SAM
93040	PIRU	VENTURA	VAN
93041	PORT HUENEME	VENTURA	SAM
93042	POINT MUGU	VENTURA	SAM



LOS ANGELES COUNTY PROBATION DEPARTMENT	<b>JM-500</b>
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Out Of County Juvenile Zip Code Directory			
Zip Codes	City/Community	County	Area Office
93043	CHANNEL ISLANDS	VENTURA	SAM
93060	SANTA PAULA	VENTURA	VAN
93063	SIMI VALLEY	VENTURA	VAN
93065	SIMI VALLEY	VENTURA	VAN
93066	SOMIS	VENTURA	VAN

**LOS ANGELES COUNTY PROBATION DEPARTMENT**

<b>Subject:</b>  <b>JUVENILE MANUAL</b>  <b>SPECIAL APPLICATIONS</b>	<b>Section Number:</b> <b>JM-600</b>
	<b>Effective Date:</b> 7/17/2008
	<b>Approved By:</b>  <b>Sharon Harada, Bureau Chief</b>

Among the occasional duties of the Deputy Probation Officer (DPO) is that of providing assistance to applicants for consent to marry, entrance into the military service, sealing of records and emancipation from parental controls.

## **601 MARRIAGE CONSENTS**

Under California Family Code Sections 301 - 302, a person "Under 18" must provide a Notarized Parent or Guardian Consent Statement and an order of the Superior Court granting the minor permission to marry and obtain a marriage license.

Minors desiring to marry may apply at:

9355 Burton Way, First Floor	Beverly Hills	(310) 288-1261	Thursday, by appointment
1028 W. Avenue J2	Lancaster	(661) 945-6446	Friday, by appointment
11701 S. La Cienega Blvd, 6th Floor	LAX Courthouse	(310) 727-6142	Friday by appointment
4716 East Cesar Chavez Avenue	Los Angeles	(323) 260-2991	Friday, by appointment
7807 S. Compton Avenue, Room 215	Los Angeles	(323) 586-6192	Friday, by appointment
12400 Imperial Highway	Norwalk	(562) 462-2137	Monday-Friday, by appointment
14340 West Sylvan Street	Van Nuys	(818) 374-7176	Friday, by appointment

### **Marriage License Requirements**

To obtain a marriage license, which is valid for 90 days, by law both bride and groom must appear to complete the application and pay the required fee. Payments can be made in cash or by check or money order. If paying by check, valid identification (i.e. driver's license) of the signer is required and must be presented at time of request.

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Both the bride and groom must be present and produce "Proof of Identity" and age documents, such as a driver's license, passport or alien resident or registration card. Photo and age verification are mandatory. A birth certificate or baptismal record may be presented along with a picture form of identification. All documents must be in English. Documents in any other language must be submitted with an English translation by a certified translator.

**A blood test and health certificate are not required to obtain a marriage license.** Additionally, there is no residence or citizenship status requirement.

Applicants must be unmarried. A previous marriage is valid until the final date of dissolution. Written proof of a divorce or the dissolution of a previous marriage is required, if the event occurred within the last two years. If the final dissolution was more than two years ago, written proof may not be required, but the date of the final dissolution must be provided at the same time the license is requested.

Court wards (601/602 WIC) must get the juvenile court's permission to marry. The DPO notifies the court by supplemental report of the minor's plans to marry and the court will take whatever action is appropriate. The DPO participates in an advisory capacity only, unless the court requests a report.

**602 MILITARY SERVICE ENLISTMENT POLICY**

The armed forces do not accept minors under probation supervision.

The minimum age requirement is 17 with parental consent and each service has specific enlistment criteria. Minors are advised to contact the particular service regarding the present enlistment policy.

Enlistments are considered on an individual basis. However, any drug involvement (use, possession, or trafficking) or arrest for major felonies probably will disqualify a minor from acceptance into the armed force.

The military service has access to FBI records and failure to disclose any arrest or probation history, even if records are sealed, may disqualify a candidate. If the minor has already enlisted, discharge is routine.

Requests for release of criminal history information must be accompanied by a court order and a waiver signed by the minor. Direct requests to:

County of Los Angeles Probation Department  
Custodian of Records – Room 180  
320 West Temple Street  
Los Angeles, CA. 90012

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### **603 SEALING RECORDS**

Section 781 WIC requires that a petition be filed with juvenile court to request the sealing of a juvenile record. The minor or representative is responsible for making the request. The DPO does not actively participate in such requests to the court.

The DPO assigned the case or, if the case is terminated, the Area Office last assigned the case, will provide the minor, parents, or attorney with information regarding legal requirements and procedures. This includes reviewing the case file in order to tell the minor, parents or the minor's representative which agencies have records appropriate to include in the petition request.

#### **Legal Requirements**

A person may petition the Juvenile Court for sealing of juvenile records if the minor:

- Has been cited to appear before a probation officer
- Is taken before a probation officer or any law enforcement officer
- Has had a petition filed pursuant to Welfare and Institutions Code (WIC) Section 601 or 602 to adjudge the minor a ward of the Juvenile Court

Juvenile records shall include any arrest records, records in the custody of the Juvenile Court, probation officer, or any agency, including law enforcement agencies.

When filing a petition to seal, one of the following must have occurred:

- Five years have passed since Juvenile Court jurisdiction was terminated
- Five years have passed since the minor was cited to appear before the probation officer, if no WIC 602 petition was filed
- Five years have passed since the minor was taken before a probation or law enforcement officer, if no WIC 602 petition was filed
- The minor has attained 18 years of age

The Court shall order all juvenile records sealed if the Court finds that subsequent to the minor being cited to appear before the probation officer or

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taken before the probation officer or law enforcement officer, or subsequent to the minor's Juvenile Court jurisdiction being terminated the minor:

- Had no felony convictions
- Had no misdemeanor convictions involving moral turpitude
- Attained rehabilitation to the court's satisfaction

A minor subject to registration requirements pursuant to Penal Code Section 290, shall be relieved of this requirement if the minor's juvenile records are ordered sealed. (Only minors committed to DJJ are subject to registration as sex offenders)

**NOTE:** The court will not order sealing for any offense listed under 707(b) WIC. (See previous page note regarding this)

### **Procedure**

A Petition to Seal Juvenile Records and Court Order may be obtained from and submitted to any of the ten court locations listed below where Juvenile Delinquency proceedings are heard. All petitions are processed and heard at one centralized location, Eastlake Juvenile Court. Petitions submitted to other court locations will be forwarded to Eastlake for processing.

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### **JUVENILE DELINQUENCY COURT LOCATIONS**

Eastlake Juvenile Court  
1601 Eastlake Avenue, Room J  
Los Angeles, CA 90033  
(323) 226-8914

South District  
415 W. Ocean Blvd, Room 401  
Long Beach, CA 90802  
(562) 491-5925

Inglewood Juvenile Court  
110 E. Regent Street  
Inglewood, CA 90301

South Central District  
200 W. Compton Blvd, Room 902  
Compton, CA 90220

Kenyon Juvenile Justice Center  
7625 S. Central Avenue  
Los Angeles, CA 90001  
(323) 586-6098

North District  
1040 West Avenue J., Room 122  
Lancaster, CA 93534  
(661) 945-6579

Los Padros Juvenile Court  
7281 East Quill Drive, Rom A-2  
Downey, CA 90242  
(562) 940-7206

Northeast District  
300 E. Walnut Street, Room 102  
Pasadena, CA 91101  
(626) 356-5020

San Fernando Valley Juvenile Court  
16350 Filbert Street, Room 200  
Sylmar, CA 91342  
(818) 364-2108

East District  
400 Civic Center Plaza, Room 101  
Pomona, CA 91766  
(909) 620-3008

Upon filing of the petition, the court will order the Department to investigate the request. This is assigned to Central Adult Investigations (CAI) Custodian of Records.

If the court orders the records sealed, the applicant may respond to any inquiries requiring prior arrest or probation history.

Despite the foregoing, the applicant is advised that the military service has access through the FBI to any prior arrest history. Failure to disclose prior arrests or probation history may subject that person to discharge.

This also applies to other government agencies and private employers with government contracts who require security background checks.

Unless the court determines that the juvenile court record shall be retained, the court will order the destruction of records sealed pursuant to this section as follows:

- Five years after ordered sealed if under 601 WIC.

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- When subject reaches age 38 if under 602 WIC.

#### **604 EMANCIPATION OF MINORS**

Persons under age 18 who have entered into a valid marriage (even if such marriage is later dissolved), or who are on active duty with the armed forces of the United States, are considered emancipated.

Others, if they meet the criteria below, may petition the court for emancipation pursuant to Family Code Section 7120 (a) Family (If they are wards under 601 or 602 WIC, the DPO has certain responsibilities, set forth at the end of this section.)

##### **Criteria**

The petition must set forth the following facts:

- Minor is at least 14 years of age.
- Minor willingly lives separate from parents with their consent or acquiescence.
- Minor manages his/her own financial affairs.
- Minor's source of income is not derived from any criminal activity.
- If minor is a ward of the court, the probation officer has been notified.

**NOTE:** If the minor is maintaining a personal residence without permission of the probation officer, the DPO clears the handling of the potential violation with the SDPO.

##### **Persons Entitled to Notice of Hearing**

- Parents
- Legal guardians
- Probation officer/social worker if minor is a ward of the court.

##### **Procedure**

Minor may file on his or her own behalf; an attorney is not required.

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A packet of instructional materials and all forms may be obtained at any Superior Court Clerk's Office located in any Superior Court in Los Angeles County. There is a filing fee, but an application for "Waiver of Court Fees and Cost" is included in the packet.

The completed packet is presented to:

Superior Court/Juvenile Division  
210 West Temple, Room M-3 (2<sup>nd</sup> floor)  
Los Angeles, CA 90012

### **DPO Responsibilities**

If the minor is a 601 or 602 WIC ward of the court, the DPO, upon request by the court, advises the court hearing the petition whether the probation officer consents or objects to the Declaration of Emancipation.

If the DPO favors emancipation, the minor should be in full compliance with all juvenile court orders and conditions of probation and have no pending matters.

If the petition is granted, the DPO:

- Obtains a copy of the "Declaration of Emancipation" from the minor.
- Prepares and submits a report to juvenile court requesting case termination, if appropriate.
  - Attaches a copy of the "Declaration of Emancipation."
  - Retains a copy for the PDJ file.
- If termination of wardship appears inappropriate, advises the juvenile court and recommends continuation of supervision on Prob. 1245.



LOS ANGELES COUNTY PROBATION DEPARTMENT

Subject:  <b>JUVENILE MANUAL</b>  <b>MINOR'S RIGHTS</b>	Section Number: <b>JM-700</b>
	Effective Date: <b>7/1/7/2008</b>
	Approved By:  <b>Sharon Harada, Bureau Chief</b>

All juveniles taken into temporary custody under 601 or 602 WIC, escapees or violators of court orders, whether or not they are court wards, must be advised of their constitutional rights.

Additionally, all minors interviewed prior to an adjudication hearing about their participation in alleged offenses are to be similarly advised.

**701 CONSTITUTIONAL RIGHTS ADVISEMENT (Miranda Rights)**

The Deputy Probation Officer (DPO) shall advise the minor as follows:

- You have the right to remain silent.
- Anything you say can and will be used against you in a court of law.
- You have the right to talk to a lawyer and have him present with you while you are being questioned.
- If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.
- You can decide at any time to exercise these rights and not answer any questions or make any statements.

**Waiver**

After the warning and in order to secure the waiver, the following questions should be asked and an affirmative reply secured to each question.

- Do you understand each of these rights I have explained to you?
- Having these rights in mind, do you wish to talk to us now?

**Requirements**

- The DPO must admonish the minor prior to questioning, unless the interview pertains to a petition already sustained, or no incriminating matter is pending.

**MINOR'S RIGHTS**

- If the minor is detained, the parents are advised of the minor's legal rights when notified of the minor's detention.
- A "waiver of rights" must be intelligent, knowing and voluntary.
- There must be no coercion, no promise or hint of a promise.
- The DPO records the minor's response on the "Worksheet" (Prob. 12).

**NOTE:** DPOs should always read from the same sample admonishment form. The DPO can then consistently testify as to the admonishment.

**702 REQUEST FOR COUNSEL OR INVOCATION OF MIRANDA RIGHTS**

The DPO immediately terminates any questioning of the minor regarding the referred offense, if the minor or parents request legal counsel. If the minor does not object, general questioning about home, school and community activities, and family relationships should be pursued.

Parents may be questioned about the minor's general behavior. The DPO should fill out the worksheet as completely as possible during the interview.

The minor and parents may be referred to the Public Defender's Office if the minor or parents request an attorney and they do not intend to hire private counsel, or if the minor and parents express a reluctance to cooperate with the 654 WIC process, but minor is otherwise eligible.

If the DPO refers the minor to the Public Defender's Office, the DPO will telephone the Deputy-in-Charge (DIC), give the information regarding the minor and the referral, and make arrangements for the minor and parents to speak to a public defender.

If parents are not present and the minor requests the presence of the parents, attorney or agency representative such as a social worker, questioning is terminated until such person is present.

**703 THE "GLADYS R." ISSUE (minors under age 14)**

Minors under age 14 are presumed incapable of criminal intent "in the absence of clear proof that, at the time of committing the act charged against them, they knew its wrongfulness (26 PC)."

**MINOR'S RIGHTS**

Such minors must possess sufficient intelligence to understand the rights being waived and will be evaluated with care to determine their ability to understand the admonition.

Before these minors are read the rights advisement, the DPO must test their understanding of the juvenile justice system, and their understanding of simple "right" from "wrong" issues.

Minors should be asked what an "attorney" is, or what happens in a "courtroom" or exactly what "remaining silent" means to them. If the minor appears able to understand his rights, the DPO examines the minor's ability to understand right from wrong using the "Gladys R." questionnaire.

Responses are noted on the "Gladys R." form itself, or the worksheet.

Only if the minor clearly seems to qualify under "Gladys R." does the DPO then formally advise the minor of his constitutional rights and proceed with the interview.

If the minor seems incapable of criminal intent, the minor is not questioned about the referred offense.

The minor's parents are also questioned as indicated in the "Gladys R." form and their responses are also noted on the form or the worksheet. Any inconsistencies, particularly if the minor indicates an inability to understand right from wrong, but the parents indicate the minor does understand, are clearly spelled out.

The results of this examination are entered in any subsequent court reports under the "Minor's Statement" and are also recorded on the "D.A. Non-Detained Petition Request" (Prob. 1120).

The minor's apparent inability to understand right from wrong does not mean the DPO will not refer the minor to the D.A. for filing, if that appears the appropriate decision.

**LOS ANGELES COUNTY PROBATION DEPARTMENT**

<b>Subject:</b>  <b>JUVENILE MANUAL</b>  <b>INVESTIGATIONS</b>	<b>Section Number:</b> <b>JM-800</b>
	<b>Effective Date:</b> 7/17/2008
	<b>Approved By:</b>  <b>Sharon Harada, Bureau Chief</b>

This chapter includes a step-by-step description of how the Deputy Probation Officer (DPO) investigates a 602 WIC delinquency case for a Pre-plea or Disposition Hearing. Special features of status offender cases are noted.

Types of investigations treated in detail elsewhere in the manual are reviewed here to explain how some cases reach the disposition phase. There is also a section that highlights some basic principles of probation investigation.

## **801 LAW ENFORCEMENT OPTIONS**

Over 95% of juvenile investigations begin with the arrest of a minor under 602 WIC for specific violation(s) of the law.

The arrest is usually followed by a police investigation. The police agency then decides whether to:

- Close the case after exonerating or counseling the minor or referring the minor to a counseling program.
- "Refer to probation" an arrest or incident involving the minor without requesting a formal investigation or petition filing (for active cases only).
- Apply to the District Attorney (D.A.) to file a petition.
- If the offense comes under 653.5 WIC (see JM-904), the police application will be forwarded directly to the D.A., who exercises his or her options (see JM-804). Applications based on other offenses generally are investigated under 652 WIC to ascertain the best way of handling the referral.
- Accompany the application for a petition with a request for detention.

**NOTE:** All juveniles arrested in the County of Los Angeles who are not detained are cited to court for a hearing set 60 calendar days from the time of the arrest. Detained cases will have a hearing set within 15 judicial days from the date of the detention hearing. The time frame may be extended should the minor or minor's counsel waives time.

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**INVESTIGATIONS****PREFILING INVESTIGATION**

A 652 WIC "pre-fling" investigation is essentially an intake process. The DPO assembles and considers the case facts to decide what level of intervention is required for the minor and parents or legal guardians.

Depending on the degree of risk implicit in the minor's offense, the injury done, the chances of recurrent delinquency, availability of control measures and type of sanction proportionate to the offense, the DPO may decide that:

- Minor's case can be closed with or without referral to a community agency. Such cases have many of the following characteristics:
  - Ensuing harm relatively slight, offense unplanned, unsophisticated and mitigated by circumstances.
  - Minor is immature, remorseful, willing to make amends; has good record in the community and at school; well controlled at home.
  - Parents or legal guardians are stable, concerned, and cooperative.
  - If there is a specific problem identified, the services of a community or private agency already have been or soon will be obtained.
  - Overall, the behavior that gave rise to the referral seems atypical of the minor and not likely to be repeated. The arrest and investigation experience appear to have been sufficiently impressive.

**NOTE:** Cases of minors who fit the above criteria may be considered for closing even though the minor remains silent in response to or denies the allegations.

- Minor should be placed under informal supervision (see JM-1100, 654 WIC Supervision).
- Minor's case should be referred to the D.A. for filing of a petition. This option is indicated when one or more of the following factors are relevant:
  - The offense involves substantial injuries or loss, inappropriate for less formal handling.
  - The problems presented by the minor probably cannot be resolved in less than a year or may require removal from home.

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- Previous attempts to resolve the minor's adjustment problems through informal procedures have failed.
- Request further information before filing (from the police agency or probation).

A case filed without a 652 WIC investigation and sustained in court is assigned to a DPO for investigation and preparation of a disposition report (see JM-500).

Section 676.5 WIC states that a victim and up to two support persons of the victim's choosing shall be admitted to juvenile court hearings on the same basis as the victim may be admitted to trials in adult court. The DPO shall notify the victim of all rights and services available to the victim. This notification must be by direct telephone contact with the victim or, if they cannot be reached by phone, the victim shall be notified by certified mail, return receipt requested.

Required notification shall occur as follows:

- Intake and Detention Control (IDC) shall contact victims on all detained cases.
- Clerical support staff in the area office completes a Victim Notification Letter, which notes the cited court date, encloses a Victim Information Pamphlet and mails it to the victim via certified mail, return receipt requested, on all **new** unassigned 653.5 WIC cases within two days of receipt of the arrest report or referral from JAI Central by the area office.
- For all cases active to investigation or supervision, the DPO of record shall:
  - Notify the victim on all 653.5 WIC cases within two days of receipt of referral from JAI Central in person or by mailing a "Victim Notification Letter"
  - Placing a copy of the Victim Notification Letter and certified mail receipt in the PDJ file
  - Documenting an entry under "Victim Notification" in the case management system as follows: JCMS<ROS<Victim Notification

**INVESTIGATIONS****802 DETAINED CASES**

When the police request a minor's detention pending the filing of a petition, a detention investigation is made by an IDC DPO.

The purpose of the investigation is to assemble and to compare the case facts with the legal criteria and the practical necessity for detention, and to release or detain minors pending D.A. review (see JM-2500, Intake and Detention Control and JM-2600, Detention Procedures).

- If released, the minor is usually investigated on a non-detained basis.
- If detained, the D.A. reviews the case.
- If the D.A. files a petition, the minor appears for a Detention Hearing.
- May be released on Community Detention Program (CDP) with a promise to appear for arraignment within 48 judicial hours of arrest.

**NOTE:** If the D.A. rejects the case for filing the minor is released at arraignment unless there is a Bench Warrant or pending violations.

The law requires that the cases of detained minors proceed on an accelerated basis. If the court orders the minor detained the hearing must be held within 15 judicial days from the date detention is ordered.

**803 DISTRICT ATTORNEY OPTIONS**

The D.A. will review the petition request for legal sufficiency prior to filing. The D.A. may:

- Reject the petition for insufficient evidence.
- Refer the case back to Probation as a 652 for 654 WIC consideration.
- File the petition.
- File a 777 violation report.

**804 COURT OPTIONS**

The court may:

- Refer the case to Probation for 654.2 WIC consideration.



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- Refer the case to Probation for "Pre-Plea" report.  
(In most cases, without the minor formally entering a plea, the court will order a report to be used for disposition should the minor enter a plea. This is called, a "Pre-Plea" report. The report is essentially the same as a disposition report - see JM-1300).
- Accept the minor's admission and continue the case for disposition report.
- Enter the minor's denial to all filed petitions and proceed to adjudication.
- Dismiss all counts of any petition filed; petition and case are dismissed.
- Sustain one or more counts after a hearing, and continue the case for disposition hearing.

**805 FITNESS CASES**

Ordered on the D.A.'s motion prior to adjudication, the fitness hearing settles the issue of whether certain serious offenders, 14 to 17 years of age, are still amenable to juvenile treatment programs (see JM-1400, Fitness Investigations).

**806 STATUS OFFENDERS: 601 WIC**

The 601 WIC status offenders who receive probation services are generally referrals for 652 WIC investigations. Status Offenders may be referred by the School Attendance Review Board (SARB) when the problem is school centered (601B) or by parents or legal guardians, if the minor is alleged to be beyond parents or legal guardian control (601A).

Due to legal restraints on dispositions available in 601 WIC cases, few go to petition and disposition hearing. For those that do proceed to disposition, the DPO's investigation is similar to the investigation of delinquency cases (differences are noted in JM-1200, Status Offenders: 601 WIC).

**807 SOME BASIC PRINCIPLES OF PROBATION INVESTIGATION**

Stated in the simplest terms, every type of probation investigation involves basic activities:

- Review case-related documents, reports and records.
- Interview principals and interested parties to the case using motivational interviewing techniques.

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- Complete the Los Angeles Risk and Resiliency Checkup (LARRC) assessment and placing in the left side of the PDJ file.
- Complete the Juvenile Worksheet and have it signed by the SDPO (Prob. 1423).
- Evaluate the information obtained to formulate a recommendation or plan.
- Communicate the information verbally, (i.e. case clearance) or in writing (court reports and case note entries in the case management system).

These activities will not in themselves constitute a probation investigation unless performed by the investigating DPO, with full support of the Supervising Deputy Probation Officer (SDPO) and Director, in accordance with certain principles:

- Each probation investigation is independent. The DPO adopts neither a prosecution nor a defense point of view.
- Information favorable or unfavorable to a minor is received impartially and evaluated objectively.
- Speculation as to what the court might order in a given case does not enter into formulating a recommendation.
- The ultimate purpose of every probation investigation is to determine a plan for protecting the public, redressing injuries to victims, and ensuring the best interests of the minor.
- The immediate goal of every investigation is to develop the factual basis for the plan by building on and clarifying the information provided with the referral. The DPO notes and resolves discrepancies between statements, and looks for details needed to fill in significant gaps.
- Social and assessment information which tends to explain a minor's behavior is useful in predicting a minor's future conduct and in arriving at a case plan but never justifies taking undue risks with community safety or excusing the minor from appropriate sanctions.

#### **807.1 Investigation Deadlines ("due dates")**

The Department deadline for processing non-detained petition requests, excluding 653.5 WIC cases, is **29 calendar days** from the date the

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referral is received by the Department (timestamp date at JAI Central). All cases are stamped with a "date received" and a "due date." The agency sending the referral must be notified of the court action taken by the "due date."

**807.2 Dictation Deadlines**

Investigation reports are due in transcribing no later than 1:00 PM, **5 full working days** before the court date and must be delivered to court **48 hours before the scheduled court hearing**, according to the California Rules of Court 5.785.

DPOs shall complete the report and process through the Probation Enterprise Document Management System (PEDMS). The SDPO shall review the report and process (either returning to the DPO for revisions or automatically approving the report in PEDMS). Click "Automatically Sent to Court" and the system will print out five (5) copies of the report and send them to the Library. Clerical Support Staff shall retrieve the report copies from the printer and 1) package and send to court (according to appearance/non-appearance hearing requirements) and 2) return a copy of the report to the DPO of Record for inclusion in the PDJ file.

**808 CONSOLIDATING COURT NUMBERS AND JAI NUMBERS**

It is the policy of the juvenile court and the County Clerk's Office that minors are issued only one court number throughout the life of an active case. If a minor has more than one court number, the numbers must be combined under one number (this is the County Clerk's responsibility).

**Identification Issues and Problems**

If a minor's identity is unclear, identification is made by:

- Photograph: Usually furnished from law enforcement files but occasionally school yearbooks will show a minor's true identity.
- Identification Cards: School Identification and Government issued identification such as driver's license, California Identification, Alien Registration Card, Foreign Consulate Identification Card, passport, etc.
- In-person verification: Often a family member will accurately identify a minor who has misidentified himself or herself to law enforcement or the DPO. If the family supports the false identity, photographic or fingerprint evidence will be necessary.

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- Fingerprints: Law enforcement is often able to assist in verifying a minor's true identity through fingerprint comparisons.
- Live-scan for detained minors.

When two (2) or more cases under different names and JAI numbers are found to refer to one and the same minor, the DPO making that determination contacts all other assigned DPOs. That DPO then advises clerical to submit a PDJ number cancellation to JAI/Central, canceling the most recent PDJ numbers and JAI numbers and consolidating case information.

Once all dispositions have been made, the case information needs to be consolidated to the first issued number (court number or JAIN). Once completed, the case may need to be transferred to the office where the minor maintains legal residence receives all other cases. That DPO is responsible for immediately notifying the minor and parents of the case consolidation and any area office transfer.

In all cases, the following statement is dictated under "Other" on the Recommendation page of the court report:

It is recommended that the court consolidate court number (ABC123) into court number (XYZ123) and JAIN (0123456) into JAIN (0987654).

Immediately following the consolidation statement, the method of verification is indicated in parentheses.

**Example:** (The minor's identification was verified by a school photograph.)

Central Records will consolidate the arrest and probation information in JAI. The County Clerk will consolidate all County Clerk information. Ask ISB.

## **809 INVESTIGATION STEPS**

The SDPO assigns the case to the DPO in the case management system and places the case file in the DPO's mailbox or personally delivers it if there are special time constraints or problems such as case notoriety.

### **809.1 The Investigation Case Log: Organizing the Investigation**

The DPO enters the case on the control log. The log is a record of assigned work, designed and maintained by each DPO.

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It has spaces for case names, date received by DPO, type of investigation (detained, non-detained, pre-plea), department due date, victim contact date, case numbers, dictation and court due dates.

The appendix contains an example of such a log, which may be modified to add information as the DPO sees fit.

Deadlines for completion of investigations and delivery of reports to the court are determined by the California Rules of Court 5.785. They are provided for by law and some are reinforced by order of the court.

- Investigation deadlines cannot be met without careful scheduling of each mandatory part of the investigation, such as contacting victims.
- The log serves as a record of the DPO's assignments, providing readily accessible answers to such routine questions as may arise during or after case completion.

**809.2 The Worksheet**

The DPO completes a "Worksheet" (Prob. 1423). The use of this form is mandatory. It facilitates and ensures the DPO's note taking of all essential information in a systematic manner. Attempts to contact case principles, parents, school, victims, etc., must be documented.

Worksheets are to be completed legibly in ink.

**809.3 Varied Uses of the Worksheet**

- In all 652 WIC investigations including in "closed" cases and 654/654.2 WIC supervision, it takes the place of a typewritten report.
- When the decision is entered on the Worksheet, dated and signed by the SDPO, the Worksheet becomes the Department's official record of an approved investigation. The completed Worksheet is retained in the case file.
- In disposition investigations, the Worksheet is used as a basis for and record of case clearance with the SDPO.
- In the dictation of court reports, the Worksheet is the DPO's chief "prompter."

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- In non-court informal supervision (654 WIC), the Worksheet is the core of the case file. Therefore, it is essential that it be filled out thoroughly and completely.
- In wardship (602WIC) and 725(a) WIC supervision cases, the Worksheet is often a useful source of case-related addresses, telephone numbers and other data appropriate for dictation in the court report.

**810 CASE DOCUMENTS****Checking the Documents**

The DPO examines the documents and referral material to make entries on the Worksheet as necessary. The DPO checks to see if all necessary paperwork has been provided and each item is complete. (For example, seeing that the police report has a witness list or, in court cases, that the minute order with the results of adjudication has not been omitted.) Prompt telephone calls to arrange for delivery, whether via Fax or physically picking up papers, will prevent delays. Documents include:

- Police reports (should include Juvenile Automated Index [JAI] arrest history printout and witness list).
- "JAI Record Clearance" (Prob.1238 - shows current status and case identifying information).
- Petition(s).
- Minute orders of any hearings.
- Results of "Arraignment/Adjudication hearing" (Box Copy/Prob. 135) for each hearing.
- Order reflecting conditions of a minor's release to any detention alternative program such as the Community Detention Program (CDP) (see JM-2700).
- Coroner's autopsy report in all cases involving the death of a victim.
- Clinical reports if furnished with documents.

Pre-Plea reports are written based on the allegations of the petition. The DPO needs to know exactly what offense or offenses are to be investigated, for the petition may have been amended by the court and, in multi-count petitions, one

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or more counts may have been dismissed. Also, the court may have made special orders to be carried out by the investigating DPO, such as considering a specific possibility of releasing a detained minor. Special allegations, which enhance the gravity of offenses, may also have been made and the investigating DPO will want to note whether these have been adjudicated or continued to the disposition hearing.

**NOTE:** For disposition reports, counts which have been dismissed as "found not true" are not considered for disposition, but counts which have been dismissed "in the interest of justice" or "without prejudice" and which involve victims are considered for restitution or disposition, just as if they had been sustained.

**810.1 Law Enforcement Reports**

Police reports are primary sources of information about the minor's present offense in all types of probation investigations. They include:

- Crime reports - made when an offense is first reported to law enforcement, before the offender is apprehended.
- Arrest reports - describe the arrest and the events leading up to it.
- Investigation reports - accounts of follow-up police work, usually including summaries of interviews with the minor and parents or legal guardians.

Also, agencies allied to law enforcement may contribute to the referral packet or make reports available to the DPO.

In homicide cases, for example, the Coroner's Report can give the investigating DPO a picture not only of the fatal injuries, but also of the age, size and physical condition of the victim. Such facts as these may add to or subtract from the credibility of the minor's claim of provocation by the victim.

Police reports often contain information about how the officers became involved in the case and conducted their investigation and arrest. This information has its purpose in establishing the legality of the arrest, but is irrelevant to the DPO's investigation.

Basing a court report recommendation solely on law enforcement reports is not acceptable. It is the DPO's responsibility to make an assessment of the totality of the minor's situation and develop a plan to address the relevant issues. The DPO needs to consider:

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- What acts the minor committed that constituted the offense for which the minor was arrested. (If necessary, the DPO checks the appropriate code section for elements of offenses.)
- Against whom did the minor commit those acts?
- With what results? Any injury or damage to any victims?
- When, including over what time span, was the offense committed?
- How was the offense committed?
- Where was the offense committed?
- In companion cases who did most? Who did least? Who told others what to do?
- Evaluate evidence of special allegations (e.g. hate crimes, crimes against the elderly, crimes committed for the benefit of a gang, etc.)
- Evidence of gang activity?
- Evidence of involvement with controlled substances?
- Strange or irrational behavior?
- Any remarkable conduct at time of arrest?

## 810.2 Record Checks/Probation Files

Arrest histories are usually included in the police report. They are also provided by the Juvenile Automated Index (JAI/JINQ printout). The "JAI Record Clearance" (Prob. 1238), which includes the current status and case identifying information is also provided to the DPO.

Central Records routinely reactivates and forwards previously closed files to the Area Office for minors with a new referral. Department of Motor Vehicle (DMV) records may be obtained via the Justice Data Interface Controller (JDIC) system. Dependency history information is accessed through JAI and Problite systems.



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For questions regarding court status of a case not available through other sources, the DPO shall check the JAI Register of Action Inquiry (CC10) Screen.

As the DPO will be interviewing the minor regarding prior delinquency history if any, it is useful to note similarities between prior and present offenses.

Probation files also afford the opportunity of comparing past and present delinquent patterns, companions and reactions to being arrested.

Files can also be revealing when the previously recorded social information and case assessment is compared with the information obtained by interview in the present case. Changes in home setting and family dynamics may have significant impact and should be discussed with members of the family.

**810.3 School Reports**

The DPO shall verify school enrollment and obtain a school report, which contains grades, attendance, behavior, scores and other tests, and perhaps, references to clinical tests. The DPO is to obtain school reports directly from the school and not from the minor or parent. Education Code Section 49076 (a) (9) permits access to information from education records to any probation officer or district attorney for the purpose of conducting a criminal investigation or an investigation in regards to declaring a person a ward of the court, or involving a violation of a condition of probation.

There may also be an expanded school and test history in the minor's cumulative record (known as "cume file") whose information may be accessible by telephone. A consent form, signed by a parent or legal guardian, may be needed for clinical information (see JM-3401-1).

The DPO will note whether companions in school misbehavior are related in any way to the present offense. Declines in achievement and conduct are noted.

**811 INTERVIEWING: REQUIRED AND COLLATERAL CONTACTS - INTERESTED PARTIES**

Interviews in person with the minor and at least one parent/legal guardian or guardian are mandatory. Video Conferencing and telephone interviews may be utilized only when necessary due to time constraints, with SDPO approval. The

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victim is to be contacted by telephone or registered mail as a matter of legal right and Department policy.

Other contacts include but are not limited to the investigating police officer, an official at the minor's school who handles disciplinary problems and, if the minor is on parole, the parole agent. If the family is assigned a Department of Children and Family Services (DCFS) caseworker, the worker is contacted and the information is noted in the Dependency History Section of the Disposition and Pre Plea Report (sources of information include Problite and JAI).

In contacts with employers, pastors and relatives outside the immediate family, the DPO is not to release more confidential information than is already known or verify information for those who have no right to know.

**811.1 Preliminary Arrangements**

The DPO telephones the family and schedules an appointment as soon as possible after the case is assigned, making sure that sufficient time is allowed for case clearance, dictation and delivery of report to court according to legal mandates.

If case papers do not contain a telephone number, the DPO shall contact the minor's school or the defense attorney. The DPO shall document any changes to demographic information in the caseload management system. Otherwise, a "Juvenile Appointment Letter" (Prob. 1254) is mailed to the minor's home address and it is documented in the caseload management system under "initial appointment". Included with the letter is a "Personal and Social History Questionnaire" (Prob. 1253) for parents or legal guardians to complete and bring to the scheduled interview.

In some instances it may be necessary to arrange for an interpreter by telephoning the AT&T operator at (800) 367-9559 and requesting a conference call with the appropriate interpreter services. Staff shall give the operator the following information:

- Department Name: Los Angeles County Probation Department
- Client ID Number: 501215
- Barry J. Nidorf Juvenile Hall PIN Code: 7170
- Central Juvenile Hall PIN Code: 7151
- Los Padrinos Juvenile Hall PIN Code: 7160

If the DPO must make use of family members in gathering information, the DPO identifies the person by name, relationship and age, and includes this information in any report to the court.

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If there is evidence of the minor's involvement with controlled substances, the DPO makes plans to probe this area in depth with the minor and parents or legal guardians.

Whether contact is established by telephone or mail, the DPO makes sure that the family understands the purpose of the interview. They are told to bring social security cards, the minor's birth certificate or other proof of birth and identity, insurance papers (particularly health insurance information) and the minor's driver's license. Alien Registration cards are important to determine residence status.

If the family receives aid from the Department of Public Social Services (DPSS), the DPO verifies their DPSS number, known as the "state number." (This ten-digit number appears on all Medi-Cal cards and DPSS documents.)

When one parent or legal guardian lives apart from the family, it is essential for the sake of a balanced and reliable picture, to attempt contact with the absent parent or legal guardian. Any results are recorded on the Worksheet.

Home calls can be made in those cases in which they are deemed to be of critical importance. A typical example of such a need might arise when, in the DPO's opinion, the question of whether the minor may remain at home or ought to be placed may be determined by physical setting of the home and has a clear and direct relevance to the minor's delinquent behavior. DPOs shall notify their SDPO prior to making home calls.

The DPO should remember that even the most carefully arranged appointments sometimes fail, and that rescheduling the family is often necessary.

**811.2 LARRC (LOS ANGELES RISK AND RESILIENCY CHECKUP)**

The LARRC is an assessment tool that measures the risk and protective factors of our minors and their families. Information from the LARRC will be used to assist DPOs with case planning and service referrals and provide documentation to support our recommendations to court. Additionally, this assessment will provide reliable information on each minor based on the six criminogenic needs which studies indicate are the best predictors of the likelihood that a minor may reoffend.

**INVESTIGATIONS****Instructions for Completing the LARRC:****Field – Juvenile Supervision (Community-Based and Specialized Program) DPO shall:**

- Reassess each minor using the automated system (assessments.com) every six (6) months and place a copy of the assessment in minor's PDJ file.
- Complete a LARRC assessment for all types of juvenile supervision cases – 236 WIC, 654 WIC, 654.2 WIC, 725(a) WIC, 790 WIC (DEJ), 601 HOP, 602 HOP, 602 SP, AND 602 CCP.
- Place a copy of the LARRC on the left side of minor's PDJ file.
- Maintain current Record of Supervision (ROS) entries regarding minor's progress in JCMS as required by program mandates.

**Field – Juvenile Investigations and 652 WIC Intake and Justice Center Intake DPO shall:**

- Complete a LARRC assessment for each new case assigned using the automated system (**assessments.com**).
- Place a copy of the LARRC on the left side of minor's PDJ file.
- Place the worksheet in the minor's PDJ file.

**Residential Treatment Services DPO Responsibilities:**

- For cases with no LARRC assessment completed prior to the Camp order, complete a LARRC using the automated system (**assessment.com**) for each new minor assigned to their caseload within **30 days** of case assignment.
- Place a copy of the LARRC on the left side on minor's PDJ file.
- Maintain current Record of Supervision (ROS) entries regarding minor's progress in JCMS as required by program mandates.
- Reassess each minor using the automated system (assessments.com) prior to the end of minor's **sixth** month in Camp and place a copy of the assessment in minor's PDJ file.

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- For minors ordered to Camp for longer than nine (9) months, complete an assessment using the automated system (**assessments.com**) prior to the minor's **twelfth** month in Camp.

**SDPO Responsibilities:**

Ensure that staff complete a LARRC assessment using the automated system (assessments.com) for each minor assigned to their DPOs' caseloads within 45 days of case assignment, and that a copy of the completed assessment is placed in the PDJ file prior to case transfer.

**Manager Responsibilities:**

Ensure that staff complete a LARRC assessment using the automated system (assessments.com) for each minor assigned to DPOs in their operation. Review samples of assessments to verify SDPO and DPO compliance.

Staff are instructed to utilize all tools provided through the LARRC training (e.g. motivational interviewing skills) to assist with the assessment process.

**811.3 Interviewing the Minor**

Unless detained, minors and their parents or legal guardians are first interviewed together. Motivational interviewing techniques are employed to enable the DPO to complete the LARRC assessment. The DPO explains the purpose of the interview, answers any questions and observes family interaction. This is often a good time to take care of the following routine business:

- Advise the minor of his/her Miranda rights.
- Review copies of any documents the family brings with them and make copies prior to the family's departure.
- Enter personal data on the Worksheet.
- Explain to the family that information received is reported to the court and nothing can be received "in confidence."

There is no set rule on when to interview the minor or parents or legal guardian alone or who should be interviewed first when both are present.

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In some situations the minor might be more willing to discuss the offense if talking to the DPO privately.

Discussion of the minor's offense should establish whether the minor admits in full or in part, or denies, unless minor chooses to remain silent either on advice of counsel or by personal choice.

Minors whose petitions have been sustained on the evidence often continue their denials.

Some minors, while making full admissions, claim extenuating circumstances, such as pressure only slightly less than coercion or extreme provocation. If these claims seem credible, the DPO should try to verify them with the investigating police officer or other involved parties.

The DPO should never passively record any statement, whether from the minor or any other party in the case which, in the light of other case information or even plain common sense, appears highly doubtful. Without becoming argumentative, the DPO should let the interviewee know there is a credibility problem and why, and then record the response.

When the interview turns to such subjects as relationships with parents or legal guardians, any absence or loss of a parent or legal guardian (through death, divorce, separation, or incarceration) should be explored.

In examining the minor's lifestyle, types of companions and recreation, the minor may attempt to dismiss general questions with equally general claims that everything is "alright."

If the DPO wants to get past vague or deceptive generalities, it is sometimes useful to question a minor on a detail, such as where and with whom the minor has had dinner the past couple of nights.

Investigating DPOs should use interviews to observe minors as well as listen to them. Does minor look clean? Is minor's clothing clean? Appropriate? Gang-oriented? Does minor look unhealthy or mistreated? Is minor alert? Any emotional displays? If so, what kind? Sometimes it is appropriate to discuss such observations with the minor.

Health and developmental history may also be important, especially if it relates to the present offense or dispositional planning. ICWA requirements shall be followed. Should a minor report allegations of abuse, the DPO shall follow departmental policy and procedures as outlined in JM – 300.

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Interviews should end with minors being given an opportunity to say what they think should happen as a result of their delinquency.

**Interviewing Detained Minors**

**Juvenile Hall:** When minors are detained in a juvenile hall, the DPO telephones the Officer of the Day (O.D.) in Movement and Control at the juvenile hall where the minor is detained. The DPO requests the unit's telephone number and contacts staff to ensure minor is available for interview.

For those situations where the DPO has received approval to utilize video conferencing, DPO contacts the clerk at the area office responsible for scheduling the video conference interview.

DPOs wear official identification cards throughout a visit. Before the interview, the DPO reviews the minor's behavior chart, and discusses its contents with the minor. The DPO advises the minor of his or her legal rights. The DPO should date and sign the behavior chart and record the minor's reaction to the interview before leaving juvenile hall.

**NOTE:** When a minor is non-English speaking, DPOs shall utilize Department approved interpreters in all interview and appointment situations. DPOs shall not utilize other detained minors to serve as interpreters for the interview.

**County Jail:** If the minor is detained at County Jail, the DPO can access the booking information by calling the Los Angeles County Sheriff's Booking Information or by accessing the website: [www.lasd.org](http://www.lasd.org).

The minor's name, birthdate and race are sufficient to get the jail location and booking number, which should be recorded on the Worksheet.

**811.4 Interviewing Parent/Legal Guardians**

Depending on the DPO's plan for an interview, parents or legal guardians are asked certain questions either in the minor's presence or privately:

- What is their view of the present offense?  
(If the minor denies, minimizes or rationalizes a sustained petition, do they support this? If there is no sustained petition at this point, what position do they take about the allegations?)

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- What do they have to say about the minor's prior record, if any? (Their responses to separate entries in the arrest record are recorded on the Worksheet, but not included in the court report unless they are disputing one or more entries. Parents or legal guardians' overall response to the minor's prior record may be included in the report.)
- What other problem areas are they aware of? (Gang involvement? Drug abuse, including alcohol? School performance? Involvement in bizarre or sadistic activities?)
- How have they tried to correct the minor's behavior in the past? Why did their attempts fail? (If one parent or legal guardian is absent, either through death, divorce, separation, or incarceration what impact has this had on the minor?)
- What plans have they for resolving the current problem? (Why do they think these plans will work?)

**811.5 Interviewing Victims**

Section 656.2 WIC mandates that the probation officer inform victims of their rights.

Victims are identified from reports in the referral packet and are contacted, preferably by telephone or by mail. After explaining the purpose of the call, the DPO asks for an estimate of the loss, the impact of the minor's offense on the victim (physically, economically, emotionally or otherwise), the victim's opinion on what should happen to the minor, and any other information not already in the police reports.

When the victim and the minor were known to each other prior to the offense, the victim's view of the relationship is important. If the minor has already been interviewed and has alleged provocation by the victim, the victim should be questioned about the minor's statements.

In assault cases, physical characteristics and any health problems of the victim are noted as indications of the victim's particular vulnerability.

When victims are minors, their parent or legal guardians will sometimes take the position that they should speak for their child rather than allow the DPO to interview the victim directly. DPOs should not interview the minor victim without consent of their parent or legal guardians.



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If the victim is deceased, the next of kin is interviewed and provided the "Crime Victims Compensation" pamphlet. Cost to the next of kin, including funeral expenses and support should be determined for restitution.

The date and time of all contacts or attempted contacts with the victim are recorded on the Worksheet, in the court report and automated system (case notes). The victim shall be notified via victim's notification letter if the DPO is not able to make contact by phone.

**NOTE:** The DPO informs victims they will receive a "Crime Victims Compensation" pamphlet explaining their rights (see JM-2101).

**811.6 Victim Rights and Responsibilities**

Section 656.2 WIC gives the victims the right to present a "Victim Impact Statement" in all juvenile court hearings concerning 602 WIC petitions alleging any criminal offense. If the victim submits the impact letter, the DPO shall:

- Include the statement in the court report (pre-plea, disposition or fitness hearing).
- Inform the victim of the time and place of the disposition hearing, any fitness hearing and any other judicial proceedings regarding the case.
- Also provide the victim with information concerning the victim's rights to an action for civil damages against the minor and parent/legal guardians and the opportunity to be compensated from the restitution fund.

**811.7 Law Enforcement Interviews**

The law enforcement officer is contacted, normally through a telephone number on the witness list. The officer is asked to clarify any questionable areas uncovered in the DPO's investigation, for example, any prior problems between the victim and the minor.

The officer is also asked for any information about the minor not contained in the police report. If the officer alleges gang activity on the minor's part and that activity is neither associated with the offense nor shown on school or prior records, the DPO should ask for details.

In such gang cases, the DPO contacts the appropriate agency's gang experts: LAPD, Gang Enforcement Detail (GED) Sheriff's Department,

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Operation Safe Streets (OSS). Smaller agencies also have officers who are experts about gangs in their area.

**NOTE:** DPOs shall only include identification of minor as a gang member by documenting source of that information, or admission by the minor him or herself.

Finally, the law enforcement officer should be asked for an opinion on how the case should be resolved.

**811.8 School Contacts**

The contact person at the minor's school may be asked to expand on the school report as necessary. They may be of particular help in giving the DPO access to clinical studies in school files, if the DPO has obtained the appropriate releases (see JM-3408). School records should be attached to the court report whenever possible.

A key point to be covered by the DPO is the school's plan if the minor is placed home on probation (or, in some detained cases, if the minor is to be released from detention prior to disposition).

**811.9 Other Contacts**

Relatives, neighbors, pastors, attorneys and other interested parties may be contacted by the DPO or may voluntarily come forward. Their names and telephone numbers should be recorded on the Worksheet.

Care should be observed in maintaining confidentiality of case information. Statements made by interested parties may not be accepted "in confidence" and any information provided to the court must include its source.

Volunteered information, especially negative information from any source, needs to be interpreted in light of the relationship of the minor and the minor's family, with the person furnishing the information.

**812 CASE EVALUATION**

Evaluating a case consists of taking a look at the facts developed in an investigation and formulating an opinion on:

- The seriousness of the minor's offense.
- The risk of the minor's continued delinquency.
- The most fitting of available dispositions.

**INVESTIGATIONS****812.1 The Seriousness of the Offense**

The law itself rates offenses according to their seriousness by:

- Assigning penalties of varying severity;
- Classifying offenses as felonies, reducible felonies and misdemeanors;
- Defining and listing some felonies as "violent";
- Attaching enhancements to some offenses;
- In adult court sentencing, determining sentences in part through applying circumstances in aggravation and mitigation.

**NOTE:** Aggravating and mitigating factors are considered in assessing the seriousness of offenses, regardless of the age of the offender (see Appendix A - Circumstances in Aggravation/Mitigation).

For example, it makes good sense to consider whether the victim was particularly vulnerable or, on the other hand, played some part in provoking the offense.

By definition, all robberies are serious. Some are more serious than others. Factors such as amount of loss, the injury suffered by the victim, whether it was one of a series of robberies, whether its commission was prolonged, whether firearms were used, and whether sophistication was evident in its method, must all be considered.

The difference between misdemeanor and felony needs careful weighing. Sometimes the harm experienced by the victim of a misdemeanor may be greater than the harm experienced by the victim of a felony. For example, the victim of a battery, badly beaten, is worse off than the victim of a burglary in which no damage was done and items of little value were taken.

In companion cases, the seriousness of an offense may vary according to the role played by each of the parties, from the leader to the least involved follower.

Special elements in offenses increase their gravity and require special attention:

- Use of weapons.

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- Evidence of a "hate crime," such as those involving assaults on the persons or property of victims due only to their race, religion, nationality, gender or sexual orientation.
- Bizarre behavior or sadistic behavior, such as arson or animal mutilation.
- Gang involvement.
- Addiction to any controlled substance.

**812.2 The Risk of the Minor's Continued Delinquency**

The DPO must examine to what extent the offense differs from the minor's previous pattern of behavior, expressed attitudes and lifestyle.

Does the offense seem causally related to unusual circumstances and unlikely to happen again, or does it seem an almost expected consequence of the way the minor has been living?

The pertinent facts are in the delinquency history, dependency history, assessment, statements of the minor, parents or legal guardians, police investigator, school officials, and the personal history.

- Is there a previous history? Does it begin at an early age? Runaways? Do the offenses fit a pattern or escalate?
- Is there early or worsening school maladjustment?
- Do the statements of the minor and parents or legal guardians show avoidance of responsibility? Hostility?
- Have the parents or legal guardians been abusive? Enabling? Alcoholic? Drug abusers? Rejecting?
- Is there evidence of any drug abuse, including alcoholism?
- Is minor involved in gang activity?
- Is there a prior mental health diagnosis?

Should the LARRC assessment indicate elevated risks in domains such as Family, Education and Peers, as well as affirmative answers to the

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above questions, risk for recidivism for the youth is high and there may be reason to consider out of home placement.

### **812.3 Available Dispositions**

#### **Non-Court Options**

##### Close, divert, or refer to County of Residence and close

The DPO:

- Completes "Worksheet" (Prob. 1423).
- Completes the LARRC.
- Records contact information and updates minor's demographic, personal and family data in the case management system.
- Clears case with SDPO.
- Advises family the case is closed/refers family to appropriate diversion agency.
- Submits PDJ file to SDPO.
- Informs minor and parents or legal guardians that they may disregard the court citation.
- Completes the JAI Record Clearance form (Prob. 1238) and gives to Clerical Support Staff for input of the probation disposition into the case management system.

#### **Close - Informal Juvenile and Traffic Court (CLI)**

- 23140 V.C. (D.U.I., person under 21 with .05 blood alcohol percentage) & 23152 V.C. (D.U.I., unlawful for any person with .08 blood alcohol percentage)
- DPO may, in lieu of filing a petition or proceeding under 654, issue a citation to the Informal Juvenile and Traffic Court pursuant to Section 256 WIC for any misdemeanor except the following:
  - Any crime involving a firearm.

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- Any crime involving violence.
- Any crime involving a sex-related offense.
- Any minor who has previously been declared a ward of the court.
- Any minor who has previously been referred to juvenile traffic court pursuant to this section.

### **Refer to District Attorney**

The DPO:

- Clears decision to seek filing with SDPO.
- Completes D.A. packet consisting of:
  - ...petition request – three copies
  - ..."D.A. Non-Detained Petition Request" (Prob. 1120) – three copies
  - ...JAI arrest history printout – one copy (JINQ)
- Submits packet to SDPO for approval and forwarding to D.A.

### **Open Non-Court 654 WIC Supervision:**

The DPO:

- Completes the Worksheet (Prob. 1423).
- Completes LARRC.
- Clears case with SDPO.
- Has minor and parents or legal guardians sign the "654 WIC Supervision Contract" (Prob. 1239).
- Maintains case responsibility until 654 WIC expires or violations are handled by referral to the D.A. and final disposition by the court.

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- Submits PDJ file to SDPO.

**Open Non-Court 654 WIC Supervision/Teen Court:**

The DPO:

- Completes the Worksheet (Prob. 1423).
- Completes LARRC.
- Clears case with SDPO.
- Has minor and parents or legal guardians sign the "654 WIC Supervision Contract" (Prob. 1239).
- Maintains case responsibility until 654 WIC expires or violations are handled by referral to the D.A. and final disposition by the court.
- Updates Teen Court regarding supervision outcomes?
- Submits PDJ file to SDPO.

**Court Disposition Options**

- 654.2 WIC Supervision

(Usually ordered for minors when the court believes wardship is not necessary.)

- 725(a) WIC (Probation without Wardship)

(Usually ordered for minors who are 601 or 602, but the court does not adjudge them wards of the court and have not previously committed a felony.)

- 727 WIC Probation without Supervision.

- 790 Deferred Entry of Judgment (DEJ)

(Can be ordered in lieu of a jurisdictional or dispositional hearing for minors who have committed their first felony and have never been placed on probation.)

**INVESTIGATIONS**

- Home on Probation (HOP)

(Usually ordered for minors whose offenses are not aggravated by felonious violence, who have slight or no prior records, are willing to attend school, have reasonably stable homes, and whose parent/legal guardians have the ability to supervise and control them.)

- Suitable Placement (Open Placement)

(Usually ordered for primarily non-violent minors whose delinquent acts have been repeated, who need more parent/legal guardian support and control, whose home setting and/or emotional problems contribute to their delinquency and whose treatment needs are met in settings such as group homes or larger residential treatment facilities.)

- Suitable Placement (Closed Residential Placement and Dorothy Kirby Center)

(Usually ordered for minors whose actions are serious or repetitive but who primarily need a secure setting emphasizing a psychotherapeutic approach.)

**NOTE:** All placement recommendations must be approved by the Out of Home Screening Unit before dictating the court report.

- Camp Community Placement Programs

(For minors who have repeated offenses against property or some offenses against persons but who are acceptable for camp; a structured setting and programmed activity provide better treatment for these minors than does psychotherapy.)

**NOTE:** All camp recommendations must be approved by the Out of Home Screening Unit before dictating the court report.

- Division of Juvenile Justice (DJJ)

(For minors who have committed 707 (b) WIC offenses, unless the offense is a sex offense set forth in paragraph (3)(d) of Section 290 PC, and continued placement in the community poses a threat to others.)

**NOTE:** All DJJ recommendations must be approved by the Out of Home Screening Unit before dictating the court report. DPOs need to familiarize



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themselves with JM-1500, Conditions of Probation; JM-1600, Disposition Options; JM-2900, Special Programs; JM-3402, Admission to Mental Health Facilities; and JM-1204, (Status Offenders: 601 WIC) Disposition Alternatives.

**813 CASE CLEARANCES**

Before dictating a court report or reaching a prefiling decision, the DPO meets with the SDPO to secure approval of, or "clear" a case and its recommendation. The clearance may consist of a brief transaction or a discussion focused on a few main issues or a full conference, depending on how complicated, serious or notorious the case might be.

Companion cases coming up for disposition after being investigated by two or more DPOs call for joint clearance whenever possible. At minimum, DPOs share their intended recommendations.

Cases that have generated unusual community interest should be cleared with the Director or, on rare occasion, at a higher level. Infrequently, the Director is involved in a clearance when the SDPO and DPO cannot reconcile their views on a recommendation.

The DPO brings to the clearance all case materials for ready reference. The SDPO (or other clearing authority) checks for consistency with law and policy, challenges departures from usual practice and indicates any needed remedial measures should a crucial flaw in the investigation become evident.

A case is finally cleared when the recommendation is recorded, dated and initialed by the DPO and SDPO on the Worksheet or other designated place in the case documents. At this point the recommendation is the Chief Probation Officer's and is not to be changed in any respect without re-clearance.

**NOTE:** The DPO reveals the recommendation to parent/legal guardians only after SDPO case clearance (sign-off). It is essential to communicate that a recommendation is only that, and the court has total control as to disposition.

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## Appendix A

### **CIRCUMSTANCES IN AGGRAVATION AND MITIGATION**

The circumstances in aggravation and mitigating listed below were developed for use in the evaluation of criminal court cases. DPOs, and particularly those with adult investigation experience, are cautioned not to quote these circumstances as would be done in an adult pre-sentence report.

The purpose of presenting these circumstances in the juvenile manual is simply to assist the DPO in the juvenile function in looking at the offending minor in an analytical way.

#### **Aggravation (Judicial Council Rule 421)**

Facts relating to the crime, including the fact that:

- The crime involved great violence, great bodily harm, threat of great bodily harm, or other acts disclosing a high degree of cruelty, viciousness or callousness.
- The defendant was armed with or used a weapon at the time of the commission of the crime.
- The victim was particularly vulnerable.
- The crime involved multiple victims.
- The defendant induced others to participate in the commission of the crime or occupied a position of leadership or dominance of other participants in its commission.
- The defendant threatened witnesses, unlawfully prevented or dissuaded witnesses from testifying, suborned perjury or in any other way illegally interfered with the judicial process.
- The planning, sophistication or professionalism with which the crime was carried out, or other facts, indicated premeditation.
- The crime involved an attempted or actual taking or damage of great monetary value.
- The crime involved a large quantity of contraband.

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- The defendant took advantage of a position of public trust or confidence to commit the offense.

Facts relating to the defendant, including the fact that:

- He has engaged in a pattern of violent conduct which indicates a serious danger to society.
- The defendant's prior convictions as an adult or adjudications of commission of crimes as a juvenile are numerous or of increasing seriousness.
- The defendant has served prior prison terms.
- The defendant was on probation or paroles when he committed the crime.
- The defendant's prior performance on probation or parole was unsatisfactory.

Circumstances in aggravation added by statute including the fact that:

- A robbery or attempted robbery was committed against a pharmacist, pharmacy employee or other person lawfully possessing controlled substances, for the purpose of obtaining a controlled substance (1170.7PC).
- A robbery or assault with a deadly weapon or by means of force likely to produce great bodily injury was committed against a person while that person was in a church, synagogue or other like designated building (1170.8(a) PC).
- A person convicted of arson (451 PC) or possession or manufacture of combustible or explosive materials (453 PC) intentionally burned or intended to burn a church, synagogue or other like designated building (1170.8(b) PC).
- A person convicted of felony assault or battery did so with the intent to prevent or dissuade a person from assisting in a prosecution (1170.8PC).
- A person used force to prevent or dissuade a witness or victim from giving information or testifying (136.1(f) PC).

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- A person committed a felony or attempted to commit a felony due to the victim's race, color religion, nationality or Country of origin (1170.75 PC).
- A person committed a violation of 288 PC and used obscene or harmful matter to induce, persuade or encourage the minor to engage in a lewd or lascivious act. (1170.71 PC).

### **Mitigation (Judicial Council rule 423)**

Facts relating to the crime, including the fact that:

- The defendant was a passive participant or played a lesser role in the crime.
- The victim was an initiator, willing participant, aggressor or provoke of the incident.
- The crime was committed because of an unusual circumstance, such as great provocation, which is unlikely to recur.
- The defendant participated in the crime under circumstances of coercion or duress, or his conduct was partially excusable for some other reason not amounting to a defense.
- The defendant with no apparent predisposition to do so was induced by others to participate in the crime.
- The defendant exercised caution to avoid harm to persons or damage to property, or the amounts of money or property taken were deliberately small, or no harm was done or threatened against the victim.
- The defendant believed he had a claim or right to the property taken, or for other reasons mistakenly believed his conduct was legal.
- The defendant was motivated by a desire to provide necessities for his family or himself.

Facts relating to the defendant, including the fact that:

- He has no prior record or an insignificant record of criminal conduct considering: the recency and frequency of prior crimes.

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- The defendant was suffering from a mental or physical condition that significantly reduced his culpability for the crime.
- The defendant voluntarily acknowledged wrongdoing prior to arrest or at an early stage of the criminal process.
- The defendant is ineligible for probation and but for that ineligibility would have been granted probation.
- The defendant made restitution to the victim.
- The defendant's prior performance on probation or parole was good.

**NOTE:** The DPO is reminded that these items are not for inclusion in reports but to aid in assessing the minor's role in the offense(s).

**LOS ANGELES COUNTY PROBATION DEPARTMENT**

<b>Subject:</b>  <b>JUVENILE MANUAL</b>  <b>PETITIONS</b>	<b>Section Number:</b> <b>JM-900</b>
	<b>Effective Date:</b> 7/17/2008
	<b>Approved By:</b>  <b>Sharon Harada, Bureau Chief</b>

The purpose of this chapter is to enable the Deputy Probation Officer (DPO) to distinguish the various sources, types and special petitions of juvenile court.

A juvenile court petition requests that the court declare the minor named in the petition a ward of the juvenile court. In 602 WIC petitions, the request is based on allegations of one or more law violations, as set forth in the body of the petition, count by count. A 602 WIC petition is equal to a complaint in criminal court.

Petitions under 602 WIC are filed as a result of requests by law enforcement agencies. The requesting agency may or may not include a request for the minor's detention as part of its request for filing a petition. Accordingly, petition requests are described either as "non-detained" or "detained."

Petitions under 601 WIC are similar in principle to 602 WIC petitions, but the supporting allegations speak to "status offenses," such as truancy or being beyond control of parents or school authorities. Violation of curfew is also a status offense (that is an offense which applies only to minors under the age of 18 years) and requests based on curfew are almost always from law enforcement, while the 601 referrals are from parents or school authorities.

## **901 FILING RESPONSIBILITIES**

Petitions are filed with the County Clerk Juvenile Division Office by the District Attorney or the Probation Officer as indicated below.

The District Attorney (DA) is responsible for filing:

- All 602 WIC petitions.
- 601 truancy petitions.

The Probation Officer is responsible for filing:

- All 601 WIC petitions except truancy cases.

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- 778 WIC to change, modify or set aside any previous order of the court (see JM-910) due to a change in circumstances (may also be filed by any interested party).

## **902 DETAINED PETITION REQUESTS**

These requests are processed as follows:

- 602 WIC petition requests: Law enforcement officers present their written request to detain a minor to the Intake Detention and Control (IDC) DPO while the minor is still in police custody.
- The IDC DPO completes the investigation and if concurring with detention, presents the case to the D.A. for filing. If detention is not approved, the minor is released from police custody and the case is handled on a non-detained basis.

## **903 NON-DETAINED PETITION REQUESTS**

Non-detained petition requests are reviewed by the D.A. to:

- Identify 653.5 WIC cases.
- Identify 652 WIC cases and refer to the Probation Department for consideration of appropriate alternatives.
- Close or divert appropriate cases.
- 601(a) WIC petitions: These petition requests may be filed by DPOs as a result of requests from parents/legal guardians.
- 601(b) WIC petitions: These petition requests may be filed by the D.A., upon referral from the School Attendance Review Board (SARB) once all efforts have been exhausted through the Truancy Mediation Program.

## **904 653.5 WIC REFERRALS**

All referrals must be sent to the D.A. within seven (7) days of receipt by the arresting agency.

653.5 referral criteria include:

- Minors currently active or previously placed on probation.

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- Minors of any age referred for an offense listed under 707(b) WIC (see JM-1400, Appendix A).
- Minors under age 14 referred for an offense that constitutes a second felony referral to the probation officer.
- Minors age 14 through 17 who are referred for felony offenses.
- Sale or possession for sale of a controlled substance.
- Violation of 11350 HS (possession of a controlled substance) or 11377 HS (possession of controlled substances) on school grounds, 245.5 PC (assault with deadly weapon/great bodily injury on school employee), 626.9 PC (firearm on school campus), and 626.10 PC (weapons on school campus).
- Violation of 186.22 PC (anti-gang statute).
- Minors previously supervised under 654 WIC.
- Offenses in which restitution exceeds \$1,000.
- Minors referred for 487(h) PC (grand theft auto) or 10851 VC (temporary taking of vehicle) who are 14 years of age or older at the time of the offense.

**NOTE:** Except for 11350 HS and 11377 HS (when they occur on school grounds) the offenses listed in 1000 P.C. are not processed as 653.5 WIC cases.

### **Companion Cases**

Companion cases not meeting 653.5 WIC criteria are processed the same as other non-detained 652 WIC cases.

#### **Example:**

If three minors ages 15,16 and 17 are referred for burglary (a felony qualifying for 653.5 WIC processing) and none of the minors have prior arrests, only the 16 and 17 year old minors would be referred to the D.A. The 15 year-old would be referred to Probation for a 652 WIC investigation.

## **905 FILING GUIDELINES: 652 INVESTIGATIONS**

The DPO requests that a petition be filed whenever court intervention appears a necessity. That necessity rests on the DPO's conclusion that less restrictive



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dispositions, such as closing the case or placing the minor under informal probation supervision, will not satisfactorily protect the community or adjust the minor's conduct.

The DPO considers the following factors in reaching a conclusion on whether filing is necessary:

- The gravity of the offense. (Especially in connection with the minor's age and maturity; for example, was the assault essentially a schoolboy fight or a gang related incident? Was it a mere prank or quite aggravated? Was any damage negligible? Has minor already made amends to victim? Restitution? Apology? Was controlled substance abuse involved?)
- Minor's conduct in the community, at home and at school. (Has the minor been previously arrested? For similar conduct? Do the parents appear to be fully in control? Does the school report attendance or conduct problems? Are conduct problems connected with delinquent associates?)
- The best interests of the minor in conformity with public safety and protection. (How seriously do the minor and parents take the present situation? What is their attitude toward authority? Does the offense (or something like it) seem likely to be repeated; that is, does the offense seem consistent with other conduct and attitudes? Or does it seem truly "situational," that is, inconsistent with other things known about the minor and explainable largely in terms of unusual circumstances?)
- LARRC assessment. (Are there elevations in specific domains?)
- In active cases, the minor's response to supervision. (Does the offense, no matter how slight, suggest the inadequacy of the present plan? This question would normally be answered in the affirmative unless the circumstances are extremely mitigating)

**906 TRAFFIC COURT CITATIONS**

Referrals for traffic violations are determined by the arresting officer.

Generally, only petition requests alleging violation of 23140 VC (driver under age 21; blood alcohol 0.05% or more), 23152 VC (driving under influence alcohol/drugs), and 23153 VC (driving under influence alcohol/drugs, with bodily injury) are referred to the DPO for investigation.

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The Juvenile Informal and Traffic Court may also refer cases for investigation when minors fail to respond to citations for traffic court hearings. Some of these cases will be for loitering and curfew violations (601 WIC), others may involve citations issued for a variety of 602 WIC activity amounting to infractions or misdemeanors or if the minor is active to probation.

In a few cases, minors may refuse to allow the traffic court to hear the citation and be referred to the Probation Department to determine whether a referral to the District Attorney for the filing of a petition in juvenile court is warranted.

Unless 601 WIC cases involve minors under active supervision in which the DPO plans to file a violation, the focus of the DPO's investigation will be to gain the minor's compliance with traffic court procedures and not file the matter in juvenile court.

All 602 WIC referrals will be evaluated according to case needs.

All referrals from the Informal Juvenile and Traffic Court will be accompanied by an affidavit and contain four copies of all documentation.

All other traffic-related citations are sent to:

**Informal Juvenile and Traffic Court  
Central Processing Unit  
1945 South Hill Street  
Los Angeles, CA 90007**

## **907 DRIVING UNDER THE INFLUENCE (DUI): 23140 VC - 23152 VC**

All driving under the influence referrals involve behavior that has extremely serious consequences for the community. These referrals will normally be referred to the D.A. for filing. Section 654.1 WIC, however, specifies that the DPO may dispose of cases referred under 23140 VC or 23152 VC by either referring the case to the D.A. for petition filing or by placing the minor under informal probation supervision.

If the DPO proceeds under 654 WIC, that section mandates the citation for the violation must be taken before a judge, referee or Informal Juvenile and Traffic hearing officer who adjudicates and disposes of the citation (and reports the results of the hearing to the Department of Motor Vehicles).

The DPO may not simply "refer" the case to the traffic court in placing the minor under 654 WIC supervision. The DPO shall "cause" the hearing officer to hear and dispose of the matter. Should the DPO place the minor under informal supervision, the DPO:

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- Cites the minor to Informal Juvenile and Traffic Court.
- Sends the petition request containing the DUI citation to:

Informal Juvenile and Traffic Court  
Central Processing Unit  
1945 South Hill Street  
Los Angeles, CA 90007

- Attaches a cover letter requesting a copy of the "Disposition and Information Form" ("DIF"), once the disposition is reached.
- If the citation is not sustained by the Juvenile Informal and Traffic Court, closes the case.
- If the Juvenile Informal and Traffic Court hearing officer sends the citation back to probation, refers the matter to the D.A. for filing, including in the D.A. packet copies of the traffic court referral.
- If no written record from the Informal Juvenile and Traffic Court is received within 30 days from the date the citation was sent to court, the DPO shall telephone the court and request a copy of the disposition form and the date the information was sent to the Department of Motor Vehicles.

**NOTE:** The DPO must ensure that any DUI petition request is properly disposed of and results reported to the Department of Motor Vehicles before the case can be closed, allowed to expire or terminate.

## **908 601 WIC NON-DETAINED PETITION REQUESTS**

Facts to support the allegation must be documented in the petition request or a narrative statement and be signed by the parents, school official or the preparer of the affidavit (see JM-1200, Status Offenders: 601 WIC).

The petition will concisely present allegations, separately stated, to support the conclusion that the minor is within the definition of each section and subsection alleged in the petition.

The DPO completes the petition packet and submits the following to the County Clerk's Office:

- Typed and signed "Juvenile Petition - Miscellaneous" (Prob. 202A)
- "JAI Record Clearance" form (Prob. 1238) - one copy

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- Incurability statement, if applicable - three copies, or
- Law enforcement petition request or typed narrative statement - three copies

**Minors Detained in SODA (Status Offenders Detention Alternative):**

- "Detention Report" (Prob. 1017 A, B, C) - original and three copies.

**Minors not detained :**

- "D.A. Non-Detained Petition Request" (Prob. 1120) - original and two copies.
- Typed "Witness List" (Prob. 706) -three copies.

**909 778 WIC PETITIONS**

This petition is a request to change, modify or set aside any previous order of the court or to terminate jurisdiction. It is based upon new evidence or a change of circumstance that could not reasonably be foreseen at the time the original order was made. **It is not a result of any violation.**

Generally, a 778 WIC petition is a request for a less restrictive plan (usually HOP or Suitable Placement), but can also be used to present an alternative to the current plan. The petition shall include pertinent information regarding the minor's current situation and address the most appropriate alternative plan and how the plan will benefit the minor. Factual information and supporting documentation must be presented when filing a 778 petition; do not merely offer conclusions relative to the motion.

The following persons may petition the court:

- A parent.
- Any person having an interest in the minor, including the DPO.
- The minor, through a properly appointed guardian.

Once submitted, the court will review the petition and grant or deny a hearing (note: the Judicial Officer's signature is required on the petition).

**Procedure**

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Parents or other parties seeking such action can request a 778 WIC petition be filed by going to the juvenile county clerk at the court having jurisdiction. Petitioners other than the DPO prepare the document and present it to the county clerk. The court reviews the petition and grants or denies a hearing. The DPO can request a specific court date or let the county clerk calendar the case for cases initiated by the DPO. If a hearing is granted, the court will order the necessary parties subpoenaed.

The report briefly notes pertinent information reflecting the minor's current situation and addresses the most appropriate alternative and how that choice will benefit the minor. The Department opposes 778 WIC requests for petitions presented to the court in opposition to the DPO's plan.

The DPO requests a 778 WIC hearing where unique case needs demand, by submitting a "778 WIC Petition" using the appropriate form:

- Prob 2021: 778 WIC with recommendation other than Suitable Placement
- Prob 2021-8: 778 WIC with Suitable Placement recommendation (age <14)
- Prob 2021-8T: 778 WIC with Suitable Placement recommendation (age 14+)

**Field DPOs Shall:**

- Clear recommendation with the SDPO. (When recommending Suitable Placement, clear recommendation with the Out of Home Screening Unit at Placement Headquarters, according to Departmental policy.)
- Complete/submit a Set-On Slip (Prob. 981, Rev 9/98) to County Clerk and cite (Prob. 14D) minor and parent/guardian to appear in court once confirmation of hearing date is received.
- Completes 778 WIC Petition and address the following issues in narrative form in Section 3:
  - Specific behaviors, problems or a change of circumstance
  - Reasons for request to change, modify or set aside the previous order
  - Necessity for requested court action

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- Goals and purposes for making the recommendation

Complete and attach:

- Witness List (Prob. 706)
- When recommending Suitable Placement:
  1. Foster Care Case Plan
  2. Transitional Independent Living Plan (for minors 14 years of age or older).
  3. Copy of the last complete Pre-Plea/Disposition report and a copy of the Title IV-E Findings minute order (for cases where minor has been previously detained) and attach to the Court Officer's copy of the 778 WIC petition (label the report "Court Officer" in the far upper right corner).
- Submit the 778 WIC petition with all appropriate documentation to court and retain a copy in the PDJ folder.

**Residential Treatment Services Bureau (RTSB) criteria for filing a 778 WIC petition may include, but are not limited to, the following additional reasons;**

- Minors with mental health issues, including the need for psychotropic services and medication.
- Minors with apparent or suspected learning, developmental or behavioral disabilities so severe that special needs may impede success in a camp program.
- Minors with physical or medical disabilities that prevent full participation in camp programs.
- Minors who, due to age (17.5 years or more), will emancipate upon completion of the camp program.

**Minors in camp who meet the above criteria may be referred to the Temporary Assistance for Needy Families (TANF) Post-Dispositional Program for screening by the Public Defender's Office. Fax referrals to (818) 364-2149.**

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Camp DPOs shall:

- Clear recommendation with the SDPO. (When recommending Suitable Placement, clear recommendation with the Out of Home Screening Unit at Placement Headquarters, according to Departmental policy.)
- Complete/submit Set-On Slip to County Clerk.
- Complete 778 WIC petition and address the following issues in narrative form in Section 3:
  - **Specific behaviors, problems or a change in circumstance**
  - **Reasons for request to change, modify or set aside the previous order**
  - **Necessity for requested court action**
  - **Goals and purposes for making the recommendation**

Complete/attach:

- Witness List.
- When recommending Suitable Placement:
  1. Foster Care Case Plan
  2. Transitional Independent Living Plan (for minors 14 years of age or older).
  3. Copy of the last complete Pre-Plea/Disposition report and a copy of the Title IV-E Findings minute order (for cases where minor has been previously detained) and attach to the Court Officer's copy of the 778 WIC petition (label the report "Court Officer" in the far upper right corner).
- Submit the 778 WIC petition with all appropriate documentation to the court and retain in the PDJ folder.

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## Appendix A

### **CIRCUMSTANCES IN AGGRAVATION/MITIGATION**

The circumstances in aggravation/mitigating listed below were developed for use in the evaluation of criminal court cases. DPOs, and particularly those with adult investigation experience, are cautioned not to quote these circumstances as would be done in an adult pre-sentence report.

The purpose of presenting these circumstances in the juvenile manual is simply to assist the DPO in the juvenile function in looking at the offending minor in an analytical way. (For a list of circumstances in aggravation and mitigation see JM-800 Appendix A)

#### **Aggravation (Judicial Council Rule 421)**

Facts relating to the crime, including the fact that:

- The crime involved great violence, great bodily harm, threat of great bodily harm, or other acts disclosing a high degree of cruelty, viciousness or callousness.
- The defendant was armed with or used a weapon at the time of the commission of the crime.
- The victim was particularly vulnerable.
- The crime involved multiple victims.
- The defendant induced others to participate in the commission of the crime or occupied a position of leadership or dominance of other participants in its commission.
- The defendant threatened witnesses, unlawfully prevented or dissuaded witnesses from testifying, suborned perjury or in any other way illegally interfered with the judicial process.
- The planning, sophistication or professionalism with which the crime was carried out, or other facts, indicated premeditation.
- The crime involved an attempted or actual taking or damage of great monetary value.



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- The crime involved a large quantity of contraband.
- The defendant took advantage of a position of public trust or confidence to commit the offense.

Facts relating to the defendant, including the fact that:

- He has engaged in a pattern of violent conduct which indicates a serious danger to society.
- The defendant's prior convictions as an adult or adjudications of commission of crimes as a juvenile are numerous or of increasing seriousness.
- The defendant has served prior prison terms.
- The defendant was on probation or paroles when he committed the crime.
- The defendant's prior performance on probation or parole was unsatisfactory.

Circumstances in aggravation added by statute including the fact that:

- A robbery or attempted robbery was committed against a pharmacist, pharmacy employee or other person lawfully possessing controlled substances, for the purpose of obtaining a controlled substance (1170.7PC).
- A robbery or assault with a deadly weapon or by means of force likely to produce great bodily injury was committed against a person while that person was in a church, synagogue or other like designated building (1170.8(a) PC).
- A person convicted of arson (451 PC) or possession or manufacture of combustible or explosive materials (453 PC) intentionally burned or intended to burn a church, synagogue or other like designated building (1170.8(b) PC).
- A person convicted of felony assault or battery did so with the intent to prevent or dissuade a person from assisting in a prosecution (1170.8PC).

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- A person used force to prevent or dissuade a witness or victim from giving information or testifying (136.1(f) PC).
- A person committed a felony or attempted to commit a felony due to the victim's race, color religion, nationality or Country of origin (1170.75 PC).
- A person committed a violation of 288 PC and used obscene or harmful matter to induce, persuade or encourage the minor to engage in a lewd or lascivious act. (1170.71 PC).

### **Mitigation (Judicial Council rule 423)**

Facts relating to the crime, including the fact that:

- The defendant was a passive participant or played a lesser role in the crime.
- The victim was an initiator, willing participant, aggressor or provoke of the incident.
- The crime was committed because of an unusual circumstance, such as great provocation, which is unlikely to recur.
- The defendant participated in the crime under circumstances of coercion or duress, or his conduct was partially excusable for some other reason not amounting to a defense.
- The defendant with no apparent predisposition to do so was induced by others to participate in the crime.
- The defendant exercised caution to avoid harm to persons or damage to property, or the amounts of money or property taken were deliberately small, or no harm was done or threatened against the victim.
- The defendant believed he had a claim or right to the property taken, or for other reasons mistakenly believed his conduct was legal.
- The defendant was motivated by a desire to provide necessities for his family or himself.

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Facts relating to the defendant, including the fact that:

- He has no prior record or an insignificant record of criminal conduct considering: the recency and frequency of prior crimes.
- The defendant was suffering from a mental or physical condition that significantly reduced his culpability for the crime.
- The defendant voluntarily acknowledged wrongdoing prior to arrest or at an early stage of the criminal process.
- The defendant is ineligible for probation and but for that ineligibility would have been granted probation.
- The defendant made restitution to the victim.
- The defendant's prior performance on probation or parole was good.

NOTE: The DPO is reminded that these items are not for inclusion in reports but to aid in assessing the minor's role in the offense(s).

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<b>Subject:</b>  <b>JUVENILE MANUAL</b>  <b>CALENDARING</b>	<b>Section Number:</b> <b>JM-1000</b>
	<b>Effective Date:</b> 7/17/2008
	<b>Approved By:</b>  <b>Sharon Harada, Bureau Chief</b>

The specific Department of the Superior Court in which a case is calendared is usually determined by the arresting police agency and the venue to which it is assigned, and for the instances listed below, by minor's legal residence, or where minor last appeared for disposition.

### **1001 602 WIC PETITIONS**

The court location is determined as follows:

#### **New Petitions**

By the minor's legal residence or, if the minor has no address, by the location of the arresting police agency.

#### **Companion Cases**

These are coordinated, submitted together, and calendared at the same court location whenever possible (exception, 653.5 WIC).

#### **Camp Escapee/Offenses Committed in Camp**

By the Superior Court department that last heard the minor's case for disposition, or by the location of the arresting agency, if the escape was accompanied by a new offense.

#### **Northeast/Kenyon Juvenile Justice Centers (NEJJC/KJJC)**

By the minor's (or companion's) residence within JJC boundaries. (Refer to JM 2904)

#### **Adult Court Certifications**

By the location of the arresting agency, when a criminal court in the County of Los Angeles County determines that a minor should be transferred to the juvenile court.

#### **Out-of-County Petition Requests**

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By the minor's legal residence or, if the minor has no address, by the location of the arresting police agency.

#### **1000.1 Re-filed Petitions**

By the court, which dismissed without prejudice the previously filed petition(s).

### **1002 601 WIC PETITIONS**

Minors detained in SODA (Status Offenders Detention Alternative) facilities by law enforcement are calendared for detention hearings at Los Padrinos Court.

Non-detained 601 WIC petitions are calendared on the basis of the minor's legal residence.

### **1003 777 WIC REPORTS / 778 WIC PETITIONS**

These reports or petitions are calendared in the department that last heard the minor's case for disposition.

### **1004 DELIVERY AND COURT LOCATIONS**

These reports and petitions are forwarded to the court for calendaring as follows:

Antelope Valley (AVY)  
1040 W. Ave. "J"  
Lancaster, 93534

Long Beach Court (LB)  
415 W. Ocean Blvd.  
Long Beach, 90802

Central/Eastlake Court (LA)  
1601 Eastlake Ave.  
Los Angeles, 90033

Los Padrinos Court (LP)  
7281 E. Quill Dr.  
Downey, 90241

Compton Court (CPT)  
200 W. Compton Blvd.  
Compton, 90220

Northeast Juvenile  
Justice Center (NEJJC)  
1601 Eastlake Ave.  
Los Angeles, 90033

David Kenyon Juvenile  
Justice Center (KJJC)  
7625 S. Central Ave.  
Los Angeles, 90001

Pasadena Court (PAS)  
300 E. Walnut  
Pasadena, 91101

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Inglewood Court (ING)  
110 East Regent St.  
Inglewood, 90301

Pomona Court (PO)  
400 Civic Center Plaza  
Pomona, 91766

Sylmar Court (SYL)  
16350 Filbert Street  
Sylmar, 91342

## 1005 ARRESTING AGENCY COURT VENUE AND JUVENILE HALL LOCATION

### CENTRAL JUVENILE HALL (CJH)

#### Court

PAS	Alhambra PD
PAS	Arcadia PD
ING	Beverly Hills PD
ING	Culver City PD
PAS	Glendale PD
LA	LASD West Hollywood
ING	Hawthorne PD
ING	Hermosa PD
LA	LAPD Hollywood
ING	Inglewood PD
PAS	Monrovia PD
LA	Montebello PD
LA	Monterey Park PD
PAS	Pasadena PD
PAS	S. San Gabriel PD
PAS	San Marino PD

#### Court

PAS	Sierra Madre PD
PAS	South Pasadena PD
PAS	LASD Altadena Div.
NEJJC	LASD E. Los Angeles
PAS	LASD Temple City
LA	LAPD Central
NEJJC	LAPD Hollenbeck
LA	LAPD Newton
NEJJC	LAPD Northeast
LA	LAPD Rampart
CPT	LAPD Southwest
LA	LAPD Wilshire
POM	CHP Baldwin Park
LA	CHP Central
ING	Santa Monica PD

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### LOS PADRINOS JUVENILE HALL (LPJH)

#### Court

POM Azusa PD  
 POM Baldwin Park PD  
 LP Bell-Cudahy PD  
 LP Bell Gardens  
 POM Claremont PD  
 CPT LASD Compton\*  
 POM Covina PD  
 LP Downey PD  
 POM El Monte PD  
 ING El Segundo PD  
 ING Gardena PD  
 POM Glendora PD  
 LP Huntington Park PD  
 POM Irwindale PD  
 POM La Verne PD  
 LB Long Beach PD  
 ING Manhattan Beach PD  
 ING LASD Marina Del Rey  
 LP LASD Maywood PD  
 LB Palos Verdes Est. PD  
 POM Pomona PD

#### Court

ING Redondo Beach PD  
 LB Signal PD  
 LP South Gate PD  
 ING Torrance PD  
 LP Vernon PD  
 POM West Covina PD  
 LP Whittier PD  
 LB LASD Avalon  
 LB LASD Carson  
 KJJC LASD Firestone  
 POM LASD Industry  
 LP LASD Lakewood  
 ING LASD Lennox  
 ING LASD Lomita  
 LP LASD Lynwood  
 LP LASD Norwalk  
 LP LASD Pico Rivera  
 POM LASD San Dimas  
 LB LAPD Harbor  
 KJJC LAPD 77<sup>th</sup> St.  
 KJJC LAPD Southeast

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## **BARRY J. NIDORF JUVENILE HALL (BJNJH)**

### **Court**

SYL	CHP Newhall
PAS	Burbank PD
SF	San Fernando PD
SF	LASD Antelope Valley **
PAS	LASD Crescenta Valley
SYL	LASD Malibu
SYL	LASD Santa Clarita Valley
SYL	LAPD Devonshire
SYL	LAPD Foothill
SYL	LAPD Mission Hills
SYL	LAPD N. Hollywood
SYL	LAPD Van Nuys
ING	LAPD West LA
SYL	LAPD West Valley
ING	LAPD Pacific

\* Detention hearings at Los Padrinos, all other hearings at Compton.

\*\* Detention hearings at Sylmar, all other hearings at Antelope Valley.



## LOS ANGELES COUNTY PROBATION DEPARTMENT

<b>Subject:</b>  <b>JUVENILE MANUAL</b>  <b>654 WIC SUPERVISION</b>	<b>Section Number:</b> <b>JM-1100</b>
	<b>Effective Date:</b> 7/17/2008
	<b>Approved By:</b>  <b>Sharon Harada, Bureau Chief</b>

Section 654 WIC authorizes a maximum six-month probation supervision program for minors as an alternative to closing the case or filing (601 WIC), or requesting the filing (602 WIC) of a petition.

As one of the options available to the Deputy Probation Officer (DPO) after investigation of a petition referral (see JM-800, Investigations), 654 supervision has the advantage of allowing the DPO to delineate specific programs of supervision that may adjust the situation which brings the minor within the jurisdiction of the court, without declaring the minor a ward of the court or exhausting other more restrictive remedies.

Section 654.2 WIC empowers the court to suspend further hearing of a petition and to order probation supervision without adjudication or declaration of wardship. By curtailing the court process, it has most of the advantages of 654 WIC.

### **1101 EXCLUSIONS: 654.3 WIC**

Both types of informal supervision are prohibited under 654.3 WIC when the minor:

- Violated an offense listed in 707(b) WIC.
- Sold or possessed for sale a controlled substance.
- Is alleged to have committed a felony offense and is 14 years of age or older.
- Violated 11350 HS or 11377 HS on a school campus, 245.5 PC (assault with a deadly weapon/great bodily injury on school employee), 626.9 PC (firearm on school campus), or 626.10 PC (weapons on school campus).
- Violated 186.22 PC (anti-gang statute), or
- Was previously supervised under 654 WIC, or

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- Was previously a court ward under 602 WIC.
- Committed an offense where restitution exceeds \$1,000.

However, the court may find any of such cases to be "unusual" and may order 654 or 654.2 WIC supervision, if the interests of justice would best be served and the reasons for such action are entered into the record.

## **1102 LEGAL REQUIREMENTS**

- Supervision for 6 months.
- The probable basis for a petition which may be filed at any time within the 6 month period or up to 90 days thereafter.
- The DPO shall immediately file a petition or request the District Attorney (D.A.) to file a petition if the minor is not involved in specified programs within 60 days, unless proceeding with 654 WIC supervision is consistent with protection of the community and the minor's best interests.
- The minor's participation in care and treatment for the abuse of or addiction to controlled substances, if so instructed by the DPO or if required by 654.4 WIC (see JM-1106).
- A follow-up report at the termination of supervision to summarize the measures taken and results achieved. (The follow up report is recorded as a case note entry in the automated system.)

## **1103 SUITABILITY CRITERIA**

- The DPO shall apply the following criteria in determining 654 WIC suitability:
- Whether problems in the home, school, or community show a supervision program is desirable. (This would include minors without lengthy arrest records.)
- Whether the minor and parents seem able to resolve the problem with the aid of the DPO, without court intervention.
- Whether the situation requires further evaluation by the DPO before a decision can be reached.

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- Whether the attitude of the minor and the parents is relatively positive.
- Whether the minor seems responsive to guidance. (Younger, less sophisticated minors, even if marginally qualified for informal supervision, are usually better candidates than older, more mature minors.)
- Whether there is a long history of prior dependency or delinquency. (Minors who have lengthy records are generally poor candidates.)
- Whether the recommendation, if any, of the referring party or agency would favor informal supervision. (This does not mean the DPO must reach agreement with the agency.)
- Whether any affected person is opposed to informal supervision. (Usually, such persons are victims. In some status offender cases, interested parties other than the referring party or agency must be considered. This is not a controlling consideration.)
- Whether there are other circumstances indicating informal supervision would or would not be consistent with the protection of the public and the welfare and safety of the minor.

**1104 INVESTIGATION PROCEDURES: NON-COURT CASES**

The DPO explains the substance of informal supervision to the parents and minor, including that it is undertaken in lieu of filing a petition. The DPO also ascertains the minor's response to the allegations in the referral.

The minor's choice to remain silent does not in itself preclude a 654 WIC disposition.

If the minor denies the allegations and is unwilling to acknowledge any facts which would support any petition, the DPO files (601 WIC) or forwards the referral to the D.A. for filing consideration (602 WIC).

**NOTE:** If the minor's refusal to cooperate tends to rule out informal supervision, the DPO may consult the Public Defender's Office to see if advice of defense counsel would be in the minor's best interest and might be arranged.

The DPO explains to the parents and the minor the "654 WIC Supervision Contract" (Prob. 1239). The DPO only adds conditions necessary and pertinent to the minor and parent's situation.

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The DPO:

- Interviews the minor and the parents to obtain required data for the "Worksheet" (Prob. 1423).
- Evaluates the case facts to determine recommendation.
- Clears the recommendation (informal supervision, file petition, close case, divert case) and obtains the SDPO's signature on the worksheet.
- Completes, signs and has the parents and the minor sign the "654 WIC Supervision Contract" (Prob. 1239), if informal supervision is the chosen plan.
- Refers the family to a community-based counseling agency, (mandatory.)
- Mails the "Verification Letter Regarding Services and Supervision" (Prob. 1240) to the community agency so that they may verify the minor's enrollment in their program.
- Makes a case note entry regarding the decision in the automated system.
- Gives the case to the SDPO for transfer to the appropriate supervision unit.
- Instructs minor not to appear in court on the citation date

**NOTE:** The "Worksheet" serves as the probation report in informal supervision cases.

If violation of the 654 WIC contract (Prob. 1239) shows filing is necessary, the supervision DPO prepares the D.A. packet (see JM-813-3).

The case expires in 6 months if the terms of the agreement are met.

#### **654.1 WIC - Driving Under the Influence**

For violations of 23140 VC or 23152 VC, the DPO, instead of requesting the D.A. to file a petition, may precede under 654 WIC. However, as a condition of informal supervision, the DPO must "cause" the traffic citation to be heard and disposed of by a judge, referee or traffic hearing officer (see JM-907).

The DPO is not precluded from requesting the D.A. to file a petition to declare a

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minor a 602 WIC ward for violation of 23140 VC or 23152 VC.

## **1105 COURT ORDERED SUPERVISION: 654.2 WIC**

If the D.A. files a 602 WIC petition, the court may, without adjudging the minor a ward of the court and with the consent of the minor and parents, continue the hearing for 6 months and order the minor to participate in a program of supervision under 654 WIC. Parents must participate with the minor in counseling or education programs, including parenting programs.

In these cases, the minor is assigned to a supervision caseload the same as any other supervision case (see JM-3000, Supervision). If the minor is involved in subsequent arrests, the violation process is the same as for other supervision cases.

The DPO:

- Determines whether a filing is indicated.
- If the decision is to file, refers the initial and any subsequent petition request to the D.A.
- If the decision is not to file, prepares "Notice of Potential Violation" (Prob. 1111 see JM-3301-2) or reports the matter on the next progress report date using a Progress/Annual review report (Prob. 1245).

**NOTE:** All violation matters must be reported to the court before the case is dismissed.

The DPO shall submit a follow-up report to the court 15 days before the close of supervision, describing the minor's participation in the program, using Prob. 1245.

The court will order the minor and parents to appear in court at the conclusion of the six-month period. If the minor successfully completes the program, the petition will be dismissed. If the minor does not successfully complete the program, the hearing on the petition will proceed.

At the end of the six-month supervision period, if the court dismisses the petition, the case is removed from the supervision DPO's caseload and sent to the Closed Files Section.

**NOTE:** The case may be continued twice for three additional months. (Maximum

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supervision – 1 year.) If the 654.2 WIC supervision is not successful, the DPO should refer the matter to the D.A. for adjudication.

#### **1106 SPECIAL CONDITIONS: 654.4 WIC**

Any minor placed in a program of supervision under 654 WIC or 654.2 WIC, must participate in and successfully complete an alcohol or drug education program for any of the following offenses:

- Unlawful possession, use, sale or other furnishing of a controlled substance.
- 647(f) PC (under influence alcohol/drug).
- 23140 VC (under age 21 driving with 0.05% alcohol).
- 23152 VC (driving under influence alcohol/drug).

The supervision DPO will ensure that any necessary referrals are made.

#### **1107 CLOSING**

A 654 WIC supervision case may be considered for closing when the 654 WIC contract has been fulfilled, the problem as originally defined has been satisfactorily adjusted and the minor no longer comes or is about to come within the meanings of 601 WIC or 602 WIC.

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<b>Subject:</b>  <b>JUVENILE MANUAL</b>  <b>STATUS OFFENDERS 601 WIC</b>	<b>Section Number:</b> <b>JM-1200</b>
	<b>Effective Date:</b> 7/17/2008
	<b>Approved By:</b>
	<b>Sharon Harada, Bureau Chief</b>

Although the investigations and reports that arise out of status offender cases have much in common with investigations and reports in delinquency cases, it is important for the Deputy Probation Officer (DPO) to understand the distinctions between these two types of cases.

This chapter focuses entirely on different types of 601 WIC cases and guides the DPO through investigation and supervision procedures that are unique to them.

## **1201 TYPES OF STATUS OFFENDERS**

601(a) WIC:

- Minors who persistently or habitually refuse to obey the reasonable and proper order of parents.
- Minors beyond the control of parents.
- Curfew violators.

601(b) WIC:

- Habitual truants or those who refuse to obey the reasonable and proper order of school authorities.

## **1202 LEGAL RESTRICTIONS**

601 WIC minors may not be:

- Placed in secure detention with 602 WIC minors.
- Declared 602 WIC wards without violating a law or ordinance as described in Section 602 WIC.
- Committed to camp, Dorothy Kirby Center, or to the Division of Juvenile Justice (DJJ).
- Removed, except during school hours, from parental custody if wardship is declared because of habitual truancy (unless removal is ordered pursuant to a finding of contempt by the court).

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## 1203 INTAKE

Referral sources include: law enforcement, parents, School Attendance Review Boards (SARB), the District Attorney's Truancy Mediation Program.

### 1203.1 601(a) WIC Cases

All 601(a) WIC cases are referred to the appropriate area office servicing minor's zip code.

Cases are processed as follows:

**New Cases:** The DPO completes the assessment and utilizes the information to resolve the matter by referring parents or guardians to community agencies such as family service programs. If such referrals are deemed ineffective, then the DPO may proceed by obtaining a PDJ number and folder and placing minor on informal probation under the provisions of Section 654 WIC.

If parents or guardians insist on further action and the legal basis for a 601(a) WIC petition exists, the DPO fills out an "Application for Probation Investigation" (Prob. 1369) (usually called an incorrigibility or "I" statement).

The "I" statement is signed by the parents and documents the parents' complaints about the minor's behavior. It is then assigned for a non-detained 652 WIC investigation.

If the minor is detained and the detention deadline cannot be met, the DPO may authorize detention in a Status Offender Detention Alternative (SODA) facility.

If the parents are unavailable, SODA DPO will obtain the "I" statement from the parents. If a petition is filed by SODA DPO and sustained in court, the detained case is referred to the appropriate area office for the disposition report.

**Active Cases:** All referrals on active cases are forwarded to the DPO of Record. An active 601 WIC case may be referred to SODA, if necessary, with concurrence of the DPO of Record.

An active 602 WIC case may not be referred to SODA, regardless of allegations. A referral to the Placement Alternative to Detention (PAD) program may be appropriate (see JM-2703).



**STATUS OFFENDERS 601 WIC****1203.2 601(b) WIC Cases**

If referrals alleging minors are beyond the control of the school authority are made by the local SARB to the area office investigation SDPO, a 652 investigation is conducted.

A 652 WIC investigation is conducted to determine if the referral can be closed without probation supervision, whether informal probation will adjust the situation, or whether a petition should be filed.

All cases alleging truancy are referred by SARB directly to the District Attorney (D.A.).

**1204 DISPOSITION ALTERNATIVES**

The cooperation of 601 WIC minors and parents is essential, as limited sanctions exist for non-compliance. It is often necessary to close out status offender cases without a satisfactory resolution due to lack of cooperation by the minor and/or parents.

**Close or Divert**

- If the allegation does not warrant probation or court intervention.
- If the required legal elements are not present.

**654 WIC Supervision (informal non-court probation)**

When limited supervision is required and the current allegation and arrest history are minimal, the minor may be placed on informal probation (see JM-1100, 654 WIC Supervision).

**File a Petition**

The DPO should attempt to avert petition filing in 601 WIC matters. If wardship is declared, the only available dispositions are Home on Probation (HOP) and Suitable Placement (S/P) in an open setting. For minors referred for truancy or refusal to obey school authorities, HOP is the sole available disposition.

Appropriate services may include Family Preservation with structured schooling through day treatment.

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A petition may be filed if:

- Informal probation is unsuccessful.
- Suitable Placement is necessary and financial aid for the minor is required (601(a) WIC cases only).
- The minor and parents need a court order to participate in counseling.

SARB or D.A. Truancy Mediation Program referrals are filed by the D.A. unless the problems are adjusted by other means.

## **1205 SCHOOL ATTENDANCE REVIEW BOARD (SARB)**

SARB was established by state law to assist minors presenting behavior or attendance problems in the public schools.

There is one countywide SARB and numerous local school district SARBs. Representatives from the Department of Children and Family Services (DCFS), law enforcement, probation, school personnel, district attorney, community members and parents sit on the boards.

SARBs function as quasi-judicial panels before which minors and parents are summoned to appear. The panel attempts to adjust the situation contributing to the truancy or behavior problems, often arranging for counseling, transportation or medical services.

When SARBs cannot resolve the problems, minors sent to SARB for truancy matters are referred to the D.A. Minors sent to SARB for behavioral problems may be referred to the area office Investigation SDPO who will assign the case for 652 WIC investigation.

### **1205.1 Referral to Probation: 601(b) WIC Behavioral Problems**

The application (or petition request) must be in the form of an affidavit.

The application must:

- Allege that the minor comes within the provisions of 601 WIC.
- Be specific in terms of misbehavior.

The DPO should carefully evaluate all 601(b) WIC behavioral referrals to determine if the matter should have been referred to law

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enforcement for 602 WIC investigation. For example, a battery on a student or teacher should be referred to law enforcement.

The SARB referral includes the following:

- Minor's name, address, and phone number.
- Minor's physical description.
- The parents' names, addresses and phone numbers.
- A narrative statement that documents the steps taken to correct the behavior, also noting any problems the minor is presenting.
- A witness list, specifically noting who will testify to each allegation contained in the petition.

## **1205.2 Probation Alternatives**

The case is assigned to an investigating DPO who interviews the minor and parents, completes the assessment, and can:

- Close the case if it is determined that probation intervention is not required.
- Place the minor on 654 WIC Supervision to monitor school performance.
- File a 601 WIC petition if court action is necessary to correct the minor's behavior.

## **1205.3 Petition Request Procedures**

The SDPO approves and signs the "Worksheet" (Prob. 1423).

The DPO prepares a packet containing:

- The SARB petition request – three copies.
- The "Juvenile Petition – Miscellaneous" (Prob. 202A) packet.
- "Witness List" (Prob 706) – three copies.
- "D.A. Non-Detained Petition Request" (Prob. 1120) – three copies.

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- JAI printout – one copy

The packet is submitted to the county clerk who notifies the minor, parents and DPO of the court date and location.

**NOTE:** Some court venues have shown a reluctance to have 601 WIC cases filed. The DPO should contact the court officer at the appropriate court for filing information and/or assistance.

The field DPO is to be present in court on the hearing date to present the case. If the petition is sustained and the minor placed home on probation the case is assigned to a supervision DPO.

## **1206 TRUANCY PETITION REQUESTS**

The D.A. initially reviews all 601 WIC truancy referrals from SARB and determines what type of action is required in regards to the minor and/or parents.

### **District Attorney Truancy Mediation Program**

This program diverts cases from the juvenile justice system before the minor comes into contact with the court. Attempts are made to return the minor to regular school attendance.

In some cases parents may be prosecuted under Education Code 48267 for their willful failure to ensure school attendance by their children. If these approaches are unsuccessful, the D.A. will prepare a 601 WIC truancy petition.

### **Petition Requests from the District Attorney**

The D.A. completes the petition packet. The petition will be signed by the court officer where the case is filed. A copy of the petition, the SARB packet, and a cover letter “Truancy Petition Request” is sent to the appropriate probation office where it is held until the petition is sustained or dismissed.

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	<b>Effective Date:</b> 7/17/2008
	<b>Approved By:</b>  Sharon Harada, Bureau Chief

## TERMINOLOGY AND BACKGROUND

Section **280 WIC** requires the probation officer to prepare a “social study” for the juvenile court. This study, incorporated in the disposition/pre-plea report, should include all significant information necessary for the court to make a proper disposition.

The court report is composed of “modular” sections (requiring checking off boxes and/or filling in designated areas with short statements) or “narrative” sections concisely dictated by the Deputy Probation Officer (DPO). It follows the headings shown below and concludes with a recommendation.

The Probation Report and Foster Care Case Plan address the various required elements. Tables and checkboxes simplify report preparation and organize information in a logical sequence that ensures all elements are covered in each report. **Three documents** are included in the disposition/pre-plea report packet:

- 1. Court Report**
- 2. Foster Care Case Plan (FCCP)**
- 3. Transitional Independent Living Plan (TILP)**

## 1301 COURT REPORT

### 1301.1 FACE SHEET:

When completing the Face Sheet the DPO makes note of the following important fields:

- Social Security Number (SSN) is important for identification purposes.
- School information is required by law (Section 706.6 WIC) in probation reports.
- Department of Children and Family Services (DCFS) Case Number and the DCFS Juvenile Automated Index Number

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(JAIN) are included for active DCFS cases. A review of dependency records and any information found regarding prior petitions is required by law (Section 635 WIC). (Note: the DCFS JAIN is not the same as the Probation JAIN.)

- **Date “Detained” and “Calendar (Cal.) Days Detained (Det.)”** are particularly important. The date detained is used to determine when additional reports are due and is critical for Suitable Placement cases.
- **Ethnicity** – To comply with the **Indian Child Welfare Act (ICWA, 1978), Section 727.4 WIC, MPP 31-515** for cases involving Foster Care placements, termination of parental rights and adoptive placements, **DPOs shall ask each minor if he/she has Indian heritage and if so, ask to identify their tribe and reservation.** Include information under ethnicity on the **Facesheet** and additional information (Tribe, Reservation, etc.) under **Residence Status/Additional Information**. ICWA defines an Indian child as an unmarried minor that is either a member of a federally recognized tribe or eligible for membership and biological child of a member of a federally recognized tribe. Each tribe determines membership based on laws of the tribe. There is no standard blood quantum or relationship requirement.
- **Mental Health (detained cases)** – For **detained cases**, DPOs shall review the minor’s Juvenile Hall behavioral chart and document the following information under the **“Interested Parties”** section (If DPO utilizes videoconferencing, contact Juvenile Hall Unit staff to obtain information):
  - **“LA County Probation Department Detention Services Bureau” form:** information regarding whether minor is taking or has been prescribed psychotropic medication and record the name of medication if available, contacts with Department of Mental Health staff, dates of contacts, current assessment, behaviors of concern and activity recommended. Additionally, document psychotropic medication information under Health Information/Sub-Section D-Special health or medical needs/Specific Medications Section.

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Note: Department of Mental Health (DMH) staff may contact DPO of Record to obtain the DPO's recommendation. It is appropriate to share this information with DMH staff.

**NOTE:** The DPO shall thoroughly complete all fields in the face sheet.

**1301.2    REASON FOR HEARING:**

The DPO shall check the appropriate box for the type of report.

**1301.3    PRESENT OFFENSE:**

Information Source: DPO shall check the appropriate box(es).

**Companions:** DPO shall indicate both juvenile and adult companions by full name, allegations, court number, JAIN and disposition. If companions await disposition, indicate DPO's recommendation (e.g. pending Home on Probation (HOP) recommendation).

**1301.4    ELEMENTS AND CIRCUMSTANCES OF THE OFFENSE:**

The probation officer's report is usually the only report read by the judicial officer that describes the offense. It is essential that the report **clearly indicates minor's role** in the offense. The facts of the offense are organized in two paragraphs, "elements" and "circumstances," presented sequentially.

**Do not begin this section by describing law enforcement activity**, for example, "police received a radio call..." This section highlights the minor's activity and behavior and **not** the activity of the law enforcement officer.

**Elements** of an offense are the **legally defined acts or omissions that constitute the offense**. The DPO shall concisely state what the minor did to commit the offense **without** using the offense code name. For example, if the offense is 211 P.C. (Robbery): The elements of Robbery are taking personal property from another by means of force or fear.

Do **not** write "Minor committed a robbery (offense code name) using a 12-inch knife to take victim Coffey's purse." Instead, write, "minor used a 12-inch knife to force victim Coffey to surrender her purse."

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The correct presentation focuses on the **person**, **place**, or **thing** that was the object of the minor's actions and highlights the legal elements of the robbery.

**Circumstances** are facts that further explain the “**how**” and “**why**” of the offense, and may mitigate or aggravate the minor's conduct. Circumstances are recounted in chronological order.

**Examples of Elements and Circumstances of the Offense:**

- I. One petition with multiple counts resulting from the same incident. Separate the presentation of the elements by count number.

**Elements**

CT. 1 - 211 P.C./12022 P.C. (Robbery/Armed): On Saturday, February 24, 1996, at the Graves Shopping Center parking lot at about 3:00 in the afternoon, minor used a 12-inch knife to force Jill Coffey to surrender her purse.

CT. 2 - 211 P.C./12020 P.C. (Robbery/Armed): At the same time, minor forced Jack Coffey to surrender his wallet.

CT. 3 - 487.3 P.C./10851 V.C. (GTA/DWOC): Minor also took the 1988 Ford automobile belonging to Jack and Jill Coffey.

**Circumstances**

Minor and companion Williams drove to the Graves Shopping Center and parked in a space next to the victims' car. As the Coffey's entered their car, minor exited his vehicle, approached the driver side door and prevented Jill Coffey from closing it.

Minor displayed his knife, ordered Jill Coffey to place her purse on the floor and give him the car keys.

Minor then ordered Jack Coffey to put his wallet on the floor and ordered both of them to get out of the car. Minor drove off in the victims' car, followed by companion Williams in minor's car. Minor was arrested later that day while driving the Coffey's' car.

- II. One petition with multiple counts resulting from separate incidents occurring on the same day.



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CT. 1 - 211 P.C. (Robbery): On Saturday, February 11, 1995, at approximately 7:50 in the evening, minor forcefully took Mary Charles' purse while she was at the bus stop.

CT. 2 - 10851 V.C. (DWOC): On the above date at 11:00 in the evening, minor was arrested while driving a 1985 Nissan belonging to Jack McMahon.

**Circumstances**

In the above date and time while Mrs. Charles was standing at the bus stop, minor ran towards her and snatched her purse. As he struggled to pull the purse from her shoulder, Mary Charles fell to the sidewalk. As she released her grip, minor took the purse and ran away.

Minor was pulled over for failing to stop for a stop sign. Officers determined that the car had been stolen from victim McMahon earlier that day. Victim Charles' purse was found in the car.

- III. One petition with multiple counts of the same offenses (crime spree) occurring on different dates.

**Elements**

CT. 1 - 211 P.C./12020 P.C. (Robbery/Armed): On Sunday, October 31, 1995, at approximately 10:30 in the morning, minor armed with a pistol and companion armed with a butcher knife took \$5,000 from a J.C. Penney store.

CT. 2 - 209 P.C. (Kidnap for Robbery): On the above date and time, after taking the money, minor and companion forced William Marsh, George King and three other store employees into a storage room.

**Circumstances**

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Minor and companion entered the J.C. Penney store at Del Amo Mall wearing ski masks. They approached victims Marsh and King and threatened to shoot if they did not cooperate. Minor and companion forced the victims into the cashier's cage, where they took the money. Minor and companion forced Marsh, King and the other employees into a downstairs storage room, locked the door and ran from the store.

**Elements**

CT. 3 - 211 P. C./12020 P.C. (Robbery/Armed): On November 5, 1995 at approximately 9:35 in the morning, the minor used a gun to take \$7,861 from the safe of a J.C. Penney store in Long Beach, California.

CT. 4 - 209 P. C. (Kidnap for Robbery): On the above date and time, minor forced victim Jerry Miller to accompany him from the employee's lounge to the safe and back to the lounge.

**Circumstances**

Minor and his companion entered the store through a rear service entrance. They went to the employee lounge, minor displayed his gun and ordered all employees to the floor. Minor ordered employee, Jerry Miller, to accompany him to the money cage. Once inside the money cage, minor ordered Miller to open the safe. After minor took the money, he forced victim Miller back to the lounge. Minor and companion left the store via the rear entrance and drove away. The police were called, but were unsuccessful in their attempts to apprehend minor or his companion.

**Elements**

CT. 5 - 211 P.C./12020 P.C. (Robbery/Armed): On January 28, 1996 at approximately 9:55 in the morning, minor and a companion armed with handguns entered the Robinson-May department store in Redondo Beach, California and forced employee Janice Smith to give them approximately \$10,333.

CT. 6 - 209 P.C. (Kidnap for Robbery): On the above date and time, after they took the money, minor and companion forced victim Janice Smith and two other employees to a second floor storage room and ordered them to lay face down on the floor.

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Minor and companion posed as security men and entered the store through a side entrance. Once inside, they went to the third floor where the vault was located. They drew their weapons and forced victim Janice Smith to open the vault from which they took approximately \$10,333. They forced victim Smith and two other employees, who were standing nearby, into the storage room. After ordering them to lie down and not move for ten minutes, minor and companion fled through a back door and drove off. Redondo Beach police officers apprehended them a few blocks away.

- IV. One petition with a single count. Omit number and code section. Combine elements and circumstances in one paragraph.

On Tuesday, February 20, 1996, at 1:15 in the morning, minor entered the unoccupied residence of David and Mary Smith using a crowbar to pry open the rear bedroom window. He took a compact disc player, several compact discs and a television. The noise of barking dogs attracted the attention of neighbors. They saw minor leave the Smith residence carrying a television set to his own home across the street. The police were called and minor was arrested within the hour. The television, compact disc player and compact discs were recovered from minor's bedroom closet.

- V. Multiple petitions filed on the same date.  
Label petitions only as the court has labeled them.

**Elements****Petition A**

484 P.C. (Petty Theft): On Saturday, March 16, 1996 at approximately 11:30 in the evening, minor took a six-pack of beer from a 7-11 Market.

**Circumstances**

Minor and companion Macias entered the 7-11 Market near minor's home. While the companion engaged the store clerk in conversation, minor took a six-pack of beer from a cooler. He left the store without paying for the beer, while his companion continued to talk to the clerk. Minor was arrested when police saw him walking down the street carrying beer.

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### **Elements**

#### **Petition B**

CT. 1 -242/243 P.C. (Battery): On the afternoon of March 17, 1996, minor struck victim Jose Lopez with a baseball bat.

CT. 2 - 594 P.C. (Vandalism): Minor also used the bat to break the rear window of victim's car.

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After minor and victim Lopez, a neighbor, had an argument, minor went into his house and came out with a baseball bat. Minor swung the bat at the victim, grazing him on his left leg. Minor attempted to hit victim Lopez again but the victim ran. Minor then went to victim's car and used the bat to break the rear window.

**1301.5 RESTITUTION INFORMATION:****DPO shall:**

- **Sources of Information:** Check appropriate boxes. "Other" is provided for instances where the source of information is unanticipated.
- **Restitution Summary:** Enter total number of victims and estimated total loss to **all** victims (combined). This information is provided in the police report.
- **Additional Information:** Explain unusual circumstances or additional information. For example: "There were several victims injured and it is not possible to get final costs on medical expenses at this time."

**1301.6 VICTIM INFORMATION (1):**

- In the box to the right, fill in the date victim's statement was taken. Indicate **either** "In Person" **or** "By Phone" and the "Location" where the statement is taken. Check **either** "Written Victim's Statement" **or** "No Written Victim's Statement." Note: If "By Phone" is checked then the "Location" is "N/A".
- **DPOs are required by law (Section 656.2 WIC) to inform each victim of his/her right to make a written statement and have it included with the probation report.** The DPO shall inform the victim of this right and check the box that applies.
- Fill in the **Name** and **Sustained Allegation(s)** that apply to this victim.
- **Injury/Loss:** Briefly summarize the nature of the loss or injury.

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- **Additional Information:** Include any unusual circumstances or additional information.
- **Note:** The DPO is **not** to inquire about insurance coverage or payment (**Section 1202.4(f)(2) PC**). **Insurance** coverage and/or payments are **not to be considered in determining the amount of restitution.**

**Victim's Statement (1):**

**Under law (Section 656.2 WIC), victims have the right to submit an "Impact Statement".** This statement can be summarized in the report, however, the written statement shall be attached.

DPO shall obtain the following victim information:

- Victim's version of offense, minor's role, and any feelings about minor.
- Was there a prior relationship between victim and minor?
- Age, height, weight and physical condition of victim compared to minor (for cases where the victim is physically assaulted).
- Description of injury and/or property loss (type, estimated loss, etc.).
- Does victim seek restitution?
- Has minor already made any restitution?
- Victim's view of an appropriate disposition.

**VICTIM INFORMATION (2):**

This section is for the second of multiple victims, if applicable. If there is a third or fourth victim, etc., continue to dictate by stating, "VICTIM INFORMATION (3), VICTIM INFORMATION (4), etc.

**1301.7 DEPENDENCY HISTORY:**

This section is required pursuant to 635 WIC reports.

DPO shall:

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- Check the appropriate boxes to indicate sources of information. Always ask parent/guardian and minor if there are any prior or current abuse issues. Additionally, DPOs are required to review JAI and ProbLite records for 300 WIC information.
- Check the appropriate box for prior 300 WIC referrals. One box must be checked.
- If there is a record, fill in the appropriate information: DCFS Case #, DCFS JAIN (different from Probation JAIN), Open or Closed check box, Case Worker (name), Office and Phone.

**Summary of circumstances and actions:** DPO shall summarize the circumstances and the DCFS action(s) taken. The DPO shall note any open/active cases or past removals from the home. If there is **no record**, leave the rest of the box blank.

If parent/guardian or minor states that there is current abuse, the DPO (as a mandated reporter) **is required by law to report any suspected child abuse. Failure by a peace officer to report child abuse is a criminal violation. The DPO shall** immediately contact the appropriate agency (Child Abuse Hotline and/or Law Enforcement) and follow up by submitting a written "Suspected Child Abuse Report" to that agency within **36 hours** of the initial report. If there are questions on this procedure, see Juvenile Manual Section 300.

**1301.8 DELINQUENCY HISTORY (Prior Record):**

DPO shall list all arrests or contacts with law enforcement agencies in chronological order. DPO shall not include the present offense unless there is a subsequent arrest pending in court.

A parenthetical statement, which briefly describes the offense, is taken from the referral documents, if available. DPO shall note if a referral document is not available. DPO shall also include minor's version of the offense in a parenthetical statement.

For subsequent investigations, the DPO shall update the Delinquency History Section.

**Examples – Prior Record**

**Example I - Counseled and Released. No arrest report available.**

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**Age 7**      06/13/87 - Torr. PD - 451(d) P.C. (Arson on Property) -  
Counseled and Released.

(No arrest report available.)

(Minor stated he and his friends were playing with matches. He denied purposely setting fire to the vacant house.)

**Example II - Probation closed.**

**Age 12**      09/15/91 - Torr. PD - 594(a)(1)P.C. (Vandalism) - Pet.  
Req. - Closed by Probation 11/14/91.

(Minor spray painted on his neighbor's garage door.)

(Minor stated writing his name on his neighbor's door and his parents paid to have the door repainted.)

**Example III - 654 WIC (Non-court).**

**654 WIC successfully completed.**

**Age 13**      12/26/92 - Torr. PD - 488 P.C. (Petty Theft) - Pet. Req. -  
654 WIC supervision opened 02/07/93 - Expired 08/06/93.

(Minor hid a sweater under his jacket and left the store.)

(Minor said he stole the sweater because his friends dared him to take it.)

**654 WIC contract violation - petition filed.**

**Age 13**      12/26/92 - Torr. PD - 488 P.C. (Petty Theft) - Pet. Req. -  
654 WIC supervision opened  
02/07/93 - Pet. Filed 07/09/93 - Pet. Sus. 08/24/93 - HOP  
ordered 08/24/93 Dept. 241.

(Minor hid a sweater under his jacket and left the store.)

(Minor said he stole the sweater because his friends dared him to take it.)



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**Example IV - 654.2 WIC (Court ordered).**

**654.2 WIC successfully completed.**

**Age 13** 12/26/92 - Torr. PD - 488 P.C. (Petty Theft) - Pet. Req. -  
Pet. Filed 02/18/93 - 654.2 WIC ordered 05/23/93 Dept.  
241 - Petition Dism. 11/22/93.  
(Minor hid a sweater under his jacket and left the store.)

(Minor said he stole the sweater because his friends  
dared him to take it.)

**654.2 WIC violation - proceedings reinstated.**

**Age 13** 12/26/92 - Torr. PD - 488 P.C. (Petty Theft) - Pet. Req. -  
Pet. Filed  
02/18/93 - 654.2 WIC ordered 05/23/93 Dept. 241 -  
Proceedings Reinstated  
08/17/93 - Pet. Sus. 09/15/93 - HOP ordered 09/15/93  
Dept. 241.  
(Minor hid a sweater under his jacket and left the store.)

(Minor said he stole the sweater because his friends  
dared him to take it.)

**Example V - 725(a) WIC.**

**725(a) WIC successfully completed.**

**Age 14** 08/06/93 - LAPD/Harbor - 459 P.C. (Burglary) - Pet. Req. -  
Pet. Filed  
09/23/93 - Pet. Sus. 11/20/93 - 725(a) WIC ordered  
11/20/93 Dept. 246 - Juris. Term. 05/19/94.  
(Minor stole a bicycle from his neighbor's garage.)

(Minor admitted he broke into the neighbor's garage and  
took the bicycle.)

**725(a) WIC violation.**

**Age 14** 08/06/93 - LAPD/Harbor - 459 P.C. (Burglary) - Pet. Req. -  
Pet. Filed

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09/23/93 – Pet. Sus. 11/20/93 - 725(a) WIC ordered  
11/20/93 Dept. 246 –

Minor found in violation 03/10/94 - HOP ordered 03/10/94.  
(Minor stole a bicycle from his neighbor's garage.)

(Minor admitted he broke into the neighbor's garage and  
took the bicycle.)

#### **Example VI - Multiple charges.**

**Age 14** 05/01/93 - LB PD - 594(b) P.C. (Vandalism) and 459 P.C.  
(Burglary) - Pet. Req. - Pet. Filed 11/03/93 found true  
12/02/93 as to 459 P.C. and 594(b) P.C. Dism. - HOP  
ordered 12/02/93 Dept. 245.

(Knowing the victim was out of town, minor and a  
companion broke the side window of the victim's house,  
entered and ransacked the home before taking the  
victim's video cassette recorder and radio.)

(Minor admitted the offense as described above, but he  
did not feel they had damaged the home except for  
breaking the window.)

#### **Example VII - District Attorney adding charge other than arrest.**

**Age 14** 08/06/93 - Torr. PD - 459 P.C. (Burglary from Motor  
Vehicle) and 594(a) P.C. (Vandalism) - Pet. Req. - Pet.  
Filed 01/10/94 also alleging 243 P.C. (Battery) -Pet. Sus.  
01/24/94 as to 459 P.C. and 243 P.C.; 594(a) P.C. Dism. -  
HOP FFE ordered 01/24/94 Dept. 241.

(Minor and a companion used a crowbar to enter a parked  
vehicle. As the victim ran out of his home to catch them,  
minor shoved the victim while attempting to escape.)

(Minor said it was his companion's idea to break into the  
car in hopes of finding valuables. He admits he may have  
shoved the victim.)

#### **Example VIII - Multiple counts of same charge.**

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**Age 15**      10/18/94 - LAPD/Van Nuys - 245(a)(1) P.C. (ADW) - 3  
CTS. - Pet. Req. – Pet. Filed 10/20/94 - Pet. Sus.  
12/07/94 as to CTS. 1 and 3 and Ct. 2 Dism. – CCP  
ordered 12/30/94 Dept. 279.

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(Minor was involved in an attack on rival gang members.  
Minor used a stick in the attack.)

(Minor admits to fighting.)

**Example IX - DA files charge different than arrest charge.**

**Age 16** 02/07/96 - LAPD/Van Nuys - 245 (a)(1) P.C. (ADW) - Pet. Req. - Pet. Filed 03/10/96 alleging 242 P.C. (Battery) - Pet. Dism. 04/06/96.

(Minor was involved in a fight with his 15 year old neighbor.)

(Minor states he fought with neighbor but says he was defending himself.)

**Example X - 777 WIC.**

**Age 16** 04/29/96 - LA CO. Prob. - 777(a) WIC – Violation Report Submitted 05/01/96 – Sus. 05/15/96 - SP ordered 05/29/96 Dept. 279.

(Minor violated conditions #3, 9, 13, 14.)

(Minor said that he only missed three appointments with the Probation Officer and could not go to school because his family moved to a rival gang neighborhood. He does not think he did that much wrong.)

**1301.9 PERSONAL HISTORY (MINOR):**

Personal History is divided into two sections: 1) **Minor** and 2) **Family**.

**RESIDENCE STATUS:**

DPO shall check the following boxes:

- U.S. Citizenship: Check Yes or No. If minor is “undocumented,” check “No.”
- Other Country: If minor is a legal citizen of another country, dictate the name of the country.

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- Birthplace: Enter the birthplace (city and state) of the minor.
- Legal U.S. Resident: Check Yes or No.
- Alien Registration Number: If minor is not a U.S. citizen, but has an Alien Registration Card, dictate the Alien Registration Number. If minor is residing in this country illegally, leave Alien Registration blank.
- Additional information: DPO shall include any other pertinent resident information. To comply with the **Indian Child Welfare Act** (ICWA, 1978), section 727.4 WIC, MPP 31-515 for cases involving Foster Care placements, termination of parental rights and adoption cases, DPOs shall ask each minor if he/she has any Indian-heritage and if so, identify and include tribe and reservation information under this heading.

#### **GANG ACTIVITY:**

The DPO shall complete the following:

- Sources of Information: Check the appropriate box(es).
- If there is no gang involvement, DPO shall check "No Known Gang Involvement." Leave the rest of the boxes *blank*.
- If there is reason to believe that minor is gang-involved, DPO shall check "Record/Indication of Gang Involvement."

**NOTE:** This may be due to police identifying the minor as a gang member. It may be due to admission or parent's/guardian's statement. Do not include unsupported opinion.

- If you check "Record/Indication of Gang Involvement", fill in "Name of Gang" and "Gang Nickname" if known. If the gang nickname is not known, dictate "Unk".
- Additional Information: DPO shall include information regarding minor's admission or denial of gang involvement. If the offense is gang related or minor admits gang membership, DPO shall include information contained in the arrest report and information obtained from gang experts at the appropriate law enforcement agency. In addition, DPO is required to describe any tattoos.

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### **ALCOHOL/SUBSTANCE ABUSE:**

If a recommendation for narcotic testing order is made, DPO shall reflect factual information relating to minor's use or abuse of controlled substances.

- Sources of Information: Check appropriate box(es).
- Check off either "No Record/Indication of Use" or "Alcohol/Substance Use." One must be checked. If you check "No Record/Indication of Use," leave the rest of the section *blank*.
- If you check "Alcohol/Substance Use," fill in the rest of the boxes.
- Check "Experimental/Occasional Social" or "Significant Use."
- Check "Alcohol" and/or "Controlled Substances" as applicable.
- Additional Information: DPO shall include name(s) of alcohol and either name of drug(s) or the category of drugs used (e.g. amphetamines, barbiturates, etc.). DPO shall comment on cases of heavy usage and/or where alcohol/drugs are a major contributing factor to the minor's behavior.

### **1301.10 HEALTH INFORMATION:**

Health Information is required pursuant to Section **706.6 WIC** and **16010(a) WIC**.

**Sources of Information:** Check the appropriate box(es).

- Immunization record** (Section 706.6 (j) WIC). A or B must be checked.
- Immunization record** (Section 706.6 (j) WIC). A or B must be checked.
- If B is checked, **briefly state attempts to obtain the record**. DPOs shall document attempts to obtain immunization records. It is Department Policy **and** a legal mandate that reasonable attempts are made **and are documented**.

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**Note:** Law (Section 49062 California Education Code) requires schools to have immunization records on file. Given the legal requirement for both court reports and schools, the **school should always be contacted if the parent/guardian cannot supply the document.**

- D. Minor's and parent's/guardian's assessment of minor's health** is always completed by the DPO. It must be a standard question in all interviews. Briefly state if there are no unusual problems.

**Special health or medical needs box:** If this box is checked, dictate a brief narrative explaining the special health or medical need(s).

**Note:** Care should be taken to ask about special needs, problems or risks **in every interview**. When the box is not checked, **it is assumed that the DPO asked (per policy)**. Include any chronic health problems, such as asthma, heart, diabetes, or any other condition, temporary or chronic, that may affect minor's ability to participate in usual adolescent activities and/or strenuous physical activity.

Always note if a female minor is pregnant. Do **not** include information regarding HIV or AIDS. (For more information on how to disclose information regarding HIV/AIDS to those entitled to it, refer to JM – 3405.)

- E. Minor's health care provider: California law (Section 706.6 (j) WIC) requires us to attempt to obtain this information.** If there is absolutely no information, use "Unk". If the family uses a county hospital walk-in service, use "County Health Services as needed."
- F. Health care information is not available. Efforts to obtain:** If "E" is "Unk", **briefly state the reason**. When a parent cannot name any medical services or clinic, address this in the *case plan*. All youth should have immunizations and routine physicals. The absence of any medical attention suggests neglect and should be explored further.
- G. Date of last medical examination:** If the date of the appointment is known, fill it in. Otherwise, use "Unk" **in the second gray box**. Further explanation is **not** required.
- H. Date of next medical examination:** Same as above.

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I. **Date of last dental examination:** Same as above.

J. **Date of next dental examination:** Same as above.

K. **Mental health/psychological evaluation** box: This is only checked if there is reason to believe a mental health evaluation has been completed. If parent/ guardian or minor indicates that an evaluation has been completed but the DPO cannot obtain a copy nor find out who conducted the evaluation, check the box and dictate a reason for the evaluation not being available. If the evaluation is available check **either** ☐ Attached **or** ☐ Not attached **and** ☐ Evaluation is on file with (Probation, Mental Health, etc.). Indicate the name of the mental health professional and the date of evaluation.

**Additional Information** section: Explain unusual circumstances. In some cases, special reports may be in process at the request of minor's counsel. Such reports are usually presented at the hearing but it is unlikely the DPO will receive a copy.

L. **No evidence that a mental health evaluation has ever been done** box. **Parent and Minor asked** box: If there is no reason to believe that an evaluation has been done, check the box in L and leave K (immediately above) unchecked.

**DPO shall also check the box in L stating that the parent and minor have been asked whether a mental health evaluation had ever been done.** It is **required** that you ask. If unable to ask the parent, **explain why** in "Additional Information."

Note: Parents/guardians and minor should always be asked about mental health evaluations and/or treatment **in all interviews** and efforts should be made to obtain all mental health evaluations. Efforts must be documented in the report.

M. **Minor's and parent's/guardian's assessment of minor's mental health** is always completed. It must be a standard question in all interviews. Briefly state if there are no unusual problems.

#### 1301.11 **SCHOOL INFORMATION:**

School information is required by law under Section **706.6 WIC**. It is critical that all attempts to obtain school records are documented and records are attached whenever available.



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**Sources of Information:** Check the appropriate box(es).

**A. Enrollment:** Check "Yes" or "No." One **must** be checked.

**B. Attending:** Check "Yes" or "No." One **must** be checked.

**Note:** There is a difference between **enrolled** and **attending**. There are minors who are enrolled as far as school records are concerned but **not** attending school.

**C. Minor's most recent school:** Dictate the name of the current or most recent school where minor is/was enrolled.

**Note:** California Education Code Section 49062 requires schools to provide certain services and maintain certain records (e.g. immunization records, grades, attendance and IEP records). Legal responsibility falls on the most recent school if minor is **not** currently enrolled. This identifies the school that is the legal, responsible custodian of the minor's educational records:

There is a **legal requirement for schools to supply school information to a probation officer who is conducting an official investigation** (California Education Code Section 49076(a)(9))

**D. Address of school:** Dictate the address of the school.

**E. Minor's grade level:** Fill in the grade level according to school records.

**F. Minor's tested reading level:** Enter the reading level obtained from school records. This is included because reading is central to academic performance.

**G. School records attached:** Check if records are attached. **Records are to be attached whenever possible.**

**H. School has supplied Cumulative File:** Check if you have a copy of the Cumulative File. A copy of the Cumulative File and current grades should be requested in all cases.

**Note:** These files are generally a chronological summary of progress, special education services, attendance, SARBs, IEPs, etc. They include significant incidents and any disciplinary action taken by the school district. This file contains valuable information for assessing a case and provides a longer-term picture. **The**

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**Cumulative File should be requested.** Since it is a matter of law (California Education Code Section 49076(a)(9)) that this information be made available to probation officers conducting official investigations; it is critical that the courts are informed when a school refuses to provide a copy, which may result in the court issuing a subpoena for both education records and school personnel to appear in court.

- I. School records not available. Efforts to obtain:** Check if unable to obtain basic grades and attendance school records, **not** cumulative files. Document attempts to obtain records, providing the name(s) of school personnel and dates of contact. The Department has developed a form letter. DPO shall attach a copy of the letter to the court report and place a copy in the PDJ file.
- J. Current and past school performance/behavior:** Describe minor's school performance (grades and attendance) and behavior (positive or negative – suspensions and expulsions, with dates and reasons).
- K. Contact person at minor's most recent school:** Contact person is usually whomever the DPO contacted to about school records.

**Note:** It is important to have a **name** because it is related to attempts to obtain records; this will be the person subpoenaed if there are court issues. The information is part of the documentation effort.

- L. The above person has been/has not been contacted. Probation letter sent:** This item is normally checked as "has been" as opposed to "has not been". DPO shall send a letter in **all** cases where information is requested from the school. Enter the date the Departmental letter was sent.

**Note:** The person named for contact information purposes may not have actually been contacted on the case (for example, a message was left because the person was on vacation). The DPO may simply be providing the information and not claiming that the person was actually contacted – clarify for the court.

**SDPOs should not approve cases where DPOs have not documented attempts/contacts with school personnel.** Parents may bring in a current report card but not provide a full picture of school performance or may give a biased picture.

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Parents/guardians may not be aware of some of the school issues, especially behavior problems that do not show up in grades.

**M. Special considerations/comments (SARBs, IEP, special educational needs, etc.):** Describe what has occurred in the way of special services or interventions. Cite talents, learning disabilities or special needs, include Individualized Education Program (IEP) information, if available. Utilize information contained in the Cumulative File.

**Note:** When there are **no** special considerations, **dictate “N/A”** for Not Applicable.

Remember two things: (1) **Conclusions** should be brief and **supported** by facts stated in this section. (2) Address the problem in the **Analysis and Plan** Section regarding the **Case Plan** – (i.e., do not state a problem here and neglect to address it later in planning the case.)

**1301.12 MINOR’S EMPLOYMENT:**

DPO shall:

- Indicate whether or not minor is employed. If employed, fill in the name, address and telephone number of the employer if minor is working.
- Indicate monthly earnings. Obtain pay stubs to document earnings and hours.
- Additional Information: Provide any additional information that applies; minor could be working for a relative or in a family business. The job could have a connection to the offense. Mention these issues in this section.

**1301.13 FAMILY INFORMATION:**

**RESIDENCE:**

- **Type of Residence:** This is the type of dwelling: House (meaning single family dwelling), apartment, condominium, duplex, etc. A typical entry would be: “House – 4 Bedrooms”, or “Apartment – 2 Bedrooms”. It indicates crowding issues.

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Note: While it may not seem critical whether minor has his/her own room, sometimes homework is not completed simply because the minor does not have a quiet place to study. Noting whether or not minor has his/her own room is good information; especially crowded or other unusual conditions should also be noted.

- **Length of Occupancy:** Fill in the years that the family has lived at the location. This item is related to community ties and stability.
- Check off either “**Own**” or “**Rent**”.
- **Monthly Rent/Mortgage:** State dollar amount per month. Note: There is some discretion in documentation on cases involving less serious charges and/or cases where there is no restitution.

**Occupants of Home:** Dictate a summary description. For example: “The parents/guardians, minor and two siblings,” “Parents, grandmother and minor” or “Parent, minor, three siblings and renter (referring to someone renting a room).” If there are unusual circumstances, explain in **Additional Information**. Note anyone who is not an immediate family member (e.g., renters, friends, cousins, aunts, uncles) residing in the minor’s home.

- **Total Number of Occupants:** Fill in the number of occupants.
- **Additional Information:** Describe any unusual circumstances. For example, “The apartment is in extremely poor condition. Mother reports that heating is a problem in winter.” or, “The home is very crowded; three children share one small room.”

Note: In cases where there are room-renters or others not in the immediate family, ask questions about these people to get an idea whether or not they might be contributing to minor’s delinquency or, in general, creating a poor environment. The circumstances should also be mentioned in the **Analysis and Plan** section of the report relative to home environment being a possible contributing factor.

#### 1301.14 OTHER SOURCES OF INCOME:

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DPO shall list additional income by Source and Amount. Examples of additional sources of income include Social Security, Temporary Assistance for Needy Families (TANF), Alimony, Child Support, etc.

**1301.15 SIBLINGS:**

DPO shall list all siblings by name, Social Security Number (SSN), date of birth, age, with whom the sibling lives and address.

**Identify all siblings** (those under 18 years of age are critical), including those out of the home, whether living with another parent, family member, or in placement (Section 706.6 (h) WIC).

**Note:** There may be times when a DOB, address, etc. are not known. If so, place “UNK” in the appropriate box. Where an approximate DOB (just the year, for example) or general whereabouts (without a specific address) is known, indicate this in the **Additional Information** box. For example, “Johnny is believed to live in the Denver area and his approximate birth date is 1991. He resides with his paternal grandparents.”

Note: A **sibling in placement is absolutely critical information** and prompts numerous questions and issues in case planning. If a sibling is in foster care, explain the reasons and how this impacts present case planning for the minor (i.e., address these issues in the court report). Provide information in **Additional Information** – i.e., where and why placed (i.e., DCFS action for abuse or neglect, 601- type behavior with or without filing, etc.). Address in **Analysis and Plan** as it relates to case assessment and planning.

**1301.16 FAMILY/HOUSEHOLD CRIMINAL HISTORY:**

DPO shall:

- Check “Yes” or “No” to indicate whether anyone in the household has been arrested, on probation or parole.
- Check the appropriate Sources of Information box(es).
- Indicate information on all persons in the home. Additionally, complete information on minor’s parents, whether physically in the home or not.

**1301.17 MINOR’S STATEMENT:**

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This section reflects minor's comments or any written statements minor submits about the offense, or any other aspect of the situation. Accurately paraphrase the minor's statement. Use quotes **only** to emphasize a specific point. Make **no** attempt to censor the minor's statement.

Evaluation and opinions **do not** belong here. Factual details of minor's nonverbal behavior during the interview may be pointed out, such as grinning when describing his/her attack on the victim, shifting in his/her seat, hand gestures, posture, crying, etc.

**Minor Informed of Rights:** Check "Yes" or "No."

**Statement Taken:** Must be filled out with 1) **date** the statement was taken, 2) the **location** and 3) whether the statement was taken by **phone** or **in person**.

**Note - Issues** with interviews: It is Department Policy that interviews are to be conducted in person; video conferencing qualifies as an in-person interview. Recognizing that unusual circumstances arise, there is latitude for the SDPO to approve phone interviews; however, this should only occur where unusual circumstances justify and the SDPO initials the worksheet.

**Any restrictions the minor's attorney places on the interview shall be dictated.** DPOs are often prohibited from interviewing minors to varying degrees. DPOs shall **document** the situation in the Worksheet and advise minor and parent/guardian of what portion of the interview was prohibited:

1. Prohibited from interviewing minor. Dictate, "Court order dated xx/xx/xx prohibits interview of minor" in each section of the **Minor's Statement**.
2. Prohibited from interviewing minor without attorney consent/attorney present. In these cases, the DPO shall contact minor's attorney prior to the interview to obtain consent/refusal on record and to arrange an appointment. Document on the Worksheet the date of the call and what was said by the attorney.
3. Prohibited from asking minor about the present offense. This extends only to the present case. If this situation occurs, dictate "Court order dated xx/xx/xx prohibits discussion of the offense"

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in the **Offense Section**. DPO shall inform minor of his/her rights and interview regarding all matters except the present offense. If minor declines to discuss any of these areas, DPO quotes the minor on his/her refusal in the court report. Should minor make a “spontaneous statement” about another offense, notify the police of jurisdiction. Do **not** assume that incriminating statements relating to other offenses are inadmissible or confidential.

4. Court does not prohibit interview but defense attorney objects to either the interview or certain content. **Do not interview minor.** Clearly state the reason (e.g. defense counsel objected) and include the name of the attorney and the date the attorney notified DPO of the objection. **Minor may make statements about the offense after he/she was advised not to do so.** Should this occur, advise the minor again and include statements in the report, clearly stating that they occurred **after** the minor was advised of the prohibition.

Minor’s Statement Section includes four elements (see A through D):

- (A) **Self-Assessment of Strengths:** Briefly summarize what the minor thinks he/she does well, successes, and things he/she likes. (Response to such questions as: What do you do well?” “Where are you successful?” “Are you able to handle school well?” “Do you get along at home OK?” “Do you have an after-school job?”)
- (B) Example: “Minor states that he enjoys sports and is on the varsity football team. He attends practice regularly and feels good about competing. Minor helps out at home by mowing the lawn and taking trash out.”
- (C) **Self-Assessment of Risks/Needs:** This includes minor’s response to questions such as: “What gets you into trouble?” “Do you take drugs a lot?” “What do you think would help you?” “What could we do to help you straighten up?” “Are you able to talk things over at home?” “Is anyone trying to get you (as in gang retaliation)?” “Do you have trouble sitting still in class or have trouble concentrating on what is being said?”

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Example: Minor states that she fights with her mother and begins to feel very depressed. She wants to talk to her boyfriend and runs away because her mother will not let her have the boyfriend over. Sometimes minor and her boyfriend do some marijuana because it makes her feel better about things at home. Minor knows this will not help and believes drug counseling would help her. She also believes family counseling or parenting for mother would help so that she could talk to mother and feel better at home.

- (D) **Offense:** This is the minor's version of the offense and any major conflicts with the referral document. Also include minor's attitude about the offense, victim and arrest and any discrepancies between the present statement and any previous statements.

If DPOs are **prohibited** from asking about the present offense, dictate "**Court order dated xx/xx/xx prohibits discussion of the offense.**" If it is a disposition or the interview is not prohibited in the pre-plea, briefly summarize whatever the minor has to say.

- (E) **Plan:** This is **minor's plan**. Include minor's assessment of present circumstances and suggestions or plan to resolve the situation. Summarize minor's response to questions such as: "What do you think should happen?" "What should we do to keep this from happening again?" "If the judge does not order camp, what should we do in the community to avoid further problems?" "This is your third arrest for drugs, do you think drug counseling will help?" "You keep running away and staying out. Do you think family counseling would make this better?"
- (F) **Additional Information:** Use this section to include any significant information or special/unusual circumstances. Include minor's reaction to DPO's plan and recommendation.

**1301.18 PARENT'S STATEMENT:**

DPO shall contact minor's parent(s)/guardian(s) and/or person(s) acting as parent(s) (e.g. grandmother, sister). If no parent's statement is included, explain why no statement was obtained.



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Ensure the parents'/guardians' comments and reports are accurately quoted or paraphrased and make **no attempts to censor** the parents' statement.

Note: There are occasions when parents/guardians decline an interview on the advice of counsel. This is limiting. Information, such as family income, has some bearing on ability to access services. More importantly, it is very difficult to determine whether the parents will cooperate in a case plan that necessarily involves their participation (i.e., if the minor remains at home). Inform the court that there is very little you can say because you have almost no information about the family, cooperation, attitudes, etc.

Should minor and/or parents indicate that he/she was adopted, record information.

- (A) **Assessment of Strengths:** This is the parent's response to: "What does your son/daughter do well?" "What kind of support can you and the family provide?" "Are finances OK?" "Do you belong to a church group or other community organization that offers youth services?" "Can a parent be home after school each day to supervise?" "Are you able/willing to drive your son/daughter to counseling in the evening?" "Are you willing to participate in counseling yourself?" "Does your son/daughter have any close positive role models?"

Example: "Father states his son is an excellent football player and never gets in trouble when school is in session and the team is practicing. He says minor is not real good at academic subjects, but works for grades and gets 'C's' so that he can play football. Minor is never a problem at home and helps around the house willingly. He has a nice girlfriend and has never been in trouble when with her. Father is sure minor will do community service and go to any counseling referrals; father will monitor and supervise. Parents will try to spend more time with minor on weekends."

- (B) **Assessment of Risks/Needs:** This is the parent's response to: "What do you see as your son/daughter's major problems?" "What problems is the family having?" "Does your son/daughter have negative peer relations that you think are causing problems?" "Do you think your son/daughter is a gang member?" "Is anyone in the home abusive toward your

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son/daughter?" "Do you think your son/daughter is involved with drugs – if so, to what extent?"

Example: "Father seems to feel everything is fine as it is. He states that people pick on his son because he is so easygoing. The minor is too easily influenced by peers but there are no other needs or problems (risks) with his son."

- (C) **Assessment of Minor's Behavior:** This is the parent's view of minor's involvement in the present offense and any additional information, including minor's behavior in the home, school, with peers and in the community.

It is the parent's response to: "Why do you think your son/daughter is involved in this (i.e., the offense)?" "What motivates your son/daughter in general?" "Do you think your son/daughter understands right and wrong?" "Do you think your son/daughter knows or cares when they are hurting others?"

Example: "Father denies that minor was really involved. He believes that some of the other minors were involved and his son is just not talking. Two years ago, this same thing happened when minor was arrested for a petty theft because two of his friends ran out of the 7-11 with a six pack."

- (D) **Plan:** This is the parent's plan for correcting minor's conduct, what specific support they will lend to any plan proposed by the DPO and their assessment of minor's willingness and capacity to cooperate with any plan of supervision.

It includes the parent's response to: "What do think we should do to prevent this from occurring again?" "What specific services do think would be helpful?" "What would you be willing to participate in or take responsibility for?" "Do you think camp or suitable placement would benefit your son/daughter?" "If your son/daughter goes to camp, do you want him/her to return home when released (i.e., as opposed to placement)."

Example: "Mother states that things have been so unpleasant for the past year that she believes camp is the best course at this time. She will visit and desires that her son return to her home when released. Mother believes she needs time to work with younger siblings so that they do not develop the same problems. She indicates that parenting classes might help her and states she will attend."

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- (E) **Additional Information:** Use this section to include any significant information or special/unusual circumstances etc. Include parent's reaction to the DPO's recommendation.

**1301.19 INTERESTED PARTIES:**

In each interested party statement, identify the person and summarize the information that is pertinent. Always identify the source(s) by name, relationship and employment (if the person is writing in any official capacity) in this section.

Statements from persons, such as investigating law enforcement officers, therapists, employers, relatives or others, are included if they help the court make an effective disposition. Additionally, it is important to consider close non-parent persons (i.e., grandparent, uncle/aunt, sibling, neighbor, etc.). Paraphrasing is preferred. Statements should be concise and lengthy quotes avoided. (Copies of any documents sent to the court are attached to all copies of the court report and referenced in the report.)

**Note:** DPOs are **required** to interview temporary caregivers with whom the minor resides. If the such persons have been the sole or main parenting figures for a substantial amount of time, their comments should be included in the Parent's Statement section (Minor raised by grandparents, aunt, or other relative.) If minor has been living with a relative or friend, identify the relationship (e.g., family friend, aunt, older sibling, etc.), providing the name, address and phone number. Briefly state the circumstances.

For example, "Minor has been living with his aunt since the mother was evicted six months ago. He shares a room with his 15-year old cousin." This is a very brief summary. It is given so that it is clear which residence you are describing (i.e., the parents or the relatives). Note that this is an **exception** to the normal content in **Interested Parties**. The DPO is commenting on the living arrangements to clearly identify the home and clarify case circumstances and not simply summarizing a statement. Also, clearly identify which residence referred to under **Residence, Additional Information**, if there are multiple homes being described.

Living circumstances should be addressed in the **Analysis and Plan** as well (i.e., is the living arrangement suitable, how long does the minor plan to stay in the home, etc.).

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### 1301.20 CONDUCT UNDER SUPERVISION:

Begin this section by stating the date the minor was initially placed in the current grant of probation. (Do **not** refer to prior **236 WIC prevention services**. This information is confidential and shall not be included in the court report.) Indicate the court order (654, 654.2, 725(a), HOP, SP, CCP) and the conditions of probation by number.

This section is divided into two elements: (A) **Compliance with Terms and Conditions** and; (B) **Participation In Services**. This division clearly separates legal compliance matters from service issues. Clearly state whether the minor **and** family have cooperated and/or participated in services. Assess how successful those services were.

- (A) **Compliance with Terms and Conditions:** Summarize the minor's compliance, progress or problems and overall adjustment to probation supervision. Address specific violations of conditions of probation in specific terms. Include dates of out of home placements, adjustment and behavior and date(s) or released home.
- (B) **Participation in Services:** Summarize services ordered, as well as those initiated by probation, whether ordered or not. Note **all** service referrals and any results that are known. Provide a brief overview of minor's and family's cooperation and participation.

Note: **It is important to clearly address progress (or the lack thereof) and participation in services.** It is also central to any case planning that you consider what worked and what did not work. This assists in determining if removal from the home to a more structured or secure environment is necessary to stabilize the case. Removal from the home is where all of the costs and concern lie.

Example: "Minor was placed on probation pursuant to 654.2 WIC on 4/1/01 after a joyriding incident. He was referred to anger management due to several fights at school during the course of supervision. He was referred to drug and alcohol counseling due to parent's statement that minor frequently reeked of marijuana and minor confirmed frequent use, making a joke of it. Parents were referred to parenting classes because it appeared that they needed to provide more supervision and

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structure; they agreed to attend. Minor never attended any of the drug and alcohol sessions. He attended one anger management class and left early after cursing the counselor and throwing food on the floor. The parents attended two parenting classes and told probation officer that they had given up on the classes and trying to control their son.”

**1301.21 PRIOR SERVICES SUMMARY:**

- **This section documents any prior services offered to the minor and family to fulfill requirements (Sections 635 and 636 (c) WIC) for Probation Officers to make reasonable efforts to prevent or eliminate the need to removal the minor from home.**
- **Probation:** Check off any prior interventions that have occurred. Some of these, such as Teen Court, will not show on JAI; obtain this information from interviews or prior probation records. Note: Probation is **prohibited** from specifically mentioning **236 WIC** matters as part of delinquent records. Note that Drug Testing is a separate box, as it is considered a specific, direct probation service (and cost) that should be checked if there is **any** prior testing.

Note: The Probation box applies to **probation referrals**. General medical services that the family may have received do not apply here. If the minor has had a mental health evaluation, it is only checked if it was due to a probation referral (or conducted in juvenile hall, etc.). A mental health evaluation that was conducted under other circumstances is important and is included under the Mental Health section below.

- **Health Services:** The first checkbox regarding prior Health Services is checked if the minor has received basic services – immunization, general examination, etc. due to a probation referral or otherwise (for example, the parent simply took minor in). The second box applies to minors who have been detained (currently or prior) and/or who have been in camp. It can be assumed that a medical evaluation has occurred if the minor has been detained.
- **Mental Health:** If there is reason to believe that a mental health evaluation has been conducted (by County Mental Health or some other provider), check the box. If you have a copy,

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indicate copy attached and attach to report. If for some reason there is a copy but it is **not** attached, check the box for “On file”. If an evaluation has been conducted but there is not a copy, check “requested” indicating the mental health practitioner has been contacted and a copy requested.

- **DCFS:** This box calls for a brief narrative. If you are not aware of any DCFS services, dictate “**N/A**” in the box – i.e., **do not leave it blank**. If you are aware of services, briefly summarize the nature of the services. Note: A simple home visit or a closed investigation qualifies as a service; you do not need an open case to check off DCFS services.
- **CBO:** The first checkbox applies to **prior** services. The second applies to **current** services (i.e., services that the family is presently receiving at the time of the report).
- **Other Agency:** Check appropriate boxes. Since they do not show up in record checks, the information is gathered at the interview or through prior probation. Include police boys/girls clubs or any programs for “at-risk” youth.
- **Additional Information:** Explain unusual circumstances. For example, the offense could be a first offense and there are no known prior services.

#### 1301.22 **STRENGTH-BASED AND RISK/NEEDS ASSESSMENT SUMMARY:**

This information is specifically required under Sections 706.6 and 636.1 (b) WIC whenever foster care is being considered. DPOs shall complete the LARRC assessment as required by policy and include a copy in the PDJ File.

#### 1301.23 **DESIRED OUTCOMES SUMMARY:**

This table is identical to and automatically populates in the Foster Care Case Plan when it is completed in the court report.

- “Crime-Free Lifestyle” will always be checked.
- “Positive Family Functionality” applies to those situations where the family is having difficulties and will be checked frequently.

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- “Academic Progress” will almost always be checked; it is not checked in those cases where there are no educational, school related problems documented earlier in the report or for minors who have graduated, etc.
- “Positive Peer Relationships” is checked when negative peer relations appear to be part of the problem and is always checked for gang members.
- “Substance-Free Lifestyle” is checked on cases where substance use/abuse is a problem and where the DPO has identified drug treatment and/or testing as a planned service.
- “Other” is used where a plan identifies a special strength to build upon or a risk/need to address. For example, the minor is athletically gifted and the plan is to get a scholarship and go to college. DPO could check “Other” and say, “Scholarship – Complete college.”

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#### 1301.24 **MEASURABLE OBJECTIVES SUMMARY:**

This table is **identical** to and automatically populates in the **Foster Care Case Plan** when it is done in the court report.

This chart summarizes goals that are measurable and appropriate for the particular case. Indicate the goal that is consistent with the overall case plan, assessment and service profile.

When completing the court report, check off the boxes that apply to the case in terms of what you have identified and checked earlier (**Strengths Assessment, Risk/Needs Assessment**). Also, enter the dates from and to for each checked box. If time frame is unknown, then type in third gray box. This practice will help develop a progression within these areas of the report. Risk/Needs determine services and services determine appropriate objectives, which lead to desired outcomes. For example, do **not** check number 10, **Anger Management**, for a case where drugs are the problem (and anger/acting out has **not** been identified as a risk/need earlier in the report). The same is true for building on strengths. If you checked number 15 on the **Minor/Family Strengths** table and identified the Special Talents as athletically gifted, you would check number 33 on the **Service Delivery Plan Summary** and check number 13 on the **Measurable Objectives Summary**. You would also check “Other” on the **Desired Outcomes Summary** and make a notation, for example, “College Scholarship.” These are all related factors and the plan is continuous across all of the assessment and planning elements.

Note that stating **measurable objectives** is a Title IV-E **requirement**.

#### 1301.25 **SERVICE DELIVERY PLAN SUMMARY:**

This table is **identical** to and automatically populates in the **Foster Care Case Plan** when it is completed in the court report.

There are two elements to this chart: (1) Identify and check off the **services**; (2) Identify and check off the “**Responsible Party for Providing and/or Monitoring Services**.” The responsible party is defined as anyone who takes responsibility for monitoring or participates in providing the particular service. “**DPO**” would normally be checked for every service identified because the DPO is responsible for monitoring the delivery, participation and completion of all services. “**Minor**” will almost always be checked. “Family” will



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almost always be checked, as the parent is also responsible to monitor and support services.

The chart summarizes the services that are planned to address problem areas. Items that are checked should relate to identified risks/needs.

Note: It is important to be consistent in identifying services that correspond to the identified areas in the previous Risk/Needs Assessment Summary. Services must target specific risks and needs; do not refer minors to all services or to services that do not focus on identified needs.

1. School Attendance: Attendance is a routine probation service normally supplied, and ordered by the court. **Always check DPO, Minor** (he/she is a participant), **Mother/Father** (parent is responsible to assist in monitoring), and **School**. There may be another agency involved (a CBO, for example) or a specific individual (identify the individual, e.g., "Uncle Bob").

Note: This is an **exception** to the rule that services match identified risk/needs factors. The court usually orders it in any case (i.e., whether or not there is an attendance problem). Further, it is a routine, basic probation service and does not entail outside referrals or additional costs.

2. Alcohol Treatment: Indicate this when it is believed that alcohol is contributing to the problem. Alcohol-related problems **must** be noted in the previous **Risk/Needs Assessment Summary**. **Check DPO, Minor, CBO, Mother/Father** (parent is responsible to monitor). It is always better to name specific agencies or individuals, if known; insert the name and/or relationship in "**Other Agency/Individual**".
3. Drug Education/Treatment: Check when substance abuse appears to be a contributing factor in the case. Substance abuse problems **must** be noted in the previous **Risk/Needs Assessment Summary**. Such problems may have been mentioned in **Minor's Statement** or **Parent's Statement**. **Check DPO, Minor, CBO, Mother/Father** (parent is responsible to monitor).
4. Narcotic Testing: Check if the problem is sufficient to warrant the time and expense of random drug testing. This decision is based on the estimated frequency of use and the perceived

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degree of damage caused. If the DPO recommends testing, also **recommend** treatment (i.e., **Drug/Education Treatment**). **Check DPO, Minor, Mother/Father** (parent is responsible to see that minor comes to appointments).

Note: There **must** be some history and/or admission of drug usage. Do **not** test minors who simply admit to some limited experimentation.

5. Psychological Counseling: Check there is no one in the home in a particular category, put "**N/A**" in the **Additional Information** at the right. If minor would benefit from **general** individual or group counseling. The need for counseling may be based on any number of factors (e.g., difficulty relating in family, school adjustment problems, anger, mild depression, etc.). There is no one, specific risk/need factor that dictates a need for counseling. This may be in addition to specific programs, such as Anger Management. **Check DPO, Minor, CBO, Mother/Father** (parent is responsible to monitor). If parent states that their church has professional counseling that the family would like to use, put the name of the church in the **Agency/Individual** column.
6. Psychiatric Intervention: Check this only for serious mental/emotional disorders. There should be a history and/or current signs of severe problems. This category is for minors with a history of hallucinations or other signs of psychotic disorder: in-patient psychiatric treatment, suicide attempts or self-mutilation, etc. **Check DPO, Minor, Mother/Father** (parent is responsible to monitor/assist) and **write in the clinic, hospital or doctor**, if known. If the specific clinic is **unknown**, use "**Outpatient Psychiatric Clinic.**"
7. Family Counseling: This is used for communication problems and emotional issues that limit the support the family could provide. If the minor is having problems at home (especially runaway or physically acting out toward parent or sibling), check this box. Check DPO, Minor, Mother/Father (parent is responsible to monitor and participate), CBO.
8. Parent Education: Check if the minor and parent(s) would benefit from basic education on relating, setting limits, appropriate responses to behavior problems, etc. This is **not** the same as nor does it take the place of Family Counseling.

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This includes a series of educational classes to teach parents basics on responsibilities, resources and techniques. The court frequently orders Parent Education, as it is a good starting point for dealing with problems at home. **Check DPO, CBO, Mother/Father.**

9. Anger Management: This area is for minors who act out physically or violently. It might be recommended for a minor who has not actually acted out but who demonstrates anger and hostility during the interview. These are focused programs and normally follow a structured course with a specific time frame (i.e., 12 or 15 weeks, etc.). It is acceptable to recommend Anger Management in combination with other counseling. **Check DPO, Minor, CBO, Mother/Father** (parent is responsible to monitor).
10. Gang Avoidance: Check if minor is an **active gang member**. These programs attempt to reduce the emotional reliance on the gang and advise minors regarding **getting out** of a gang. **Check DPO, Minor, CBO, Mother/Father** (parent is responsible to monitor).
11. Mentoring: Check, if suitable in terms of case needs and planning, indicating the service is appropriate and desirable **if available**. **Check DPO, Minor, CBO**. If a specific person or organization is known, put it in under "**Other Agency/Individual**."
12. Tutoring: Check when there are low grades and/or the minor is below grade-level. Refer minor to a CBO or school district program. Tutoring is **not** sufficient to address diagnosed Learning Disabilities, which require special treatment, usually through the IEP process. If Learning Disabilities are suspected but **not** formally diagnosed, refer for an IEP assessment. **Check DPO, Minor, CBO, Mother/Father** (parent is responsible to monitor). If the school will be delivering or assisting the service, check "**School**".
13. Financial Collections: Check on **all** reports wherein the **victim suffered loss**. State law and legislative intent **requires** agencies to attempt victim restoration; there is nothing optional here; check the box if there is a victim(s). **Check DPO, Minor, Mother/Father** (parent is legally responsible for restitution).

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14. Community Service: Check if recommending court-ordered community service. "Restorative Justice" has become a focus socially, giving something of value back to the community, which bears direct and indirect costs for crime. Community service has multiple justifications; teaching responsibility and providing activity during otherwise idle hours. For these reasons, community service should be a frequent recommendation. **Check DPO, Minor, CBO, Mother/Father** (parent is responsible to monitor). If you are recommending JAWS or some other **specific** program, fill in the information "**Other Agency**."
15. Extracurricular Activities: Check if minor would benefit from after-school or organized weekend programs. Supervised activities provide alternatives to gang activity. The service is justified by almost any behavior that occurs after school or during leisure time. **Check DPO, Minor, CBO** (if appropriate), **Mother/Father** (parent is responsible to monitor). If it is a school activity, check **School**, or if a particular program is known, fill in "**Other Agency/Individual**."
16. Enforce Terms & Conditions: **Check for all cases**. This is a probation responsibility and a standard service on all cases. **Check DPO, Minor, CBO** (who will report on attendance and compliance with program), **Mother/Father** (parent is responsible to monitor), and "**School**" (monitoring attendance).
17. Information and Referral: **Check for all cases**. This indicates information will be provided and referrals for services made to minor and family, which includes informing the family regarding medical needs and available services, IEP process, legal rights, etc.
18. Transportation Assistance: This includes bus tokens or referrals to agencies that provide transportation services.
19. Scheduled Visits/Contacts: **Check for all cases**. This refers to the minor's responsibility to report to the DPO during the course of supervision.
20. Report to Court: **Check this on all court cases**. This refers to preparing and submitting reports to court.
21. Other: **Check appropriate boxes which usually involves a specific organization or individual**. This option is provided for

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**unanticipated services** that the DPO determines appropriate; such services would usually be based on special or unusual need.

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The **Analysis and Plan** is the most critical section of the disposition/pre-plea report and is the only portion of the report that requires the DPO's opinion and evaluation. DPO shall not introduce any new information in this section. The DPO may allude to previous information, but do not summarize the information.

The DPO's analysis must be presented concisely and lead logically to the plan and recommendation presented to the court. DPO shall analyze and evaluate all critical facts previously presented in the report, particularly as they pertain to community protection and the rehabilitative needs of the minor.

**Analyze the following:****Present Offense**

Does the nature and seriousness of minor's actions clearly show the minor is a definite and ongoing threat to the community?

**Aggravation Circumstances**

Has minor developed a clear pattern of substance abuse or gang activity? Was there sophisticated planning involved? Were weapons or special tools used in the offense? Does minor have a long history of similar activity?

**Mitigating Circumstances**

Is the minor a youth whose rearing has been inadequate? Has the minor been acting out "pre-delinquently" in an obvious need for assistance but none has been provided? Does the minor have a minimal arrest history? Is minor's family able and willing to actively supervise the minor?

**Minor's History**

- Adjustment to home, school and community environments. Does minor have a history of compliance with parental direction? Does minor have a close relationship with parents? What are minor's achievements? Does minor have a history of belonging to positive community groups? Conversely, is there a history of negative relationships in one or more of these environments?

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- Arrest History

Does minor have a minimal arrest history or has minor demonstrated over time through multiple or serious arrests, that stringent control measures are necessary?

- Willingness to accept responsibility for actions and presence or absence of remorse.

Is minor forthright in admitting involvement in the offense or do unbelievable denials continue well past adjudication? Does the investigation reveal the minor lacks an ability or willingness to care about victims?

- Physical or psychological factors involved

Does minor have a condition, whether physical or psychological, that contributes to his/her behavior? Is there a condition that precludes certain placements, which might otherwise be seen as necessary and appropriate? Is there a need for further evaluation of the minor?

- Family Factors

Does minor come from a pro-social family, which offers consistent, positive support for the minor? Are members of the family regularly involved in delinquent and criminal activity that reinforces negative behavior? Is there a clear relationship between the family circumstances and minor's offense?

### **Presentation of the DPO's Plan**

The analysis of the offense, minor's history and minor's and family's strengths and needs, should logically lead the reader into the DPO's plan.

If the analysis leads to the conclusion that minor's return home on probation would **not** involve undue risk to the safety of the community, the DPO recommends Home on Probation (HOP) with conditions designed to correct the minor's undesirable conduct. The conditions must be applicable to minor's behavior as noted previously in the report.

Should minor need to be removed from the community for a time, describe the appropriate type of setting based on the behaviors and

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needs exhibited by minor. The minor's behavior pattern and personality traits will dictate whether a treatment experience, focusing on daily structure and discipline, or one emphasizing a therapeutic approach should be recommended.

When it appears that correctional resources on a county level have been exhausted or would be inadequate for minor's needs, recommend a commitment to the Division of Juvenile Justice (DJJ), for Section 707(b) WIC offenses, unless 290(3)(d) P.C. For every type of disposition, the DPO shall discuss why all less restrictive dispositional options are not appropriate.

#### **1301.27 DETENTION/REMOVAL FACTORS:**

This section requires that the DPO write brief narrative statements in some situations and select the correct boxes.

The numbers below refer to the numbered elements under **Detention/Removal Matters**.

1. Check for **detained cases** or when **recommending detention** in the report. If detention is **not** involved and the DPO is **not recommending detention or removal from the home** (i.e., Suitable Placement, Camp or DJJ), check Number 4 and leave the rest of this section blank.
2. **Prior Services:** This item is unnecessary for non-detained cases unless **recommending detention** in this report. If detention is **not** involved, check Number 4.

If there is a detention issue on the case: (1) If there are prior services noted in the Prior Services Summary chart earlier in the report, **dictate**, "See Prior Services Summary." (2) If there are no known prior services, the DPO **must dictate**: "Services as described in Number 3 (below) began at the time of removal from the home."

3. This is standard wording. Check the appropriate box regarding referral for mental health evaluation. There is an "Additional Information" section available for unusual circumstances; for example, mention if minor has medical problems requiring special treatment.



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4. Check this item for **non-detained cases** (when the DPO is **not** recommending placement, camp, DJJ or any form of detention). Remember that if checking this box, **do not check** Numbers 1 and 3. Note: if minor was in Juvenile Hall until this hearing (i.e., DPO is recommending release), indicate Juvenile Hall services as “**prior services**” in Number 2 – Simply dictate the list of services given in box Number 3 (standard services provided in the Hall).
5. This is a brief summary of behavior in detention. IDC will have completed an initial Detention report but Probation is required by law to review behavior during detention. The wording is similar to the present detention report.
6. Always check this box.

**1301.28 RECOMMENDATION**

The DPO shall dictate the recommendation from the Recommendation page at the end of the court report module (Prob. 1264-XX). Conditions of Probation (Prob. 1259) are similarly dictated.

If minor has prior orders for restitution, the DPO shall determine the balance owed to each victim and request the court order the minor to pay any remaining balances.

**Do not recommend Camp Community Placement on the basis that a minor will receive substance abuse or mental health treatment.** Camp minors receive substance abuse education and information in the Camp program.

**Additionally, when DPOs recommend DJJ, minors must meet the following criteria:**

- Pose a serious and immediate threat to the community as demonstrated by violence, aggression or disregard for the lives, safety and property of others
- Repeat offender and not amenable to programs that are less restrictive than those offered by the state
- Have assaulted or pose an immediate, violent threat to custodial staff

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- Have engaged in reckless and/or serious aggression against peers and is a threat to the safety of other minors
- Have sufficient custody time remaining (generally, one year or more)

For minors ordered to DJJ, Section 731.1 WIC requires the Juvenile Court to order restitution be paid directly to the victim, if the victim has suffered an economic loss or, in homicide cases, to the victim's immediate survivors. If reasonably possible, DPOs must recommend a specific dollar amount for these cases and DJJ is responsible to forward restitution to the victim. The DPO must include the victim's name and address in an envelope marked, "Confidential, Victim Address" and send it with the DJJ packet to the DJJ expeditor. The DPO dictates the recommendation for restitution under "Other" (Prob. 1264, last page) as follows:

"That pursuant to Section 731.1 WIC the minor is ordered to pay \$\_\_\_\_\_ (amount) restitution to victim \_\_\_\_\_ (each victim and amount must be listed separately.)"

**1301.29 COURT REPORT SIGNATURE SECTION**

DPOs and SDPOs shall sign and date all court reports, unless using the Probation Enterprise Document System (PEDMS). **DPOs and SDPOs shall sign the Foster Care Case Plan.**

**1301.30 DICTATION GUIDELINES**

Disposition/pre-plea reports are due in dictation no later than the established time by pick up and delivery courier at field offices (1 p.m. 5 full working days before the court date and must be received by the court **48 hours before the scheduled court hearing,** according to the California Rules of Court 5.785.

The DPO shall:

- Name the type of report and form number at start of dictation.
- Dictate according to the form being used. (In modular reports, dictate from the left to the right margin, top to bottom.)
- Dictate clearly and distinctly, and in a manner where background noise does not intrude onto the cassette.

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- Spell out all proper names and any unusual words the first time dictated.
- Dictate all punctuation.
- Break long narrative sections into paragraphs and instruct the transcriber when beginning a new paragraph.
- Fill out the “Dictation Transmittal Form” (Prob. 4A). It must be complete and legible, and include the length of dictation.
- Send the first page of the worksheet (completely filled out and legible) with the dictation.
- Place all materials being sent with the report in a “12 by 15” envelope. Staple the transmittal form to the outside of the envelope.

DPO shall place all materials in the designated office location and check the pickup times for the transcribing liaison.

When Transcribing returns the transcribed report, the DPO should proofread and correct the report before submitting it to the SDPO. Either make changes on the electronic copy or make changes in black ink, as neatly as possible, when correcting the transcribed copies of the report. If time permits, DPO shall return reports to transcribing for corrections.

**1302 FOSTER CARE CASE PLAN SECTION**

DPOs shall complete the Foster Care Case Plan when recommending Suitable Placement. This includes Disposition/pre-plea reports, 777 WIC and 778 WIC reports where Suitable Placement is recommended.

Note that, when the Foster Care Case Plan is completed as part of the Pre-Plea/Disposition report packet, the Desired Outcomes table, the Measurable Outcomes Table, and the Service Delivery Plan Summary will populate automatically. If typing the report, go to the “Print Preview” view in order to see the updated tables in the Foster Care Case Plan section (the data does not show in other views).

**FOSTER CARE CASE PLAN FACE SHEET (First Page):**

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- Minor** Information will automatically populate if the DPO is completing the Pre-Plea/Disposition report packet.
- D.O.B.** Information will automatically populate if the DPO is completing the Pre-Plea/Disposition report packet.
- PDJ NO.** Information will automatically populate if the DPO is completing the Pre-Plea/Disposition report packet.
- JAIN** Information will automatically populate if the DPO is completing the Pre-Plea/Disposition report packet.

**CASE PLAN GOALS: (Select one or the other case plan goal)**

Pursuant to Section 727.2 WIC, the DPO is mandated to ensure that everything reasonably possible is done to facilitate the safe and early return of the minor to his/her home or to establish an alternative permanent plan for the minor. Therefore, all cases should be designated as having being in the Family Reunification services track. The exceptions to this mandate are as follows:

1. Reunification services were previously terminated for that parent or guardian.
  2. The parent has been convicted of any of the following:
    - Murder of another child of the parent.
    - Voluntary manslaughter of another child of the parent.
    - A felony assault that results in serious bodily injury to the minor or another child of the parent.
    - The parental rights of the parent with respect to a sibling have been terminated involuntarily, and it is not in the best interest of the minor to reunify with his or her parent or legal guardian.
- 1. Family Reunification:** The majority of cases should qualify to receive family reunification services. Check this in most instances, as the primary goal is to return minor to the home and community. The DPO and caregivers are to work together to provide identified services to both the minor and parents that will relieve or eliminate conditions leading to the minor's being removed from home and placed in an out of home care program. .

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2. **Permanency Planning:** Identify this alternative case goal in those few instances that meet the mandated requirements. For all cases that enter the Permanent Plan track, there are options that will be determined after the court has ordered a Permanent Plan track that include:
1. Adoption with siblings
  2. Adoption
  3. Legal Guardianship with relatives
  4. Legal Guardianship
  5. Placement with \_\_\_\_\_, with a specific goal of \_\_\_\_\_, (Provide The name of the placement and select a goal e.g., return home, adoption, legal guardianship, placement with a relative, a less restrictive foster setting, or independent living with identification of a caring adult to serve as a life long connection for the youth)

It is only necessary to check the "Permanent Plan" box at the time of dispositional planning. The DPO shall leave the option choices unchecked.

**DESIRED OUTCOMES & MEASURABLE OBJECTIVES SUMMARY (Second Page):**

These sections will automatically populate if the DPO is completing the Pre-Plea/Disposition report packet.

If completing the Foster Care Case Plan as a stand alone document to attach to a 777 WIC or 778 report, complete **both** tables. Refer to the appropriate instructions provided in the Court Report sections of this Guide.

**SERVICE DELIVERY PLAN SUMMARY (Third Page):**

These sections will automatically populate if the DPO is completing the Pre-Plea/Disposition report packet.

If completing the Foster Care Case Plan as a stand-alone document to attach to a 777 WIC or 778 report, complete the table. Refer to the appropriate instructions provided in the Court Report sections of this Guide.

**SERVICES THAT WILL BE USED TO ACHIEVE REUNIFICATION:**

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**Services and steps to be taken to implement the permanency alternative should reunification fail:**

The first four boxes are **automatically** checked in the template and apply to Placement DPOs standard activities. DPO shall discuss efforts to identify any relatives who may be able to provide placement for minor. .

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### **FOSTER CARE PLANNING AND SERVICES:**

**Needs assessment: Provide an assessment of minor's placement needs.**

Check **all** boxes that are appropriate to the case circumstances, consistent with case attributes noted earlier in the court report, and in the tables (Desired Outcomes Summary, Measurable Objectives Summary and Service Delivery Plan Summary). Check "Runaway risk" if there are prior incidents. Leave "On-grounds school" **unchecked** unless Placement Resource Control staff indicated that it should be checked.

**Description of type of placement that will best meet minors needs:**

Due to the fact that the DPO will not have specific information regarding the selection of placement, the following statement is **automatically** included in this section: "A Placement that is structured and provides basic medical and educational services in addition to as many services as possible of those identified in the Service Plan Delivery Summary, included in this document." The Placement DPO will add the specific information to case when the actual placement decision is made.

**Was proximity to the child's school at the time of placement taken into account?**

"Yes" is **automatically** checked in the template, however, the minor has not yet been placed and the DPO will not know. The Placement DPO takes this into account and updates the case plan at that time to provide specific information. "Yes" is checked with the understanding that this will be considered in all cases.

**Child is placed with relative, foster home, FFA, Group Home, CTF:**

**Do not check any boxes.** A statement is **automatically** included to cover this item ("Further information is unavailable at this time. The minor....")

**Substantial distance from the parent or Out of County Placement-Reason:**

Leave this section **blank**.

**Out-of-State Placement:**

This is **pre-checked**: "Out-of-State Placement is not recommended." Department Policy does not allow a DPO to recommend placement out of state.

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### **Community Treatment Facility Placement:**

Leave this section **blank**.

### **Probation officer has assessed the feasibility of placing minor in the home of a relative:**

The minor and parents should be questioned as to the possibility of any relatives who could provide placement for the minor. All information regarding the relatives name, address and phone number should be recorded for future case purposes. If information on a relative was supplied, indicate any suitability information in the **A** and **B** sub-sections; otherwise, check "This is not necessary/possible at the present time." Please note that relatives cannot serve as caregivers unless they have been approved and cleared by Placement Administrative Services. Federal Mandates now require that all relative caregivers meet the same licensing standards as foster parents.

### **Health Information and Physical Assessment:**

Follow the instructions in the document. In addition to the general description, the DPO is **required** to list any known medications.

### **Minor's Medical/Dental Plan:**

#### **Doctor/Clinic and Address - Dentist and Address:**

The Doctor/Clinic and Address section will automatically populate if the DPO is completing the Pre-Plea/Disposition report packet. The Dentist name and address will have to be typed in, if known. Inquire if parents have insurance; include any information provided. If they have a regular doctor, supply name, address, date of exam, problems, and next appointment. Complete the same information for dentist. If no information is provided, dictate "**Unk**".

### **Immunization Record:**

This will be populated if the DPO is completing the Pre/Plea Disposition report packet. Check "Record Attached" if information is provided.

### **Immunization Record located in the placement file:**

Leave unchecked.



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**Education Status and Background:**

The minor's grade will be populated if the DPO is completing the Pre/Plea Disposition report packet. Check appropriate boxes. The IEP should always be attached; if unable to do so, provide an explanation. For Educational Assessment needed, check yes if you believe that the minor has learning disabilities but has not been assessed.

**Probation recommends that the right of the parent to make educational decisions be limited:**

"No" is **automatically** checked.

**Type of school program that minor will require during placement:**

Dictate minor's educational needs.

**Independent Living Services:**

Check yes as all parents have the right to obtain adoption counseling services if Termination of Parental Rights become part of the case plan.

**Parents will be offered adoption counseling services.**

"Yes" is **automatically** checked. This is Placement policy.

**Projected Date of Completion of Case Objectives:**

Dictate a date six months from the date of hearing.

**Projected Date by which Jurisdiction Will Be Terminated:**

Dictate one year (less one day) from the date of hearing.

**Projected Date the Minor Will Be Returned to the Parent:**

Dictate one year (less one day) from the date of hearing.

**Signature Page:**

Request all parties to sign. If unable to obtain minor or parent signatures, document efforts to obtain required signatures.

Check yes or no, depending on minor's age.

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### **1303 TRANSITIONAL INDEPENDENT LIVING PLAN (TILP) SECTION**

DPO shall complete the TILP when recommending Suitable Placement for a minor who is 14 years of age or older as follows:

- Detained Cases – TILP Coordinator, housed at Juvenile Hall, shall complete the TILP and fax the completed form to the DPO of record, within one working day of receipt. The DPO of record shall attach to the court report for delivery to court.
- Non-Detained Cases – Field DPO shall complete the TILP and attach to the court report for delivery to court.
- Camp Cases – Camp DPO shall complete the TILP and attach to the court report for delivery to court.
- Minor and DPO signatures are required on the TILP. DPO shall obtain parent signature, if available.

The TILP consists of 11 sections and is a self-assessment tool for the minor, who with the assistance of the DPO, identifies his/her needs and services in specific areas. The questions often assist with relationship building between the minor and the DPO. The TILP must be completely filled out. No sections or items should be left blank.

#### **Section 1 – IDENTIFYING INFORMATION (to be completed by DPO)**

<b>Name of Youth</b>	Information will automatically populate if the DPO is completing the Pre-Plea/Disposition report packet.
<b>State ID Number</b>	If minor previously placed, obtain information from the PDJ File/Suitable Placement Packet/Placement Authorization Form – number is located at the bottom/left under “DCFS State Number.”
<b>Case I.D. Number</b>	Minor’s PDJ #. Information will automatically populate if the DPO is completing the Pre-Plea/Disposition report packet.
<b>SSN</b>	Information will automatically populate if the DPO is completing the Pre-Plea/Disposition report packet.

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<b>Birthdate</b>	Information will automatically populate if the DPO is completing the Pre-Plea/Disposition report packet.
<b>Age</b>	Information will automatically populate if the DPO is completing the Pre-Plea/Disposition report packet.
<b>Sex</b>	Information will automatically populate if the DPO is completing the Pre-Plea/Disposition report packet.
<b>Ethnicity</b>	Information will automatically populate if the DPO is completing the Pre-Plea/Disposition report packet.
<b>Language</b>	Minor's primary language.
<b>Case Plan Goal</b>	Fill in either 1) Family Reunification <u>or</u> 2) one of the following: Permanency Plan/Adoption <u>or</u> Permanency Plan/Legal Guardianship <u>or</u> Permanency Plan/Long Term Foster Care – this information should correspond to the box checked under "Case Plan Goals" on the 1 <sup>st</sup> page of the FCCP.
<b>Projected CWS Termination Date</b>	Fill in minor's 18 <sup>th</sup> birthday.
<b>Projected TILP Term Date</b>	This should populate from the projected CWS termination date (if DPO selects "Print Preview" and close the Print Preview Screen). This is also minor's 18 <sup>th</sup> birthday.
<b>Is Youth Aware of Projected Termination Date(s)</b>	Fill in applicable box.
<b>Address Where Youth is Residing (Street) City State Zip Code</b>	Fill in address of home, camp, group home, etc. Corresponds to above address. Corresponds to above address. Corresponds to above address.
<b>Name of Current Placement Caretaker/Facility</b>	Only applicable for active Suitable Placement minors. Fill in "N/A."

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<b>Relationship, If Any</b>	Only applicable for active Suitable Placement minors. Fill in "N/A."
<b>Telephone Number</b>	Only applicable for active Suitable Placement minors. Fill in "N/A."
<b>Legal Authority to Place</b>	602 WIC is filled in automatically.
<b>Marital Status</b>	Minor's marital status.
<b>Parental Status</b>	Minor's parental status.
<b>School Currently Attending</b>	Information will automatically populate if the DPO is completing the Pre-Plea/Disposition report packet.
<b>Grade</b>	Information will automatically populate if the DPO is completing the Pre-Plea/Disposition report packet.
<b>Anticipated Graduation/ GED Date</b>	Fill in, if known.
<b>School Address</b>	Fill in school address.
<b>School Telephone Number (If Available)</b>	Fill in school telephone number

**Section 2 – INDEPENDENT LIVING SERVICES (to be completed by Minor and DPO)**

The DPO shall assist the minor by explaining the services listed and by helping the minor determine his/her needs (See Attachment A). Check the appropriate boxes and complete applicable information:

- **"I will participate in Independent Living Services"** - explain the services to the minor i.e., ILP classes at the local Community College, or a Vocational Skills Center.

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- **“I am in need of individual ILP services because”** may be disability based and may include a learning disability.
- **“I am in the Transitional Housing Placement Program”** is a “pre-emancipation housing program” for some high school seniors. (See “Section 10” for details)
- **“I am in need of transportation services”** should only be checked if ILP transportation or tokens are not provided for specific services (e.g. transportation to Life Skills classes, transportation for employment, transportation for vocational training, and/or transportation for college).
- **“Other”** may be other services such as Early Start to Emancipation Planning, (ESTEP), a program that assists fourteen (14) and fifteen (15) year-olds prepare to graduate high school and basic living skills, i.e., personal hygiene, survival skills, etc.

**Section 3 – EDUCATIONAL STATUS (to be completed by Minor and DPO)**

The DPO may need to assist the minor in obtaining the educational data requested in this section.

- **“Prior to my 19<sup>th</sup> birthday, I will or I will not”** boxes must be checked.
- Check applicable box: Graduate High School, Attain GED or Complete Vocational Training.
- Fill in number of credits completed towards high school completion.
- **“Need help with the following school issues”** must be specific, i.e. math tutoring, study skills, etc. If the minor does not need help, mark the item N/A.
- **“My current grade point average is”** - If the minor does not know his / her GPA or have a report card, fill in “Unk.”
- **“I attend”** – Check applicable box.
- **“Standardized Test Results”** - The results, if known, should be entered after the colons following the respective reading / math levels. Put “N/A” if not available.

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- **“I take”** – Check applicable box. If boxes are not applicable, fill in type of educational classes minor is currently taking in school in “Other.”

**Section 4 – SUMMARY ASSESSMENT OF BASIC LIVING SKILLS (to be completed by Minor and DPO)**

The DPO should be prepared to assist the minor with definitions and examples of the information requested in this section.

- **Check only one box for each living skill** based on information provided by the minor. Choose the box that best describes the minor’s self-assessment of his / her living skills.

**Section 5 – WORK EXPERIENCE (to be completed by Minor and DPO)**

- Past and current employment, if any. Identify the minor’s skills and advise on vocational or life training needed to obtain and maintain employment.
- Check all the boxes that apply.
- If **“I need help or other”** is checked, an explanation of services or assistance requested is required in this section.

**Section 6 – SAVINGS (to be completed by Minor and DPO)**

Check applicable boxes.

- Explain to the minor that he / she is allowed to accumulate up to \$10,000.00 in personal savings. The term “ILP savings” refers to any regular savings account. It is important to explain that ILP WILL NOT DEPOSIT \$10,000.00 into an account for the minor.
- If the minor has a savings account, list the amount in dollars after the \$ sign.

**Section 7 – CAREER / COLLEGE PLAN (to be completed by Minor and DPO)**

- **“I am interested in” - check all that apply.** The minor must check at least one of the boxes. If military is checked, indicate

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branch of armed services. If other is checked, provide an explanation.

- **“I am currently enrolled in”** – check all boxes that apply.
- **“My college goal is”** - check applicable box. If none applies, leave blank.
- **“I am currently enrolled in”** - check applicable box. If none applies leave blank.
- **“I received a statement from my social worker that I was in foster care”** - refers to a written statement that college’s request when minor applies for financial aid. DPO provides minor with a copy of the minute order indicating that he/she was ordered Suitable Placement.
- **“Additional information”** – fill out or marked N/A. Do not leave blank.

#### **Section 8 – EMANCIPATION PLAN (to be completed by Minor and DPO)**

- **“My projected emancipation date is”** – fill in minor’s 18<sup>th</sup> birthday.
- **“I received help filling out forms required to continue my medical care”** occurs prior to termination. “N/A” is filled in automatically.
- **“When I emancipate, I will”** - refers to pre-emancipation. Check one box only. If “Other” is checked, explain.
- **“As an Emancipated Youth, I”** - refers to minors who are emancipated. Do not skip this section. If the minor has not emancipated, check “Other” and write N/A after the colon.

#### **Section 9 – PERSONAL DOCUMENTATION (to be completed by Minor and DPO)**

Check one box for each document listed.

- **“On file”** means that the document exists and you know where it is.



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- “Requested” means the minor, DPO or Social Worker, has asked for it.
- “N/A” means the document does not apply, i.e., Immigration Record.
- “Name and Telephone of one person” refers to a support person for the minor who can be contacted in cases of emergency or to locate him/her when whereabouts are unknown.

#### **Section 10 – TRANSITIONAL INDEPENDENT LIVING SERVICES (to be completed by Minor and DPO)**

See Attachment B for example of planned and delivered services terminology and examples. Services are not limited to those provided through ILP.

##### **Delivered Services**

- Fill in the services that have been identified as needed services and have been provided, i.e., health care, etc.
- List the activity provided and the date(s) provided.
- The “frequency” is how often the activity took place, i.e., weekly, monthly, etc.

##### **Planned Services**

- The “planned services” are services that have not yet been provided.
- List activity planned and the date(s) projected to be completed.
- Use this section to set the goals for the minor to achieve.

#### **Section 11 – SIGNATURE PAGE (to be completed by Minor and DPO)**

- Minor is to sign and date the document on the indicated line.
- **The DPO is to sign and date the document on the indicated line.**

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- If the minor refuses or is unable to sign the document, utilize the space under the signatures to document reasons for missing signature.

Examples:

Smith, John participated in the TILP but refuses to sign hard copy of the TILP. (DPO First and Last Name and Date)

Smith, John did not participate in the TILP and refuses to sign hard copy of the TILP. (DPO First and Last Name and Date)

Smith, John was not able to participate in or sign the TILP due to the following disability (describe disability). (DPO First and Last Name and Date)

Smith, John did not participate in or sign the TILP because the youth ran away (AWOL) from placement on (insert date). (DPO First and Last Name and Date)

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**EMANCIPATION PROGRAM**
**(FORMERLY KNOWN AS INDEPENDENT LIVING PROGRAM FOR FOSTER YOUTH)**

## ILP Resource Services Guide

Ages 14-15	Ages 16-18	Ages 18-21 Jurisdiction Terminated
<b>ESTEP</b>  (Early Start to Emancipation Preparation)  <ul style="list-style-type: none"> <li>• Mentoring</li> <li>• Tutoring</li> </ul>	Life Skills Classes	College: Books & Supplies, Tuition & College Tours
	Vocational Skills Center	
	High School Graduation Expenses	
	College (If Applicable)	Transportation: Driving Lessons, Auto Insurance & Bus Tokens
	Celebration I & II	Housing: Room & Board Assistance, Transitional Housing & Relative Foster Housing
	Success Is Our Future	
Success Is Our Future  (Not eligible for scholarship)	Gift Cards, Food Vouchers and Transportation (Bus Tokens)	Emergency Housing
	College Tour	Food Vouchers & Clothing Gift Cards
	Vocational Skills Center	Youth Conferences
	Mentoring / Tutoring	
*Resources are based on finding available and need documents in TILP	Transitional Housing Placement	*Youth are eligible for resources up until the day before their 21st birthday

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**Transitional Independent Living Services  
Terminology and Examples  
Delivered Services**

<b>TRANSITIONAL INDEPENDENT LIVING SERVICES</b>
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<b>Delivered Services</b>			
Activity:	ILP – Orientation	Completion Date	04/30/2002
<u>Progress Narrative:</u> A TILP was completed and (Minor's Name) was presented with an orientation of the services provided by the Independent Living Program.			

<b>Delivered Services</b>			
Activity:	ILP – E-STEP	Completion Date	09/30/2002
<u>Progress Narrative:</u> (Minor's Name) has completed E-STEP class as confirmed by the ILP staff.			

<b>Delivered Services</b>			
Activity:	ILP – Life Skills Classes	Completion Date	02/15/2003
<u>Progress Narrative:</u> (Minor's Name) has completed the Life Skills Classes as confirmed by the ILP staff.			

<b>Delivered Services</b>			
Activity:	ILP – Life Skills Classes	Completion Date	04/01/2003
<u>Progress Narrative:</u> DPO spoke to (Minor's Name) Math Teacher, Ms. Divide, at this school on June 1, 2003. Ms. Divide confirms that (Minor's Name) has tested above his grade level on math skills.			

<b>Delivered Services</b>			
Activity:	ILP – High School Senior Expenses	Completion Date	06/01/2003
<u>Progress Narrative:</u> (Minor's Name) received graduation expenses to assist with prom, yearbook, class ring and senior pictures.			

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**Transitional Independent Living Services  
Terminology and Examples - Planned Services**

<b>Planned Services</b>			
Activity:	ILP – E-STEP (Once a Week)	Completion Date	03/01/2004
<u>Responsibilities / Activities:</u> (Minor's Name) will participate in tutoring and career guidance as well as academic assessment counseling sessions with CCF E-S STEP Advisors on a weekly basis. DPO will monitor youth's progress on a monthly basis and provide assistance as necessary.			

<b>Planned Services</b>			
Activity:	ILP – Life Skills Classes (Bi-Weekly - 8 weeks)	Completion Date	04/15/2004
<u>Responsibilities / Activities:</u> (Minor's Name) will participate in life skills classes conducted by the Community College Foundation. DPO will complete referral, monitor progress and report progress to court.			

<b>Planned Services</b>			
Activity:	ILP – Vocational Skills Classes (Bi-Weekly TBD Duration)	Completion Date	09/15/2005
<u>Responsibilities / Activities:</u> (Minor's Name) will participate in weekly vocational skill class conducted by Community based employment-training programs. DPO will complete referral, monitor progress and report progress to court.			

<b>Planned Services</b>			
Activity:	ILP – High School Expenses (One Time)	Completion Date	06/23/2006
<u>Responsibilities / Activities:</u> (Minor's Name) will provide school counselor with verification form for proof of gradation and return to ILP Coordinator.			

<b>Planned Services</b>			
Activity:	ILP – College Preparation (On-Going)	Completion Date	12/31/2006
<u>Responsibilities / Activities:</u> (Minor's Name) will meet with guidance counselor to select college. In addition, youth will attend financial aid workshop and fill out financial aid application for college.			

<b>Planned Services</b>			
Activity:	ILP – Transitional Housing Placement (As Needed)	Completion Date	12/31/2007
<u>Responsibilities / Activities:</u> (Minor's Name) will meet with DPO to fill out transitional housing application. Youth will also make themselves available for			

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interviews with transitional housing staff.

**LOS ANGELES COUNTY PROBATION DEPARTMENT**

<b>Subject:</b>  <b>JUVENILE MANUAL</b>  <b>FITNESS INVESTIGATIONS</b>	<b>Section Number:</b> <b>JM-1400</b>
	<b>Effective Date:</b> 7/17/2008
	<b>Approved By:</b>  <b>Sharon Harada, Bureau Chief</b>

Section 707 WIC mandates that a fitness hearing be conducted by the court to decide whether or not a minor is a fit and proper subject to be dealt with under Juvenile Court Law. The probation fitness report is a jurisdictional prerequisite for determining fitness.

The fitness process identifies minors who by virtue of their delinquency, criminal sophistication, and the threat they represent to the safety of the public, are not amenable to the care, treatment and training programs available through the juvenile court.

Only the District Attorney (D.A.) can make the motion for fitness and the court is required to grant it. However, the Deputy Probation Officer (DPO) may request that the D.A. file such a motion. The court uses the same five criteria in making rulings in all fitness hearings.

#### **1401 FORMS FOR FITNESS COURT REPORT AND WORKSHEET**

DPOs shall use the following forms to complete a Fitness Report:

- Court Report (Prob. 1264f Rev. 1/05).
- Worksheet (Prob. 14 Rev. 8/99).

#### **1402 PRESUMPTIONS AND BURDEN OF PROOF**

Preponderance of evidence is the standard used to determine fitness. The burden of proof falls on the minor when the presumption is that the minor is unfit. It falls on the prosecutor when the minor is presumed fit. Outlined below are the three sections under which fitness motions are filed:

Section 707(a)(1) WIC

- 16 years or older
- Any non 707 (b) offense
- Presumed fit

**FITNESS INVESTIGATIONS**

- Court may make an unfit finding based on one or more of the five criteria however, it is not compelled to find the minor fit.

## Section 707(a)(2) WIC

- 16 or older
- Any felony offense, and
  1. Prior wardship
  2. Two (2) or more prior sustained felony offenses committed when 14 years or older
- Presumed unfit
- Shall be found unfit if not amenable under any criteria

## Section 707(c) WIC

- 14 years or older
- Any 707 (b) offense (see Appendix A)
- Presumed unfit
- Shall be found unfit if not amenable on any one of the five criteria

**1403 PROBATION REPORT REQUIREMENTS**

Whenever ordered by the juvenile court, the DPO shall investigate and submit a report on the behavioral patterns and social history of the minor.

The probation report is the only mandatory report. However, the court may consider any other relevant evidence, such as private psychiatric or psychological reports from sources other than the probation investigation.

The report must include information to help the court determine whether minor would be amenable to treatment available through the juvenile court.

**1404 THE COURT REPORT**

The format is the same as a dispositional or pre-plea report until the Analysis and Plan section. At that point, "Behavioral Evaluation" replaces the "Analysis and



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Plan”, followed by discussion of the five criteria, “Place of Detention” and “Recommendation.”

The following are some headings that require special consideration in the fitness report:

**Gang Activity:** If the present offense was gang related, describe significant events preceding the offense and all other information relating to the minor’s gang membership, associations and activities. Also include any statements made by family members or interested parties regarding minor’s association with or participation in gang activities.

**Minor’s Statement:** Minor’s decision to remain silent has no bearing on preparation of the report or the DPO’s evaluation of fitness.

DPO shall interview minor only with the permission of his/her attorney. The attorney’s permission is generally reflected on the minute order, box copy, or petition, or is secured by contacting the attorney.

The first paragraph in minor’s statement is one of the following:

- Minor’s attorney, (identify by name), declined permission for minor to be interviewed or,
- Minor’s attorney (was contacted) (was present during the interview and) gave permission for the minor to be interviewed regarding (all matters, including the present offense) (all matters, except the present offense).

**NOTE:** The attorney’s denial of permission to interview or limiting the scope of the interview should have no bearing on the DPO’s evaluation of fitness.

Should minor admit to the offense and minor’s version is not markedly different from the arrest report information, simply state:

- Minor’s version of the present offense essentially agrees with the concluding facts of the investigation.

Whenever minor’s version of the offense is significantly different from the arrest report information, point out those differences.

**Parent’s Statement:** DPO focuses on the present offense, particularly major areas of conflict that relate to the offense. If an active case, DPO obtains the

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parent's view of minor's progress under supervision, their choice of court (juvenile or adult) for adjudication and their reasons.

**Interested Parties:** Include statements from persons with additional information about minor or the offense not included elsewhere in the report. For cases active

in another jurisdiction or with another agency, obtain statements of minor's response to their program from the responsible officer, agent or worker.

DPOs must include a description of the minor's behavior in detention in this section.

For cases where 241.1 WIC appears to apply: Include statement/history from the Children's Service Worker (CSW) in this section.

**Conduct Under Supervision (active probation cases):** A concise, but complete statement regarding the minor's compliance with terms and conditions must be provided. If there were violations, describe action taken and minor's response. Include any positive activities and changes in minor's behavior.

**Behavioral Evaluation:** This section is the analysis of the minor's behavior and how it manifested itself in the commission of the offense. It is not a summary, or repetition of facts presented in the preceding sections of the report; no new facts are introduced at this point and it does not include a plan.

**1405 Criteria**

DPO must address and discuss briefly each criterion in the following order and conclude each criterion by stating whether minor is fit or unfit. Dictate one of the following statements after the Behavioral Evaluation section and preceding the five criteria:

- "Section 707(a)(1) WIC mandates a consideration of minor's amenability as to the following criteria:" (16 and 17 years olds) or,
- "Section 707(a)(2) WIC mandates a consideration of minor's amenability as to the following criteria:" (16 and 17 years olds) or,
- "Section 707(c) WIC mandates a consideration of minor's amenability as to the following criteria:" (14 and older)

**1. The degree of criminal sophistication exhibited by the minor.**

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How much planning was involved in the offense? Was the planning over a period of time? Did it involve others? Were sophisticated tools required and used? Did the offense require an unusual degree or type of knowledge, such as computer fraud? What degree of sophistication is evidenced by minor's associations and lifestyle evidence? Is minor assuming an adult role?

**2. Whether the minor can be rehabilitated prior to expiration of the juvenile court's jurisdiction.**

Are there indicators that minor's criminal attitudes and behavior can be significantly reduced or eliminated within the jurisdictional time remaining at the juvenile level? Is there an expectation that minor will cooperate with the program? Are there any successes or failures of previous program efforts or any special problems that would hinder treatment efforts?

**NOTE:** Jurisdiction may extend until age 21 for any person declared a ward of the court; to age 25 for any person committing an offense listed under 707(b) WIC, if the person was committed to California Division of Juvenile Justice (DJJ).

**3. The minor's previous delinquent history.**

Are there any discernible patterns, such as use of weapons, assaultive behavior, property offenses, or drug trafficking? Does minor act alone or in concert with others? Has there been misconduct at school that may be delinquent/criminal? Was the most recent criminal conduct an isolated incident, part of a recent crime spree, or the natural progression of delinquency towards career criminality? Have there been any prior findings that minor is unfit?

**4. Success of previous attempts by the juvenile court to rehabilitate the minor.**

What previous juvenile court programs such as home on probation, suitable placement, camp or DJJ have been tried and what effect have they had on minor?

**5. Circumstances and gravity of the offense alleged in the petition to have been committed by the minor.**

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Was anyone killed, seriously injured or subjected to a high probability of injury or death? Was the offense gang related? Was there significant property loss?

Describe the degree of minor's personal involvement: Was minor an instigator, leader or follower? Was minor willing or under duress or peer pressure? Was there any effort to withdraw from or to intervene or help victims? Did minor use or carry a weapon? Did minor share in any stolen property?

**1406 Place of Detention**

This section (dictated narrative) is included in the report only when recommending that a minor 14 to 17 years be found "unfit" and is dictated after the five criteria are addressed.

DPOs preparing fitness reports shall recommend:

- DJJ for minors 14 to 17 years of age whenever they commit a violent or serious offense (e.g. severe crimes such as murder), have a violent history (e.g. history of staff assault), are being prosecuted under the provisions of Sections 707(a)(1), 707(a)(2) or 707(c) WIC, or jeopardize the safety and security of Juvenile Hall.
- County Jail for minors 18 years of age whenever there is a high level of criminal sophistication and/or there has been serious assaultive behavior, either in the instant matter or past offenses.

**1407 Procedures for Clearing the "Place of Detention"**

The Fitness Coordinator monitors the use of bed space in DJJ and County Jail for minors found unfit for juvenile court and clears the "place of detention" for DPOs submitting an unfit recommendation to court.

After clearing a recommendation for "unfit" with the SDPO, the DPO shall contact the Fitness Coordinator located at Barry J. Nidorf Juvenile Hall to clear the place of detention:

Fitness Coordinator  
Barry J. Nidorf Juvenile Hall  
(818) 364-6811 (office telephone)  
(818) 522-1328 or 818-522-1669 (cellular telephone)  
(818) 364-6815 (fax)

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Clearance will be made within 24 hours of contact. (Clearance is available, Monday through Friday between 8:00 a.m. and 5:00 p.m. Clearance is not available between 12:00 and 1:00 p.m.) The Fitness Coordinator will contact DPO and identify the "Place of Detention" to be included in the fitness report.

The four categories are:

1. **Unfit Recommendation – Minor is not dangerous, detain in Juvenile Hall.** Minor is not viewed as an immediate danger to the public, other detained minors or staff. DPO dictates the following under the "Place of Detention":

"Minor's presence in Juvenile Hall is not viewed as an immediate danger to the public, other detained minors or staff. Continued detention in Juvenile Hall is recommended."

2. **Unfit Recommendation – Minor is dangerous, detain in Juvenile Hall.** Minor is considered dangerous based on the circumstances of the offense but minor's behavior in detention does not pose a threat to the public, other detained minors or staff.

The Detention Observation Report reveals that minor's behavior is acceptable and minor can remain detained in Juvenile Hall with enhanced security provisions. DPO dictates the following under "Place of Detention":

"Minor is considered dangerous based on the circumstances of the offense; however, minor's presence in juvenile hall is not viewed as an immediate danger to the public, other detained minors or staff. Continued detention in Juvenile Hall is recommended."

3. **Unfit Recommendation – Minor is dangerous, detain in DJJ.** Criteria for detention at DJJ include: minor has committed a violent or serious offense, has a violent history, is being prosecuted under the provisions Sections 707(a)(1), 707(a)(2) or 707(c) WIC, or minor's presence in Juvenile Hall represents a danger to the public, other detained minors or staff.

DPO dictates the following under "Place of Detention":

- "Minor represents a present danger to the public and other detained minors. Detention in the California Division of Juvenile Justice is recommended."

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4. **Unfit Recommendation – Minor is dangerous, detain in County Jail.** Minor is 18 years of age and the most serious type of violent offender. Minor's offense is so outrageous by community standards, delinquently sophisticated, or gang involved that minor's presence in Juvenile Hall represents a danger to the public, other detained minors or staff.

DPO dictates the following under "Place of Detention":

- "Minor represents a present danger to the public and other detained minors. Detention in County Jail is recommended."

**1408 Recommendations (Fit and Unfit)**

For 707(a)(2) WIC and 707(c) WIC cases, the minor is presumed unfit and the recommendation shall be that minor is found unfit, if considered unfit under one or more of the criteria.

Under 707(a)(1) WIC the minor is presumed fit. The recommendation may be that minor be found fit, even if not fit under all criteria. However, evidence must support that the minor is amenable to treatment available through Juvenile Court.

Fitness recommendations cover several options before the court. Dictate recommendation verbatim and choose the appropriate parenthetical statement.

**Recommendation – Fit (new or active case).**

"It is recommended that minor be found a fit and proper subject to be dealt with under the juvenile court law; that minor (be detained in) or (remain detained in) juvenile hall, or (be released to: name, address and relationship); that case be continued for further proceedings in juvenile court."

When recommending unfit, DPO must:

- Identify place of detention (juvenile hall or county jail) for minors 16 years to 17 years old.
- Recommend that case be dismissed on new cases.
- Recommend that only the fitness petition be dismissed without prejudice on active cases.
- Recommend that case be continued three months to the non-appearance calendar for further report on active cases.

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- Not recommend a continuance date for new or active DJJ cases.

**Recommendation – Unfit (minor not dangerous, new case, detain in Juvenile Hall)**

“It is recommended that minor be found not a fit subject for consideration under the provisions of the juvenile court law; that the court direct the prosecuting attorney to file an accusatory pleading against the minor in a court of criminal jurisdiction: that minor (be detained in) or (remain detained in) juvenile hall; that the order for detention reflect that minor is to be released to the custody of law enforcement personnel for transportation to and from adult proceedings; that case be dismissed.”

**Recommendation – Unfit (minor not dangerous, active case, detain in Juvenile Hall)**

“It is recommended that minor be found not a fit subject for consideration under the provisions of the juvenile court law; that the court direct the prosecuting attorney to file an accusatory pleading against the minor in a court of criminal jurisdiction; that minor (be detained in) or (remain detained in) juvenile hall; that the order for detention reflect that minor is to be released to the custody of law enforcement personnel for transportation to and from adult proceedings; that the petition be dismissed without prejudice; that case be continued three months to the non-appearance calendar for further report.”

**Recommendation – Unfit (minor is dangerous, new case, detain in Juvenile Hall)**

“It is recommended that minor be found not a fit subject for consideration under the provisions of the juvenile court law; that the court direct the prosecuting attorney to file an accusatory pleading against the minor in a court of criminal jurisdiction; that minor (be detained in) or (remain detained in) juvenile hall with enhanced security provisions; that the order for detention reflect that minor is to be released to the custody of law enforcement personnel for transportation to and from adult proceedings; that case be dismissed.”

**Recommendation – Unfit (minor is dangerous, active case, detain in Juvenile Hall)**

“It is recommended that minor be found not a fit subject for consideration under the provisions of the juvenile court law; that the court direct the prosecuting attorney to file an accusatory pleading against the minor in a court of criminal

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jurisdiction; that minor (be detained in) or (remain detained in) juvenile hall with enhanced security provisions; that the order for detention reflect that minor is to be released to the custody of law enforcement personnel for transportation to and from adult proceedings; that the petition be dismissed without prejudice; that the case be continued three months to the non-appearance calendar for further report.”

**Recommendation – Unfit (minor is dangerous, new case, detain in DJJ)**

“It is recommended that minor be found not a fit subject for consideration under the provisions of the juvenile court law; that the court direct the prosecuting attorney to file an accusatory pleading against the minor in a court of criminal jurisdiction: that the presence of minor in juvenile hall would endanger the safety of the public and would be detrimental to other minors detained in juvenile hall; that minor be delivered to the custody of the Sheriff; that case be dismissed.”

**Recommendation – Unfit (minor is dangerous, active case, detain in DJJ)**

“It is recommended that minor be found not a fit subject for consideration under the provisions of the juvenile court law; that the court direct the prosecuting attorney to file an accusatory pleading against the minor in a court of criminal jurisdiction; that the presence of minor in juvenile hall would endanger the safety of the public and would be detrimental to other minors detained in juvenile hall; that minor be delivered to the custody of the Sheriff; that the petition be dismissed without prejudice; that case be continued three months to the non-appearance calendar for further report.”

**Recommendation – Unfit (minor is 18 years of age and dangerous, new case, detain in County Jail)**

“It is recommended that minor be found not a fit subject for consideration under the provisions of the juvenile court law; that the court direct the prosecuting attorney to file an accusatory pleading against the minor in a court of criminal jurisdiction: that the presence of minor in juvenile hall would endanger the safety of the public and would be detrimental to other minors detained in juvenile hall; that minor be delivered to the custody of the Sheriff; that case be dismissed.”

**Recommendation – Unfit (minor is 18 years of age and dangerous, active case, detain in County Jail)**

“It is recommended that minor be found not a fit subject for consideration under the provisions of the juvenile court law; that the court direct the prosecuting attorney to file an accusatory pleading against the minor in a court of criminal jurisdiction; that the presence of minor in juvenile hall would endanger the safety



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of the public and would be detrimental to other minors detained in juvenile hall; that minor be delivered to the custody of the Sheriff; that the petition be dismissed without prejudice; that case be continued three months to the non-appearance calendar for further report.”

The court will continue unfit cases for three (3) to five (5) days for a report by the D.A. to see if a case was filed in adult court.

**1409 UNFIT EXPEDITER**

Upon completing the fitness report, DPO shall submit the unfit packet to the designated area office clerical support staff who will send it to the Unfit Expediter:

Unfit Packet:

- |                   |        |
|-------------------|--------|
| 1. Fitness Report | 1 copy |
| 2. Arrest Report  | 1 copy |

Unfit Expediter address:

Northeast Juvenile Justice Center  
1601 Eastlake Avenue, Room 4  
Los Angeles, CA 90033  
Attn: Unfit Expediter

NOTE: Do not send PDJ File to Closed Files unless jurisdiction was terminated or case dismissed/closed. Check automated systems to be sure there are no pending matters or court dates.

**FITNESS INVESTIGATIONS****DESIGNATED OFFENSES 707(b) WIC****Appendix A**

1. Murder, as provided in Section 187 of the Penal Code.
2. Arson, as provided in subdivision (a) or (b) of Section 451 of the Penal Code.
3. Robbery, as provided in Section 211 of the Penal Code.
4. Rape with force or violence or threat of great bodily harm, as provided in Section 261 (a)(2) of the Penal Code.
5. Sodomy by force, violence, duress, menace, or threat of great bodily harm, as provided in Section 286 (c)(2) of the Penal Code.
6. Lewd or lascivious act as provided in subdivision (b) of Section 288 of the Penal Code.
7. Oral copulation by force, violence, duress, menace, or threat of great bodily harm, as provided in Section 288a (c)(2) of the Penal Code.
8. Any offense specified in subdivision (a) of Section 289 of the Penal Code.
9. Kidnapping for ransom, as provided in Section 209a of the Penal Code.
10. Kidnapping for purpose of robbery, as provided in Section 209b of the Penal Code.
11. Kidnapping with bodily harm, as provided in Section 209a of the Penal Code.
12. Attempted murder, as provided in Section 664/187.
13. Assault with a firearm or destructive device, as provided in Section 245 of the Penal Code.
14. Assault by any means of force likely to produce great bodily injury, as provided in Section 240 of the Penal Code.
15. Discharge of a firearm into an inhabited or occupied building, as provided in Penal Code 246.
16. Any offense described in Section 1203.09 of the Penal Code
17. Any offense described in Section 12022.5 or 12022.53 of the Penal Code.
18. Any felony offense in which the minor personally used a weapon listed in subdivision (a) of Section 12020 of the Penal Code.
19. Any felony offense described in subdivision (c) of Section 136.1 or subdivision (b) of Section 137 of the Penal Code.
20. Manufacturing, compounding, or selling one-half ounce or more of any salt or solution of a controlled substance specified in subdivision (e) of Section 11055 of the Health and Safety Code.
21. Any violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code, which would also constitute a felony violation of subdivision (b) of Section 186.22 of the Penal code.
22. Escape, by the use of force or violence, from any county juvenile hall, home, ranch, camp, or forestry camp in violation of subdivision (b) of Section 871 where great bodily injury is intentionally inflicted upon an employee of the juvenile facility during the commission of the escape.
23. Torture as described in Sections 206 and 206.1 of the Penal Code.
24. Aggravated mayhem, as described in Section 205 of the Penal Code.
25. Carjacking, as described in Section 215 of the Penal Code, while armed with a dangerous or deadly weapon.
26. Kidnapping, as punishable in subdivision (d) of Section 208 of the Penal Code.
27. Kidnapping, as punishable in Section 209.5 of the Penal Code.
28. The offense described in subdivision (c) of Section 12034 of the Penal Code.
29. The offense described in Section 12308 of the Penal Code.
30. Voluntary manslaughter, as described in subdivision (a) of Section 192 of the Penal Code.

## LOS ANGELES COUNTY PROBATION DEPARTMENT

<b>Subject:</b>  <b>JUVENILE MANUAL</b>  <b>CONDITIONS OF PROBATION</b>	<b>Section Number:</b> <b>JM-1500</b>
	<b>Effective Date:</b> 7/17/2008
	<b>Approved By:</b>  <b>Sharon Harada, Bureau Chief</b>

The juvenile court is authorized to impose and require compliance with clearly defined conditions of probation. The Deputy Probation Officer (DPO) recommends probation conditions in all cases except Fitness hearings and those involving commitment to the California Division of Juvenile Justice (DJJ) formerly California Youth Authority (CYA).

### 1501 GUIDELINES

The recommended conditions must be relevant to the present offense, the minor's behavior or other problems described in the Analysis and Plan section of the court report. Section 729.2 WIC requires that the parents or guardian of the minor participate with the minor in a counseling or educational program.

The Parent Education Program (Condition #37) is considered in all cases, and recommended in situations where the parents seem to lack some parenting skills or could benefit from such classes.

### 1502 TYPES OF CONDITIONS OF PROBATION

#### **General conditions:**

Those conditions which are recommended in every case, such as #1 "Obey all laws," #3 "Report to the probation officer as directed," #4 "Notify the probation officer before changing address, school, school schedule or place of employment," and #14 "Do not stay away from residence for more than 24 hours, nor leave Los Angeles County except at times and places specifically permitted in advance by the probation officer."

#### **Specific conditions:**

Those conditions that address the specific need of an individual case, such as, "Do not leave camp or suitable placement without permission," and "Do not associate with David Smith."

### 1503 ESTABLISHING CONDITIONS

#### **Initial Court Report**

The DPO:

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- Reviews the case and determines appropriate conditions.
- Checks the corresponding numbers on Prob 1259
- Uses #40 "Other," if a unique situation occurs requiring the creation of an additional condition of probation.

**NOTE:** DPO recommends search and seizure conditions for cases involving gangs, drugs and weapons.

### **Subsequent Court Reports**

The DPO:

- Reviews each condition for continued relevancy.
- Indicates all previously ordered conditions on the worksheet noting any modifications, terminations or additions.
- Considers additional conditions as required.

### **Case Clearance**

During case clearance, the DPO re-examines all recommended conditions and modifications, and discusses any problems with the Supervising Deputy Probation Officer (SDPO). Conditions agreed on at the clearance conference, like the recommendation, become the recommendation of the Chief Probation Officer and shall not be changed without an additional conference with the SDPO (see JM-814).

### **Dictating Conditions**

After dictating the court report, use "Juvenile Conditions of Probation" (Prob. 1259) and dictate the recommended conditions, identifying each by number.

## **1504 DETENTION AS A CONDITION OF PROBATION**

### **Detention time - 602 WIC Wards**

Detention is available due to a precedent-setting case that authorizes juvenile courts to order time in custody in a county juvenile institution as a condition of probation. This condition is not recommended without SDPO approval.

Any request for confinement time must be justified in the evaluation section of the court report.

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### **Detention Alternatives**

When appropriate, in new and active cases, detention alternatives described in Juvenile Manual Section 2700 are recommended in lieu of secure confinement.

### **601 WIC Wards**

Secure confinement time is not recommended in 601 WIC matters. See Juvenile Manual Section 1200.

**LOS ANGELES COUNTY PROBATION DEPARTMENT**

<b>Subject:</b>  <b>JUVENILE MANUAL</b>  <b>DISPOSITION OPTIONS</b>	<b>Section Number:</b> <b>JM-1600</b>
	<b>Effective Date:</b> 7/17/2008
	<b>Approved By:</b> <b>Sharon Harada, Bureau Chief</b>

It is the DPO's statutory duty to select a recommendation from the range of dispositional options provided under juvenile court laws; to provide for the protection and safety of the public and to preserve and strengthen the minor's family ties whenever possible, removing the minor from the custody of the parents only when necessary for his/her welfare or for the safety and protection of the public (Section 202a WIC). This chapter explains options and circumstances under which they are appropriately recommended.

**1600 COURT ORDERED SUPERVISION (654.2 WIC), PROBATION WITHOUT WARDSHIP 725(a), PROBATION WITHOUT SUPERVISION OF PROBATION OFFICER (727 WIC), DEFERRED ENTRY OF JUDGMENT (790 WIC); HOME ON PROBATION (602 WIC)**

**1601 COURT ORDERED SUPERVISION: 654.2 WIC**

If the D.A. files a 602 WIC petition, the court may, without adjudging the minor a ward of the court and with the consent of the minor and parents, continue the hearing for six (6) months and order the minor to participate in a program of supervision under 654 WIC. Parents must participate with the minor in counseling or education programs, including parenting programs.

In these cases, the minor is assigned to a supervision caseload the same as any other supervision case (see JM-500, Case Assignment to Area Offices). If the minor is involved in subsequent arrests, the violation process is the same as for other supervision cases.

The D.A. makes a decision on 653.5 WIC petition filings. For 652 WIC referrals, the DPO shall:

- Determines the most appropriate handling of the referral, which may include referral to the D.A. for petition filing.
- Submit a progress report to court indicating minor's non-compliance with probation conditions and with recommendation for adjudication of
- If the decision is not to file, prepares a "Notice of Potential Violation" (Prob. 1111 – see JM – 3301-2). This report must clearly state the plan to address the **potential** violation and action taken to achieve compliance with conditions.

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**NOTE:** All **potential** violation matters must be reported to the court before the case is dismissed.

The court will order the minor and parents to appear in court at the conclusion of the six-month period. The DPO shall submit a progress report (Prob. 1245) to the court, describing the minor's participation in the program. Any previously unreported violations are reported at this time. If the minor successfully completes the program the petition will be dismissed; if the minor does not successfully complete the program, the petition will proceed to adjudication.

## **1602 PROBATION WITHOUT WARDSHIP: 725(a) WIC**

Except for offenses listed under 654.3 WIC (see JM-1101), the court may place 601 and 602 WIC minors under probation supervision without adjudging wardship for a period not to exceed 6 months.

725(a) WIC is imposed at the disposition hearing, after the court has read the disposition report and recommendation of the investigating DPO.

- The court shall impose conditions of probation unless it makes a finding that the conditions would be inappropriate (729.2 WIC)
- If the offense involved the possession, use, sale or furnishing of drugs, 647(f) PC, or minor in possession of alcohol, the court shall impose conditions of probation (729.10 WIC).
- Wardship may be declared if the minor fails to comply with the conditions of probation (see JM-3300, Violations).

As this disposition does not order wardship, the DPO only recommends 725(a) WIC in highly unusual cases. Cases are assigned for supervision like any other case.

## **1603 PROBATION WITHOUT SUPERVISION OF PROBATION OFFICER: 727 WIC**

At the discretion of the court, a ward may be ordered to be on probation without supervision of the probation officer. The court, in so ordering, may impose on the ward any and all reasonable conditions of behavior as may be appropriate under this disposition.

The following offenses shall be eligible for probation without supervision of the probation officer only when the court determines that the interests of justice would best be served and states reasons on the record for that determination for those minors who has been adjudged a ward of the court on the basis of the commission of any of the offenses described in subdivision (b) or paragraph (2) of subdivision (d) of Section 707 of the Welfare and Institutions Code, Section

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459 of the Penal Code, or subdivision (a) of Section 11350 of the Health and Safety Code, shall not be eligible for probation without supervision of the probation officer. A minor who has been adjudged a ward of the court on the

basis of the commission of any offense involving the sale or possession for sale of a controlled substance, except misdemeanor offenses involving marijuana, as specified in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, or of an offense in violation of Section 12220 of the Penal Code,

#### **1604 DEFERRED ENTRY OF JUDGMENT: 790 WIC**

Deferred Entry of Judgment (DEJ) is a court disposition option for juveniles at least 14 years of age who are charged with a felony offense not listed on 707(b) WIC.

**DEJ Eligibility - a minor is eligible if all of the following requirements are met:**

- Minor has not previously been a 602 ward for a felony.
- The alleged offense is not a 707(b) felony.
- Minor has not previously been committed to Division of Juvenile Justice (formerly California Youth Authority).
- Records do not indicate that probation has ever been revoked without being completed.
- Minor is at least 14 years of age at the time of the hearing.
- Minor is eligible for probation pursuant to 1203.06 PC.

#### **District Attorney**

- Reviews the records to determine whether the minor meets the eligibility requirements after the filing of a petition.
- Files a written declaration with the court regarding DEJ eligibility and makes the information available to the minor and defense attorney. The District Attorney's "Determination of Eligibility" form is included with the Pre-Plea packet sent from court.



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### Juvenile Court

- May set a DEJ hearing under 657 WIC at the initial appearance. For determining suitability, the minor must consent and waive rights to a speedy jurisdictional hearing pursuant to 791(b) WIC.
- May refer the case to Probation for an investigation report or may summarily grant DEJ if the minor admits the charges and waives time for pronouncement of judgment.
- May determine the period of DEJ for no less than 12 months and no longer than 3 years.
- Will order the following Conditions of Probation:
  - **Mandatory conditions** of DEJ under 794 WIC include:
    - Warrantless searches of person, residence, or property upon the request of the probation officer or peace officer.
    - Curfew, if appropriate.
    - School attendance, when appropriate.
  - **Discretionary conditions** of DEJ under 794 WIC are:
    - Drug testing.
    - Restitution.
    - Any other condition that the court in consultation with Probation believes would assist in the minor's rehabilitation.

**Admission to charges for the purpose of DEJ does not constitute a finding that a petition has been sustained unless judgment is later entered pursuant to 793(b) WIC.**

- Shall lift DEJ and schedule a disposition hearing if it appears to the probation officer or prosecutor that the minor is not satisfactorily complying with the DEJ orders.
- Shall enter judgment and schedule a disposition hearing if during the period of DEJ, the minor is convicted of or declared to be a person

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described in Section 602 for the commission of any felony or any two misdemeanors committed on separate occasions.

- May enter judgment and schedule a disposition hearing if the minor is convicted of or found to be a person described in 602 WIC because of commission of one misdemeanor offense or multiple misdemeanor offenses during a single occasion.
- Shall report the minor's criminal history to the Department of Justice when the previously deferred judgment is imposed and a disposition hearing is scheduled.
- Shall dismiss the petition and order DEJ records "sealed" upon minor satisfactorily completing DEJ.

**Upon satisfactorily completing the DEJ program, charges in the petition are dismissed and the arrest is deemed never to have occurred.** However, the probation officer and prosecutor shall have access to the records for the sole purpose of determining DEJ eligibility for subsequent referrals.

#### **Juvenile Investigation DPOs may:**

- Recommend DEJ when appropriate, if eligibility has been declared by the District Attorney.

#### **Juvenile Supervision DPOs shall:**

- For minors who satisfactorily complete DEJ (**minor must serve a minimum of one year under DEJ in order for the DPO to recommend termination**) – recommend that "Jurisdiction over the case be terminated" in a Annual Report/Progress Report (Prob. 1245).
- For minors who do not satisfactorily complete DEJ - document lack of compliance and recommend that "the order for DEJ be lifted and the case proceed to disposition" in a Progress Report (Prob. 1245).

#### **Satisfactory Completion of DEJ**

**After the satisfactory completion of DEJ and sealing of the record, the arrest is deemed never to have occurred and DPOs shall not divulge any information regarding the minor's specific DEJ petition and related records.** It is possible that military recruiters or others might have some knowledge of a minor having been on probation and might inquire regarding conduct while under supervision. Specific to the DEJ offense, the response should be that pursuant to Section 793(c) WIC, the minor was never arrested and has no record.

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**Information regarding a satisfactory completion of DEJ shall not be used against a minor in handling of subsequent offenses. It shall not be mentioned in any reports to the court, and shall not be included as part of the Delinquency History of the Pre-Plea Report. The case information remains in the system for the sole purpose of determining DEJ eligibility on subsequent referrals. It is not to be referenced or used for any other reason.**

### **Probation Sealing Process**

**Clerical Staff shall complete the following upon receipt of the sealing order (Deferred Entry of Judgment – Dismissal and Sealing of Juvenile Records) at the Area Office:**

- Redact the minor's identifying data from any control logs or other documents in the office.
- Document minor's successful completion of DEJ in JCMS (see attached instructions):
  - **Case Management > Alerts**
    - > **Alert Type – DEJ**
    - > **Alert Subtype - Successful Completion**
- Send the PDJ file to Central Records/Closed Files.

### **Central Records/Closed Files Clerical Staff shall:**

- Receive and timestamp DEJ Dismissal and Sealing Order
- Verify that minor's record has been sealed via the Juvenile Automated Index (JAI) System
- Stamp the order using the rubber stamp notification which states "This record has been sealed by the Probation Department per court order under the Provisions of Section 793 C W&I"
- Sign and date in the area below the rubber stamp notification
- Return the DEJ and Sealing Order to the court listed in the box, which states "Superior Court of California, County of Los Angeles" Attention: Court Clerk (See Attachment A for Court Locations)

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- Place all documents regarding the DEJ offense, with a copy of the Sealing Order, in a sealed envelope and fasten in the PDJ file

It is possible for a minor to have been on informal or non-wardship probation on a separate matter prior to the DEJ order. In some instances a minor might have a subsequent matter and be on probation for a separate offense simultaneously with DEJ. In these cases, only the DEJ documents shall be sealed. When the court seals its records, the Court deletes the record (including the Juvenile Automated Index Number (JAIN)). If the minor sustains another arrest, a new JAIN will be issued. However, Probation will reactivate the previous PDJ number.

Sealed DEJ records may be destroyed after five years.

## **1605 HOME ON PROBATION: 602 WIC**

Home on Probation (HOP), the recommendation most used in court, is in keeping with the juvenile court law's effort to protect the community and to preserve and strengthen the minor's family ties whenever possible.

HOP is the recommendation of choice when consistent with public safety and the minor's welfare, when the minor can remain in the home, and when existing problems may be adjusted through the enforcement of specific court orders.

HOP usually means in the home of a parent or legal guardian, but some parents or legal guardians are permitted by the court to place minors in the home of relatives, should funding not be an issue. If funding is an issue, the DPO shall recommend "Suitable Placement/Home of Relative."

### **Factors to Evaluate for 602 HOP**

Minors appropriate for HOP have been assessed based on the following criteria:

- Are less serious offenders, with **limited** gang involvement and histories free of violent offenses.
- Were unsuitable for or failed to complete 654 WIC supervision, but may need more formal provisions of the court.
- Have parents/guardians who are supportive of HOP and who retain a measure of control.
- Display reasonable levels of cooperation.

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- Have no history of long-term treatment or hospitalization for mental problems.
- No significant elevated risks in LARRC domains – family, education and sub-factors related to self-regulation (according to the profile of Suitable Placement youth.

### **Mandatory HOP Conditions**

The Deputy Probation Officer (DPO) must recommend the following conditions in all cases (or state in the court report why they are inappropriate):

- School Attendance
- Curfew
- Parental participation with the minor in a counseling or education program.
- Drug and alcohol counseling for offenses that involve drugs or alcohol.

### **1606 SUITABLE PLACEMENT RECOMMENDATIONS**

Suitable Placement is considered for those minors whose delinquent behavior may best be explained by a contributory family environment.

The pivotal consideration in recommending placement is the unsuitability of the home. However, if it also appears likely that the minor will not make a positive response to an improved environment, suitable placement should not be recommended.

A placement recommendation is not appropriate solely because the minor's parents or guardians are reluctant to have the minor at home. Federal laws and the Welfare and Institutions Code require reasonable efforts to keep a minor at home before placement is considered.

Placement alternatives range from the stable family setting of a foster home to the closed, therapeutic setting of Dorothy F. Kirby Center (DKC). Between these two extremes are a wide variety of residential placement facilities.

Except for programs at state hospitals and DKC, placements are privately operated. They are community based, do not provide closed or secure settings, and minors usually attend public schools.

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### **1606.1 Minors Appropriate for Suitable Placement**

Those minors:

- Whose degree of family dysfunction (exposure to domestic violence, illegal substance abuse, endangering circumstances, sex offender present) is counter to the safety, protection, and well being of the minor.
- Who have no available parent, guardian, or caregiver.
- Without an established history of running away; willing and able to remain in an open setting.
- In need of, and amenable to, a therapeutic treatment program.
- Who do not require excessive structuring and security.
- With a history of treatment for mental health.

### **1606.2 Clearance Procedures**

The DPO clears the case with the work location Supervising Deputy Probation Officer (SDPO) and with the Out of Home Screening Unit (323) 730-4443.

#### **Process:**

If the referring DPO and the Out of Home Screening Unit fail to agree on the recommendation, the Area Office SDPO confers with the Out of Home Screening Unit SDPO. If agreement is not reached, the matter is referred to their respective Directors.

When Placement is ordered, the DPO:

- Submits the first “15-Day Detention Review” (Prob. 1086 – see Appendix A).
- Completes the “Financial Obligation and Financial Change Form,” if required (see JM-2100, Appendix C).
- Active cases: Includes in the PDJ file, a copy of the most recent LARRC, Transfer Summary and Financial Change form.
- Completes the “Transfer Check Sheet” (Prob. 577).

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- Submits the PDJ file to the SDPO upon receipt of the minute order.

**NOTE:** DPOs are not to contact placements, promise or recommend specific placements nor recommend out of state placements.

## **1607 DOROTHY F. KIRBY CENTER**

Dorothy F. Kirby Center (DKC) is a secure, coeducational, residential treatment center for 602 WIC wards having suitable placement orders.

The minors admitted to the program have exhibited delinquent/anti-social behaviors that are, more often than not, influenced by an identifiable psychological disorder.

The program offers a therapeutic milieu, group living, individualized school programs, health examinations and services, and a Day Treatment Intensive mental health program. The Day Treatment Intensive program is very structured and provides an array of treatment modalities and interventions including individual therapy, group therapy, skills building modules, community meetings, recreation, family therapy, and psychotropic medication.

The minors referred need a closed setting, as demonstrated by failures in open placements, camps and/or a history of serious delinquency. The average stay in the program is nine months. Depending on the progress of the client, the stay can be longer or shorter.

### **1607.1 Referral Criteria**

Minors referred to DKC must be able to participate in and benefit from a therapeutically oriented program in a closed setting. The minor must be a ward under Section 602 WIC or have a pending 652 or 653.5 WIC petition, which is expected to be sustained. Minors must:

- Be between 13 and 17 years of age.
- Have at least one year of maximum confinement time available at the time of placement.
- Have or expect to have a suitable placement order that authorizes placement.
- Have a psychological diagnosis or meet the criteria for a psychological diagnosis as is found in the Diagnostic Statistical Manual (DSM).

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- Have parents who are willing to participate in the program.
- Be in grades 8-12.

Minors with severe physical handicaps and pregnant minors will be considered on an individual basis. DKC will accept minors who are not acceptable to other placements such as arsonists, some sexual offenders and minors with alcohol and controlled substance abuse problems.

Although there is no formal substance abuse program, such issues are addressed in individual, family therapy sessions and in peer group sessions.

Not acceptable to the program are minors who are:

- Psychotic or mentally retarded.
- Uncontrollably violent or assaultive in institutional settings.
- Extreme management problems with limited impulse control.
- Immature; unable to benefit from group therapy.
- Active suicide risks are not acceptable.

## **1607.2 Referral Procedure**

Referrals are screened to determine suitability for placement at DKC. Minors whose needs can be met by community services, private placements, or family treatment programs are not appropriate.

DPOs considering referral to DKC shall telephone the Out of Home Screening Unit to see if the minor is acceptable for Suitable Placement. **Once the Suitable Placement or Suitable Placement Full Force and Effect (FF&E) is cleared.**

After the Court orders a DKC screening, the Field DPO is responsible for sending to DKC the screening packet consisting of:

- 730 evaluation, other psychological evaluation, and Individualized Education Plan (IEP) if available.
- Most recent minute order and the minute order that orders DKC screening.



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- Disposition or pre-plea report, and most recent progress, 778 or 777 report.
- Conditions of probation.
- The screening form.

The Screening Packet must include the referring DPO's name, phone number, DPO#, name of the work location and office address.

Within one week of receipt of the packet, the assigned DKC Intake DPO interviews the minor. On the following Wednesday, the Intake DPO presents the minor to the Intake Screening Committee. There it is decided if the minor meets the criteria for acceptance at DKC. A court report is sent to the court at the very next court date indicating acceptance or non-acceptance of the minor, including the reasons for the decision.

When the minor is accepted, pending approval by the Central Authorization Unit (CAU) of the Department of Mental Health (DMH), and the court orders Suitable Placement Closed or Suitable Placement Dorothy Kirby Center, the minor is placed on the DKC waiting list and all parties are notified by e-mail.

Screening Packets are to be sent by County Courier. Please do not send a faxed packet, as they are too difficult to read.

## **1608 CAMP-COMMUNITY PLACEMENT PROGRAM**

The camp system provides protection of the community by placing minors in highly structured residential settings. These programs are designed to redirect delinquent behavior into constructive channels, with emphasis on academics and behavioral change.

There are 18 camps. Six camps comprise the Challenger Memorial Youth Center (CMYC).

The length of stay is determined by order of the court.

Program activities vary from camp to camp but may include a regular school curriculum, GED preparation, tutoring, some vocational training, and individual, group or family counseling. All camps provide a full recreational program and substance abuse education.

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### **1608.1 Referral Criteria**

Minors must:

- Be between 12.1 and 18.3 years of age at time of the order.
- Possess the ability to participate in the program without endangering others or themselves.
- Have the mental capacity to meet minimal requirements of the school program.
- Not be in a camp during her third trimester of pregnancy (pregnant females).
- Have sufficient custody time remaining. (A minimum of 3-9 months confinement time is needed, depending on which program length the court has ordered).

### **1608.2 Referral Procedure**

The DPO shall:

- Completes a LARRC assessment using the automated system (assessments.com) to help determine if there is a need for a Camp Community Placement (CCP) recommendation.
- Completes the Worksheet (Prob. 1423) for Pre-Plea/Disposition reports and the "Out of Home Screening Form" (Prob. 1235).
- Clears the case with the SDPO.
- Calls and clears the case with the Out of Home Screening Unit after faxing the "Out of Home Screening Form" (Prob. 1235).
- Completes the court report emphasizing in the "Evaluation" section how camp will benefit the minor.

**NOTE:** The court officer sends the packet to the Camps/Assessment Unit at Camps Headquarters and will also complete "Camp Placement Notice" (Prob. 1097).

- When camp is ordered, submit the first "15-Day Detention Review" (Prob. 1086 rev. 04/06).

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- Completes the Transfer Check Sheet (Prob. 577) or Case Files Transmittal (Prob. 1001).
- Ensures that the current LARRC assessment is attached to the left side of the PDJ file. On active cases, includes in the PDJ file the Caseload Management System Record of Supervision and Transfer Summary.
- Completes the "Financial Change" (Prob. 1286) if required, and changes the caseload number to "999."
- Submits the PDJ file to the SDPO.

The SDPO reviews the PDJ file and dates and signs the Transfer Check Sheet (Prob. 577).

- SDPO submits PDJ file to Clerical Support Staff, who transfers the case in the case management system and sends the PDJ file to:

Camp Headquarters  
16350 Filbert Street, Modular 1 & 2.  
Sylmar, CA 91342  
(818) 364-6895 or (818) 833-3875  
Fax (818) 833-7125 or (818) 367-6843

All pending matters are the responsibility of the sending DPO. The DPO maintains copies of necessary reports for completion of court reports on pending cases or informs Camps Headquarters office if the file is being retained in the area office.

## **1609 DIVISION OF JUVENILE JUSTICE (DJJ) (Formerly California Youth Authority)**

The Division of Juvenile Justice is a state system that provides for the confinement and parole supervision of youthful offenders committed by both the juvenile and adult courts.

DJJ operates custodial institutions, forestry camps and reception centers for males and females ranging in age from 13 to age 25. State law allows minors as young as 11 to be committed to DJJ, however, DJJ no longer has programs for minors under the age of 13.

DJJ facilities offer a variety of programs including drug abuse counseling, academic instruction and vocational training. Although some programs exist for

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wards with severe emotional or psychological problems, bed space is limited in those programs.

Minors ordered to DJJ are usually those who have failed a variety of county programs and continue to pose a significant threat to the community, or those whose violence or threat of violence makes long-term incarceration essential.

DJJ shall be recommended only for all minors with sustained 707(b) WIC petitions, who fit the referral criteria for DJJ.

### **1609.1 Referral Criteria**

Minors must meet the following criteria:

- Be 12 to 21 years of age when adjudged a ward of the court under 602 WIC with a sustained 707 (b) WIC offense or sustained sex offenses specified in 290 (d)(3) Penal Code (PC) (see Appendix).
- Pose a serious and immediate threat to the community as demonstrated by violence, aggression or disregard for the lives, safety and property of others.
- Repeat offender and not amenable to programs that are less restrictive than those offered by the state.
- Have assaulted or pose an immediate, violent threat to custodial staff.
- Have engaged in reckless or serious aggression against peers and are a threat to the safety of other minors.

The arrest history, including the seriousness and types of offenses, must be considered. The minor's role or behavior in the commission of the offense may be of sufficient seriousness to warrant DJJ. Generally, the offense alone is not sufficient basis for recommending DJJ.

A minor is usually subject to the jurisdiction of the juvenile court until age 21, however, if a minor commits an offense described in 707(b) WIC and is committed to the Division of Juvenile Justice, jurisdiction may be retained until age 25.

### **1609.2 Disposition Report**

To support a DJJ commitment, it is required that there be evidence on the record demonstrating probable benefit to the minor, and evidence

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supporting a determination that less restrictive alternatives are ineffective or inappropriate.

The DPO obtains SDPO approval and signature on the "Worksheet" (Prob. 1423).

The "Initial Court Report" (Prob. 1423 – new case) or the "Subsequent Court Report" (Prob. 23 – active cases) is completed, emphasizing in the "Evaluation" section how DJJ will benefit the minor, and why DJJ is necessary to provide sufficient controls while minor goes through a period of retraining (see JM-1300, The Disposition Court Report).

The report is to contain sufficient personal history information to provide the court and DJJ staff with the dynamics of the minor's social and delinquent history.

### **1609.3 Restitution**

Section 730.6(L) WIC requires the court to order restitution paid to all victims or, if the victim is deceased, to the victim's immediate survivors.

The DPO must recommend a specific payment amount if reasonably possible. If restitution cannot be established, the DPO advises victims of their civil suit option.

If restitution has been established on prior sustained matters, the DPO must determine the balance owed to each victim and recommend that the remaining balance be paid.

Restitution is enforceable as a civil judgment by the victim. The victim is entitled to a certified copy of the restitution order and the names and addresses for minor and parents (730.6 (r) and 730.7 (6) (c) WIC). It will be the responsibility of DJJ to collect the monies owed and forward them to the victims.

The DPO:

- Includes each victim's name and address in an envelope marked "Confidential – Victim Information," and attaches it to the DJJ packet.
- Lists each victim and the amount owed to each victim on the recommendation page of the disposition report.

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#### **1609.4 DJJ Packet – New Commitment**

The DPO submits a DJJ packet to the clerk with the disposition report. The packet includes:

- DJJ Packet Inventory (Prob. 581)
- “Referral Document” (Y.A. 1.411) one copy
- Current Probation Report – 3 copies
- Current Arrest Report –1 copy
- Probation Reports regarding previously sustained petitions – 3 copies
- All Arrest Reports leading to sustained petitions – 1 copy
- All Psychiatric or Psychological Reports – 2 copies.
- Victim’s name and address (in a separate envelope marked “Confidential – Victim Information”) pursuant to WIC 1764.2 for victim notification purposes, listing the specific amount of restitution owed each victim, current offense only – 2 copies.
- “Authorization to Release School Information” form must be included in the packet. The parent must sign the form when the minor is under 16 years of age. If the minor is 16 years of age or has completed the 10<sup>th</sup> grade, the minor can sign per EC 4907(a)(6).

#### **DJJ Not Recommended but Ordered by the Court:**

If DJJ was not recommended, the DPO sends DJJ Packet to Juvenile DJJ Expediter within two working days of notification of DJJ order.

DPO of record must submit first 15-Day Detention Review.

**NOTE: PDJ File must be sent to DJJ Expediter prior to minor’s delivery to DJJ. Submit PDJ file to SDPO, using Transfer Check Sheet (Prob. 577) for transfer to DJJ Expediter, upon receipt of Committing Minute Order. Please ensure that case file materials are securely fastened.**

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### **1609.5 Active DJJ Wards – New Arrests**

When a DJJ parolee is the subject of a new petition request, the DPO:

- Consults with the minor's Parole Agent when a petition request is received to determine a need for filing (653.5 WIC cases are submitted directly to the D.A.).
- Requests the closed file if a petition filing is requested.
- Submits a "DJJ Parolee Report – Juvenile" (Prob. 835) as page two, if a petition is sustained. The "Subsequent Court Report" (Prob. 23) facesheet is page one.

**NOTE:** The investigating DPO should contact the court officer to confirm a full disposition report is not required by the bench officer.

### **1609.6 Recommendations**

- Return: The court returns the case to DJJ for parole board disposition. This is the preferable recommendation for the DPO to make.
- Recommit: The court is directing DJJ to revoke parole and incarcerate a parolee. This should not be used if the minor was originally committed by another county.
- Commit: Used only if the minor commits a new offense while in DJJ custody or has other court cases pending for which DJJ might be an appropriate disposition.

### **1609.7 DJJ Packet – Active Ward**

The DPO submits the packet, along with Prob. 835, and includes the minor's current DJJ number.

The packet contains:

"Referral Document" (Y.A. 1.411).

- "Youth Authority Packet Inventory" (Prob. 581), including only the current police and disposition reports.

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**NOTE:** If a “15-Day Detention Review” is due within 5 days and the PDJ file has not been transferred to the DJJ Expediter, the DPO must submit the report before forwarding the PDJ file.

#### **1609.8 Escapees**

When a minor escapes from juvenile hall pending delivery to DJJ, Movement Control notifies DJJ. The DPO requests the court issue a bench warrant.



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	<b>Effective Date:</b> 7/17/2008
	<b>Approved By:</b>  <b>Sharon Harada, Bureau Chief</b>

Generally, the Area Office/Program serving the Zip Code area of the minor's residence can best meet case needs. Case transfers normally occur when minors and their parents/legal guardians move to an area outside of their assigned probation office/program boundaries. Occasionally, special situations dictate that a case should be transferred to another office even though the minor is assigned to the proper office.

### 1701 INTER-OFFICE TRANSFERS

The DPO of the sending office must verify the minor's new address. The most reliable way is to make a home visit or ask the receiving office to do so. Verification can also be accomplished by using rent receipts, utility bills, checking school records or by U.S. mail.

Cases moving from Investigation to Supervision units must be transferred immediately after the disposition hearing regardless of the continuance date. Supervision cases scheduled for a court hearing within 30 days should not be transferred unless effective supervision of the case and delivery of services dictate that the transfer take place. Communication between the two SDPOs should resolve any differences. If agreement cannot be reached, the Directors will resolve the matter.

#### 1701.1 Special Situations

Cases which may require transfer to an area other than to the minor's area of residence are discussed in advance of transfer between the sending office and receiving office SDPOs. Some special need situations are:

- Convenience of reporting: A minor attending school or working in another area because of ease in reporting.
- Borderline: A minor that has moved just inside of a new area office's boundaries and could report to and be supervised by the original office.
- School-Based Program: A minor attending a school supervised by a School-Based DPO.

**TRANSFER OF CASES****1701.2 Forms**

Transfer Check Sheet (Prob. 577) is used for all individual case transfers.

Case Files Transmittal (Prob. 1001) is used for transfer of five or more cases to the same location.

**1701.3 Procedures – Sending Office**

DPOs transferring supervision cases must ensure that all case documentation is current, and that there are no pending violations or new arrests.

Cases that are transferred to camp, suitable placement or Division of Juvenile Justice (DJJ) must include the first 15-day review.

If a new arrest and citation on an active investigation case occurs prior to the initial disposition, the case is transferred from the investigation DPO to a supervision DPO. However, the investigation DPO will be responsible for the new Pre Plea report. The investigator must retain all necessary paperwork to handle pending investigations and this must be communicated to the receiving office by the sending office Supervising Deputy Probation Officer (SDPO).

Transfer summaries are to cover all information essential to the receiving DPO, including any problem areas, the status of financial orders, if any, and residence verification. It is the last case note entry by the sending DPO in the case management system.

**The DPO:**

- Completes the Transfer Check Sheet (Prob. 577) or Case Files Transmittal (Prob. 1001).
- Ensures that the current LARRC assessment is attached to the left side of the PDJ file.
- Completes the “Financial Change” (Prob. 1286) if required.
- Submits the PDJ file to the SDPO.

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The SDPO reviews the PDJ file and, if the transfer is approved, dates and signs the Transfer Check Sheet (Prob. 577).

**1701.4 Procedures – Receiving Office**

The SDPO must review PDJ folders for completeness and compliance, and reports any problems to the sending SDPO within 10 days of case assignment.

Cases in serious noncompliance are returned to the sending office SDPO by the receiving SDPO. However, if violations or noncompliance occur after the date of transfer, it is the responsibility of the receiving office to address the matter. Cases are never returned to the investigation DPO because of noncompliance.

After initial interviews and case review, receiving DPOs have the discretion to set new reporting standards based on case needs and program mandates.

Case responsibility transfers as soon as the new case is entered in the case management system.

Clerical Support Staff must immediately enter the case in the automated system as soon as it arrives in the area office or camp.

It is the responsibility of the sending DPO to render required services prior to acceptance by the receiving office.

**1702 INTRA-OFFICE TRANSFERS**

Intra-office transfers are cases transferred from one caseload to another within the same office (e.g. to Specialized Caseloads, to equalize caseloads, or to meet individual case needs). Disagreements are resolved by the SDPOs. Should resolution not occur at this level, the SDPOs shall involve their Directors.

- The Transfer Check Sheet (Prob. 577) or Case Files Transmittal (Prob. 1001) is completed.
- The PDJ file is submitted to the SDPO, who reviews the file and forwards to Clerical Support Staff. Clerical Support Staff shall transfer the case to the receiving SDPO in the case management system.

Case responsibility transfers as soon as the new case is transferred to the receiving SDPO in the case management system.

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It is the responsibility of the sending DPO to render required services prior to acceptance by the receiving office.

**1703 MASS TRANSFERS**

Mass transfers refer to the transfer of five or more cases from one caseload to another within the same office or to another office. Cases requiring arbitration are resolved by involved SDPOs. Should resolution not occur at this level, SDPOs shall involve their Directors.

- Case Files Transmittal (Prob. 1001) is used for inter-office or intra-office transfer of five or more cases to the same location.
- The DPO submits the PDJ files to the SDPO.

**1704 INTERCOUNTY TRANSFER (ICT)**

Section 750 WIC permits the transfer of cases between counties whenever a petition is filed in a county not the legal residence of the minor. Such a transfer may be initiated after the adjudication or the disposition hearing. The county of legal residence must take jurisdiction of the case.

ICTs are also requested when the residency of the custodial parent or legal guardian changes from one county to another.

All incoming detained ICTs are processed through the County Clerk's Office and Intake and Detention Control (IDC) for the initial court hearing. If transferred in custody, the minor will remain detained until the court orders release.

**1704.1 Petition Request/Referrals – Other Counties**

Petition requests received directly from police agencies outside the County of Los Angeles or referrals from counties that have taken no court action, are handled as follows:

- The SDPO determines if an investigation should be initiated and if so, assigns the case to an investigating DPO.
- The DPO recommends appropriate action such as closing the case or initiating 654 WIC supervision. (Typically, a case **is not** filed for prosecution in the County of Los Angeles if it occurred in another county, **but legally, a case can be filed in county where it**

**TRANSFER OF CASES**

occurred, in the county where the minor resides, or in the county where the minor is apprehended.)

- In active cases, the DPO can make the arrest a basis for violation procedures.
- The DPO makes contact with the sending county and requests petition filing.

**1704.2 Outgoing Cases**

When a petition is filed on behalf of a minor who lives in another county, or when it is determined during the investigation process that the minor lives in another county, the matter, after adjudication, is usually transferred to the other county for disposition, unless the court chooses otherwise.

**1704.3 Active Cases****The DPO:**

- Submits a “Set-On-Slip” (Prob. 981).
- Cite parent/legal guardian to court.
- Submits a “Progress Report” (Prob. 1245) to the court that heard the last disposition, with a brief narrative explaining the circumstances and requesting a transfer of jurisdiction.
- If there is any outstanding restitution, submits an envelope to the court when requesting transfer, marked “Confidential – Victim Information.” This includes the victim’s name, address, the original amount set and balance due.
- Advises victim(s) of the transfer.
- Closes the case in the Collections Accounts Receivable System (CARS) by completing a “Financial Change Form” and submitting to Financial Accounts Unit upon receipt of the minute order transferring jurisdiction.
- Upon receipt of the minute order transferring jurisdiction, submits the PDJ file to the SDPO if there is no continuance date.

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- When jurisdiction is transferred prior to setting a CARS account, the DPO:
  1. Submits an envelope to the court officer when requesting transfer, marked “Confidential – Victim Information.” This includes the victim’s name, address, any correspondence sent to and/or received from the victim.
  2. Upon receipt of the minute order transferring jurisdiction, notifies victim(s) of the transfer.
  3. Send packet to the receiving County Probation Department (packet includes the Pre-Plea/Disposition report, minute order and arrest report).

**NOTE:** Court dates and reports requesting verification of acceptance by other counties are a function of the Court Clerks office.

**LOS ANGELES COUNTY PROBATION DEPARTMENT**

<b>Subject:</b>  <b>JUVENILE MANUAL</b>  <b>COURTESY SUPERVISION</b>	<b>Section Number:</b> <b>JM-1800</b>
	<b>Effective Date:</b> 7/17/2008
	<b>Approved By:</b>  <b>Sharon Harada, Bureau Chief</b>

Section 755 WIC provides that the court may permit any ward of the court or probationer to live in a county other than the county of his legal residence.

Supervision in the county where minor resides is extended as a “courtesy” by the Probation Officer of that county. Legal jurisdiction of the case remains with the sending county.

If the minor fails to comply with the instructions of the receiving county’s Probation Officer, the sending county will be notified and minor may be returned to the county of legal residence for further adjudication of the court.

#### **1801 INCOMING CASES**

The sending county should request a residence verification and/or home evaluation. The assigned Area Office will promptly complete this request. When a request for Courtesy Supervision is received:

- The Supervising Deputy Probation Officer (SDPO) assigns the case to an investigation Deputy Probation Officer (DPO) and requests clerical to complete JAI Record Clearance Form (Prob. 1238) request a PDJ file from JAI central.
- The Investigation DPO initiates contact with the minor and parents/guardians to explain Courtesy Supervision.
- The DPO complete the investigation and LARRC assessment and advises the family of the decision to recommend acceptance or rejection of the request.
- The DPO complete the “Worksheet” (Prob.1423) and submits for SDPO approval and signature.
- The investigation DPO sends the other county verification of receipt of case.
- The case is assigned for supervision DPO based case needs.
- The release of any record information is made only by the sending county.

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<b>COURTESY SUPERVISION</b>	



**COURTESY SUPERVISION**

**NOTE:** If the minor's legal residence is changed to the County of Los Angeles, and the DPO determines that the family will probably remain in the county, the referring agency should be asked to consider a transfer of jurisdiction rather than Courtesy Supervision.

The case is supervised in the same manner as all other cases, with the following exceptions (the DPO advises the sending county of the exceptions):

- No substance abuse testing.
- No collection of restitution or fines.
- No sanctions for non-compliance.
- Permission to live elsewhere can only be given by the sending county.

The DPO submits progress reports when the minor fails to cooperate, is arrested for a new offense, or upon request of the county of jurisdiction.

Supervision is provided until the sending county requests termination.

To close the case after notification by the sending county, the DPO completes the Worksheet (Prob. 1423), marks "Close" on the worksheet and submits PDJ file to the SDPO.

**1801.1 Incoming Cases**

Preparatory to jurisdictional transfer, the sending county may request residence verification and/or a home evaluation. In verifying a residence the DPO:

- Makes a home call.
- Interviews at least one parent, guardian or responsible adult.
- Obtains information on parents' employment and work locations.
- Verifies the minor's school enrollment or employment.
- Obtains parent/guardian signature on authorization for Release of School Record Information form.

**COURTESY SUPERVISION****1801.2 Home Evaluation**

The purpose of a home evaluation is to determine the suitability of a given home to evaluation the living arrangements. The DPO follows the above steps and in addition:

- Determines whether minor will be welcome in the home.
- Assesses living space for the minor and financial support.
- Finds out what plans there are for supervising the minor.
- Makes record checks on the adults and juveniles living in the home.

After completing the investigation, the DPO prepares a written response, which should assess the relevant information in relation to the minor's potential for a successful adjustment.

The response includes residence verification and a recommendation for or against transfer. Case will be assigned to a DPO at once.

If the recommendation is against Courtesy Supervision, the written response must clearly state the reasons, such as:

- Minor is not living at the location.
- Residence is probably not permanent; for example, a motel.
- Minor is not welcome.
- Parents or guardian(s) are unemployed and not seeking employment.
- Living space overcrowded, requiring the minor to share sleeping quarters with adults.

The DPO should ascertain if there are any immediate case needs and take appropriate action. The parents are instructed to maintain contact with the requesting agency and advise them of any change of circumstances.

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## **1802 OUTGOING CASES**

Courtesy Supervision is requested if the minor's legal residence remains in this county and thus transfer of jurisdiction is not possible, or if the receiving county refuses to accept transfer of jurisdiction. The DPO shall contact the affected county to ensure they accept courtesy cases.

The report to the court includes how the residence was verified and the reasons why Courtesy Supervision is being sought.

The DPO:

- Collects any outstanding restitution, if possible. If not, the restitution plan remains in effect.
- Submits a "Set-On Slip" (Prob.981) to the County Clerk for the court where the last disposition was heard.
- Notifies the minor and parents of the court date by "Citation" (Prob. 14D), unless they have already moved to the other county.
- Submits a "Progress Report" (Prob. 1245) requesting the minor be allowed to reside in another county under Courtesy Supervision.
- Prepares a packet upon receipt of the minute order, including a "ISC/Courtesy Supervision Letter" (Prob. 1227) and a copy of each of the following:
  1. Minute order granting the residence change.
  2. Copy of the conditions of probation.
  3. The last disposition report.
- Forwards the packet to the appropriate county.

The DPO maintains case responsibility and:

- Submits any required reports to court.
- Maintains communication with the receiving county.
- Notifies the receiving county immediately when jurisdiction is terminated.

## LOS ANGELES COUNTY PROBATION DEPARTMENT

Subject:  <b>JUVENILE MANUAL</b>  <b>INTERSTATE COMPACT</b>	Section Number: <b>JM-1900</b>
	Effective Date: <b>7/17/2008</b>
	Approved By:
	<b>Sharon Harada, Bureau Chief</b>

The Interstate Compact on Juveniles is the agreement pertaining to the authorized transfer of supervision and care, as well as the return of juveniles from one state to another. Member states have enacted legislation in substantially the same language as signatories to the Interstate Compact.

The Department of Corrections and Rehabilitation, Division of Juvenile Facilities administers the Interstate Compact for California and its administrator receives requests for investigations and supervision of juvenile probationers being considered for supervision, travel, or placement under the Interstate Compact.

Section 1300-1308 of the Welfare and Institutions Code (WIC) codifies California's Interstate Compact membership. All 50 states, the District of Columbia, the U.S. Virgin Islands, and Guam are signatories to the Interstate Compact. Puerto Rico is not a signatory but usually will agree to provide supervision. Official forms, Interstate Compact manual and rules can be accessed through the Association of Juvenile Compact Administrators website – [www.ajca.us](http://www.ajca.us).

### 1901 PURPOSES

The purpose of the Interstate Compact is:

- To arrange investigation and supervision for delinquent juveniles who come from a state where they committed an offense, or which granted them probation or parole, to a state where they will take up residence.
- To return, from one state to another, non-delinquent juveniles who have run away from home.
- To provide for the return of absconders and escapees to the state from which they left.
- To authorize supplementary agreements for the institutionalization of special types of juveniles, such as psychotics and mentally ill delinquents.
- To initiate additional measures for the protection of juveniles and the public, which two or more of the party states may find desirable to undertake cooperatively.

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<b>INTERSTATE COMPACT</b>	

## **1902 INCOMING CASES**

All requests for supervision are routed through the Compact Office in Sacramento, California Department of Corrections and Rehabilitation.

Division of Juvenile Justice  
 Juvenile Interstate Probation  
 Attn: Bill Campos, Suite 127  
 4241 Williamsborough Drive  
 Sacramento, CA 95823

Upon receipt of a request, the Interstate Compact Unit forwards copies to the appropriate county probation department.

### **1902.1 Communications Requirements**

The following rules shall be followed for all Interstate Compact communications:

- All communications between states, whether verbal or written, on Interstate Compact on Juvenile issues shall be transmitted between the respective Interstate Compact on Juveniles offices.
- Communication with other local jurisdictions must be approved by both state Interstate Compact offices.
- Confidentiality rules of the receiving state shall be respected.

### **1902.2 Investigation/Supervision Procedures**

- The Supervising Deputy Probation Officer (SDPO) reviews the request and gives the packet to clerical support staff to obtain a PDJ number.
- The SDPO assigns the case to an investigation Deputy Probation Officer (DPO) in the caseload management system.
- The DPO verifies the address (if not previously completed) and schedules an initial interview.
- The DPO completes the "Worksheet" (Prob. 1423) and the LARRC assessment.

Only the state Interstate Compact administrator or designee is authorized to accept or reject supervision. Supervision cannot be

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denied or disapproved based solely on the juvenile's age or the offense.

If the DPO learns that the juvenile is not residing at the reported address and will not be coming to our jurisdiction, or if the DPO finds that the home is inadequate or that the minor's needs cannot be met at that location, the DPO shall report this to the Interstate Compact Office. The Compact Office will forward this information to the sending state and reach an agreement regarding alternatives. With approval from the Compact Office, the case may be closed.

The SDPO dates and signs the "Worksheet" (Prob. 1423), marking "Close" on the face of the Worksheet.

If the case is accepted:

- The DPO completes the Worksheet and LARRC assessment, and clears the case with the SDPO, who dates and signs the Worksheet.
- The DPO sends a letter describing the placement situation to the state Compact Office in Sacramento, California.
- The SDPO assigns the case to a supervision DPO.

The supervision DPO initiates contact within 10 working days to set up an initial interview.

- The case is supervised in the same manner as all other cases, except there are no substance abuse testing, collections or sanctions for non-compliance.
- The minor is supervised until the sending state requests termination. The DPO may recommend termination to the sending state.
- The DPO submits a quarterly, progress report on the minor utilizing the progress report found on [www.ajca.us](http://www.ajca.us) site to the Compact Office in Sacramento.

**INTERSTATE COMPACT****1902.3 Intrastate Transfer**

When an out-of-state probationer requests transfer from one county to another, the DPO:

- Sends the request to the state Compact Office in Sacramento, CA.
- Awaits instructions from the Compact Office regarding forwarding of paperwork.
- Closes the case upon receipt of written approval from the Compact Office and documents in case management system.

When an out-of-state probationer requests to move to a third state, the DPO:

- Sends the request to the state Compact Office in Sacramento
- Closes the case upon approval of the Compact Office and documents in case management system.

**Clerical Procedures for the Area Office:**

- Completes the "JAI Clearance Form" (Prob. 1238); for the offense code, use code 1300 WIC and type in the description of the offense as indicated in the police report from the sending state; i.e. 832 PC-Robbery-Arizona (or any other state)
- Request a PDJ file from Central Records check JAI Central.

**1903 OUTGOING CASES**

When a minor and/or parent/guardian express a wish to reside in another state, the DPO:

- Submits a "Set-On Slip" (Prob. 981) requesting an appearance hearing to obtain the court's permission for the minor to leave the state.
- Cites minor and parents/guardians for the hearing date.
- Requests address verification and home assessment evaluation through the Interstate Compact (ISC) Office to verify information received from the minor's family.

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- Submits an “Appearance Progress Report” (Prob. 1245) or “Supplemental Report” (Prob. 24) providing information why the minor wants to move, who will be the guardian, new address, and how the move may benefit the minor.
- Submits form 1A/VI, “Application for Compact Services/Memorandum of Understanding and Waiver” (ICJ Form 1A/VI) signed by the minor, parents, and a witness, attached to the “Progress Report” (Prob. 1245) submitted to court.

**Packet Preparation**

When ICJ Form 1A/VI is signed by the court and returned, the DPO prepares and sends to the Compact Office a packet consisting of three copies each of the following (retain one copy for the PDJ file):

- “Parole and Probation Form 1 Investigation Request” (ICJ Form IV).
- The progress report requesting the transfer.
- Form 1A/VI. If the minor and/or parents/guardians have already moved or are unavailable, complete the form and send to the Compact Office. The form will be forwarded to the receiving state for signatures.
- Court order placing the minor on probation (current).
- Conditions of probation.
- Other pertinent information, such as the latest disposition or school report (an up-to-date social history is essential).
- Upon acceptance of supervision, the Compact Office will notify the DPO.

All communications, such as progress reports and recommendations for termination, are handled by the Compact Office. The DPO sends three copies of all correspondence to the Compact Office. Any direct communications between probation offices must be approved in advance by both state coordinators.

Upon termination of jurisdiction, the DPO notifies the Compact Office, who in turn will notify the receiving state.

The DPO should request supervision in all cases in which wardship has been declared and it is the intention of the court to retain jurisdiction. If wardship is terminated or case dismissed, then supervision cannot be provided under the



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Interstate Compact. The receiving state acts only as an agent of the sending state and, if wardship were terminated/dismissed, it would have no jurisdiction.

Transfer of jurisdiction is not possible from one state to another. If jurisdiction is to be assumed in the receiving state, then this can only be done through a new court action in accord with the laws of the receiving state. The “transfer” is merely for supervision responsibility, not jurisdiction.

Should this out of state placement fail, California counties are obligated by the terms of the Interstate Compact to return the ward to California unless the parents or legal guardians have also relocated to the receiving state.

**Travel Requests**

Per Compact rules, for the protection of the public, travel permits are mandatory in the following instances:

- Travel Permits and Agreements to Return shall be issued for the purpose of testing a proposed placement. Permit shall not exceed 45 days.
- Travel Permits and Agreements to Return shall be issued to all juveniles for visits, vacations and all other referrals in all cases with adjudicated sex-related offenses, violent offenses that resulted in personal injury or death, and offenses committed with a weapon.
- Travel Permits shall be issued for the purpose of visit/vacation only if a visit will exceed 48 hours.
- Out-of-state travel shall be approved by the court and the Travel Permit shall be provided through the Interstate Compact prior to the minor’s movement.

**Sex Offender Notification and Supervision**

Compact (LARRC) for sex offenders must include a copy of the current LARRC risk assessment and other pertinent information. If the sending and receiving states have different reporting requirements for sex offenders, the receiving state should comply with the more stringent rule to the extent possible.

## LOS ANGELES COUNTY PROBATION DEPARTMENT

Subject:  <b>JUVENILE MANUAL</b>  <b>TERMINATION AND CLOSING</b>	Section Number: <b>JM-2000</b>
	Effective Date: <b>7/17/2008</b>
	Approved By:  <b>Sharon Harada, Bureau Chief</b>

Supervision is terminated when there is substantial compliance with court orders, the minor's adjustment in the home and community is satisfactory, and further supervision appears unnecessary.

Transition planning toward successful completion of probation is an ongoing part of the case plan and supervision program.

Terminations based solely on age may be inappropriate in cases where the continuing authority of the juvenile court in order to serve the best interests of the minor, ensure victim's rights and the protection of community.

### **2001 RECOMMENDING CASE DISMISSAL/TERMINATION AND CLOSING**

#### **Major Factors to Consider**

- Compliance with court orders, including payment of restitution.
- Victim(s) must be notified if termination is recommended or is ordered and a balance is owed to victim(s).
- The type and length of time since any arrests or other violations as revealed by the case management system, JAI, or other sources.
- Information from parents, schools, or any other agencies involved in the supervision program.
- Reduction of risk/recidivism factors as indicated in the LARRC assessment.
- Prognosis, including DPO's opinion as to the degree of threat the minor presents to the community.

#### **Other Factors to Consider**

- Involvement in constructive/prosocial activities such as school, work or community service.
- Overall attitude and future goals or plans, stage of change.

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- Whether the minor has made progress under the supervision case plan.

## **2002 PROCEDURES**

The DPO:

- Reviews the case to determine if any violations are pending.
- Conducts record check to see if there are any new arrests.
- Reviews restitution to check if any balance is owed.
- Discusses with the minor and parents the plan to recommend dismissal/termination and develops transition plan.
- Reviews the LARRC assessment and progress with the youth/family's case plan.
- Reviews the case with the SDPO for scheduled termination. (Early dismissal/termination can be considered on a case-by-case basis, if appropriate.)
- Submits a non-appearance Progress Report (Prob. 1245) supporting the reasons for requesting Petition or case dismissal/termination, indicating whether or not all conditions have been fulfilled. (If there is a scheduled court date within the next 30 days, submit Prob. 1245 for that date. If not, write "Advance from (next court date)" above "Date").
- If the court does not approve the termination request, the DPO continues the level of service/intervention and supervision case plan.
- Upon notification that wardship is terminated or petition/case dismissed, notifies the minor and parents.
- Upon receipt of the minute order reflecting dismissal/termination, submits PDJ file to the SDPO.

## **2003 COURTESY SUPERVISION AND INTERSTATE COMPACT – LOS ANGELES COUNTY OUTGOING CASES**

Prior to requesting dismissal/termination, the DPO reviews the case to see if the minor is in full compliance with court orders.

The DPO:

**TERMINATION AND CLOSING**

- Verifies that the minor has complied with the conditions of probation and has made a satisfactory adjustment in the new home and community.
- Submits a non-appearance Progress Report (Prob. 1245) and recommends that the case be dismissed/terminated. If there is a scheduled court date within the next 30 days, submits the report for that date. If not, writes "Advance from (next court date)" above "Date", after report is printed from PEDMS.
- If the court approves the request, informs the state or county providing supervision that the case has been dismissed/terminated. (Sends three copies of the dismissal/termination report to Interstate Compact ISC Office if an Interstate Compact case.)

**2004 CLOSING OUT-OF-COUNTY CASES (755/1300 WIC)**

The DPO:

- May recommend to the county or ISC Coordinator for the state of jurisdiction that early dismissal/termination be considered.
- Submits the applicable report indicating the minor is complying with the conditions of probation and adjusting in the new home or community. No further action is taken until a response is received.
- Closes the case upon receipt of written notification from the county or ISC Coordinator, indicating Courtesy Supervision is no longer required.
- Writes "early dismissal/termination" and the date under the SDPO signature on the Worksheet and submits the PDJ file to the SDPO.

**Note:** ISC rules preclude early dismissal/termination of supervision by the receiving state without approval from the sending state.

**New Investigations**

If the case is not acceptable (such as unable to locate the minor) the DPO:

- Marks "Close" on the "JAI Record Clearance" (Prob. 1238) and "Close," code "01" on the "Worksheet" (Prob. 1423).
- Writes a letter to the sending county explaining the decision.
- Submits the PDJ file to the SDPO for signature and transfer to clerical in the case management system for forwarding to Central Records/Closed Files.

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<b>Subject:</b>  <b>JUVENILE MANUAL</b>  <b>RESTITUTION</b>	<b>Section:</b> <b>JM-2100</b>
	<b>Effective Date:</b> <b>7/17/2008</b>
	<b>Approved By:</b>  <b>Sharon Harada, Bureau Chief</b>

Sections 729 through 731.1 WIC authorize the court to order restitution to victims. They also mandate fines or restitution funds to be paid by minors to the state or county. The Probation Department establishes restitution accounts for minors whenever ordered by the court.

The purpose of a financial order is to assist victims in recovering losses. Additionally, financial orders may be utilized to defray public expenses resulting from a minor's violation of the law such as court costs or incarceration. It is also a means to hold minors accountable for their actions.

## **2101 CENTRAL RESTITUTION UNIT (CRU)**

The CRU is responsible for sending financial forms to victims and setting up the financial orders of the court.

### **Procedures**

The DPO, upon receipt of a court minute order with restitution or fine conditions enters victim information on the "Victim List" (Prob. 1209), including companion information, and gives the list and a copy of the minute order to clerical to forward to the Central Restitution Unit.

Upon receipt of the information the restitution account is set up by CRU. A CRU clerk sends the "Notification Letter", "Crime Victims Compensation" pamphlet, and "Statement of Loss" (Prob. 1207) to the victim.

The victim's response on the "Statement of Loss" is updated in the CRU computer system. If there is no response within the next 35 days, the account is closed.

The DPO calls the CRU to obtain information such as dates packets were mailed, victim's statement of loss, or any response required for any court reports. (The date the packet was mailed to the victim is included in the report if there is not a victim response.)

CRU sends the victim a letter that includes:

- Case disposition.

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- Amount of restitution ordered, if any.
- Area office or camp the minor is assigned for supervision.

CRU also sends information advising the victim of the right to proceed against the minor in civil court if the juvenile court does not order restitution or does not order what the victim believes is adequate compensation. The victim is given the names and addresses of the minor and parents.

After the case is set up, CRU retains the restitution case materials. Materials are returned to the DPO only upon request.

## **2102 SUPERVISION DPO RESPONSIBILITIES**

The DPO reviews the Automated Accounts Receivable System (AARS) printout on a monthly basis to determine if it is necessary to encourage payments or to take action on a potential violation.

The following changes are to be made on a copy of the Account Activity printout. Multiple changes can be made per page, crossing out accounts where no change is made; more than one change can be made on the same account per page. However, when a "refund" is requested there can be only one account change per page.

The DPO dates when the activity is effective, then dates and signs the bottom of the page.

- Name, address, PDJ, court, or social security numbers.
- Expiration date change.
- Payment plan.
- Resume billing on delinquent account.
- Suspend billing for specific length of time.
- Consolidate duplicate accounts.
- Refund overpayment to probationer when credit (-) balance shown.
- Case is in bench warrant status.
- Terminate the case.

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- Transfer to a new DPO in the same area office. All other changes, such as adding victims, changing victim's address, or changing money amounts, are done on the "Financial Change" (Prob. 1286).

### **2103 RESTITUTION PAID DIRECTLY TO VICTIM BY MINOR**

Only payments of \$100 or more are reported to the Revenue Management Office (RMO). Lower dollar amounts are to be verified and noted on the "Worksheet" (Prob.1423) on new investigations and in the automated system (case notes) on active cases.

#### **Restitution not Set-up**

The DPO:

- Obtains written verification of payment from the victim.
- Submits verification with the minor's name, PDJ and court numbers, DPO name and caseload number, and area office to the designated clerk for completion of packet and forwarding to CRU.

#### **Restitution Set-Up**

The DPO:

- Obtains written verification from the victim.
- Completes Financial Change
- Submits both documents to the designated clerk for completion of packet and forwarding to CRU (retain a file copy).

**NOTE:** The minor is instructed not to make direct payments to the victim, unless ordered to do so by the court.



<b>Subject:</b>  <b>JUVENILE MANUAL</b>  <b>CUSTODY TIME:</b> <b>COMPUTING/RECORDING</b>	<b>Section:</b> <b>JM-2200</b>
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One of the services the Deputy Probation Officer (DPO) provides to the court is that of computing confinement time.

Section 726 WIC limits the time a minor may be held in physical custody to the length of the maximum term of imprisonment imposed upon an adult for the same offense under the penal code in criminal cases. This applies to time in custody spent both in local and state facilities. Time spent in an open suitable placement facility is not counted towards the maximum confinement time.

The court sets the maximum confinement time and credit for time served at all disposition hearings. If this information is not reflected on the minute order, the Deputy Probation Officer (DPO) requests the court officer to notify the court so an amended minute order can be issued.

When a minor is committed to the Division of Juvenile Justice (DJJ), the court will determine the length of time the minor may be held in physical confinement in years, months, and days. The DPO reports the number of days the minor has spent in physical confinement that are to be credited.

## **2201 TIME SERVED IN CUSTODY**

To be in custody is to be confined by proper authority to a specified place, or to be placed in the control of designated officers, regardless of whose authority the place of confinement may be under or the legal purpose of the confinement.

Time in custody starts at the moment the minor is taken into custody, and ends upon release. Any part of any day spent in custody counts as a full day of time served; for example, police custody, detention in juvenile hall pending arraignment, detention, adjudication, and/or disposition hearings, camp or suitable placement.

## **2202 COMPUTING TIME**

The DPO computes credit for time served. All time spent in custody during the present wardship period must be credited.

To ensure accuracy, "in" and "out" dates from juvenile hall and all other institutions of commitment must be secured. The charged offense, which was the

**CUSTODY TIME: COMPUTING/RECORDING**

basis for the detention, must be determined in order to apply the time to the proper offense.

**2203 RECORDING TIME**

This is primarily a supervision task and the DPO is responsible for keeping a record of all custody time such as detention or camp for cases assigned. (The investigation DPO may be required to track and record custody time when a disposition hearing is continued for further report.)

Maximum Confinement Time and time served are recorded in the automated system (case notes).

Each new entry for Maximum Confinement Time should indicate the current amount of time imposed at the latest disposition hearing.

Examples:

Minor arrested and detained 6-1-04, arraignment/detention hearing 6-3-04, released. Total time in custody – three days.

Minor arrested 6-1-04 and released to parents at police station on 6-2-04; detained at disposition hearing 7-13-04, sent to camp, released home 12-15-04.  
Total time in custody – 158 days.

Minor detained 10-13-04 at violation disposition hearing, to serve 15 days; no previous confinement time. Total time in custody – 15 days.

Minor has three separate petitions sustained and each carries one-year maximum confinement time. The judge orders the time on the petitions to run concurrently (at the same time). Minor has one-year maximum confinement time.

If probation is terminated or the petition dismissed, the time spent in custody and/or the maximum confinement time is not considered in further computations.

On subsequent dispositions where the aggregation clause (Section 726 WIC) is not requested by the D.A., all previous maximum confinement time and time served are no longer considered in the computations.

**Aggregate Maximum Term:** When the court elects to aggregate the offenses (commit a minor on the entire record of multiple sustained offenses) the consecutive sentencing rules (1170.1 PC) apply. The court and the attorneys complete this computation at the time of commitment.

<b>Subject:</b>  <b>JUVENILE MANUAL</b>  <b>BENCH WARRANTS</b>	<b>Section:</b> <b>JM-2300</b>
	<b>Effective Date:</b> 7/17/2008
	<b>Approved By:</b>
	<b>Sharon Harada, Bureau Chief</b>

Juvenile court bench warrants command any peace officer to arrest a juvenile or adult, either of whom may be referred to as “minor”, as long as they are the subject of a proceeding in juvenile court.

The warrant directs the officer to bring the minor immediately before the court, or to hold the person in detention until the warrant can be heard, which must occur within 48 judicial hours from arrest.

**A bench warrant remains outstanding** until it is served on the minor or until it is recalled, even if the minor has:

- Reached the age of 18.
- Appeared in court since the warrant was issued.
- Completed a treatment program.

Been terminated from probation, or the case is otherwise dismissed/closed.

For the above reasons it is essential the **Deputy Probation Officer** (DPO) recommend that any bench warrants previously issued on a case be recalled when recommending termination, and that the DPO carefully examine minute orders on terminated cases to make sure the court clerk has recalled any existing bench warrants.

## **2301 602 WIC CASES**

The juvenile court may issue a bench warrant for cause at any time. Usually this occurs when the minor:

- Fails to show for a hearing which the court has ordered the minor to attend or for which the minor has been cited to appear.
- Flees from juvenile hall, camp or a placement facility.
- Flees from home or other residence in which the court has placed the minor.
- Refuses to comply with court orders and/or conditions of probation.

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<b>GENERAL INFORMATION</b>	

### **Bench Warrant Requests – 602 WIC**

The DPO requests a bench warrant if:

- 602, 654.2, 725(a), or 790 WIC minor absents him or herself from the family home for a period of time which suggests the minor will not voluntarily return. (Parents are advised to file a missing person report with law enforcement.)
- Minor and parents **cannot be located with** diligent efforts to contact for interview and the dates and methods of the contacts are documented in the automated system (case notes).

**NOTE:** Diligent efforts include telephone calls, home visits, appointment letters, messages left with the minor or other family members, contact with school officials or a certified letter sent to the family's last known address with a return receipt requested.

- DPO verifies that the family has moved and has made no effort to advise DPO of new address.
- Minor is in custody in another jurisdiction and the situation dictates that the minor should be detained.

### **2302 601 WIC CASES**

#### **The DPO is not to request bench warrants in 601 WIC cases.**

If a 601 WIC case has been filed with the court and the minor leaves home in a manner suggesting the minor may not return, the DPO:

- Advises parents to file a missing person report with local law enforcement.
- Submits "Notice of Potential Violation" (Prob.1111) notifying the court having jurisdiction that minor left his/her parent's/guardian's home.
- Submits a "Non-Appearence Progress Report" (Prob. 1245) indicating present circumstances as soon as possible, and no later than the end of the next judicial day, if the minor returns home.

### **Warrant Cases**

If the court issues a bench warrant for the minor's arrest, the DPO verifies the place of detention noted on the minute order.

**GENERAL INFORMATION**

- **SODA facility:** Intake and Detention Control (IDC) DPO records the information in the **automated system (case notes)** and advises law enforcement of 601 WIC status when the minor is detained.
- **Juvenile Hall:** IDC DPO records the information and advises law enforcement of the minor's 601 WIC status and that the order to detain in juvenile hall is to be followed.

**2303 TRAFFIC WARRANTS**

Minors who fail to pay traffic tickets over a period of time will have warrants issued for their arrest. These warrants are issued through the Juvenile Informal and Traffic Court.

Unlike regular juvenile court warrants, traffic warrants ("T" warrants) do not require a minor's detention pending a court appearance. Instead, minor reports to the Juvenile Informal and Traffic Court, where a plan to pay off any fine from the traffic tickets may be arranged.

When a DPO believes a warrant may be outstanding for a minor, the DPO:

- Telephones the Juvenile Informal and Traffic Court, Records Division.
- Provides the minor's name and date of birth. The operator will report any "failures to appear," whether or not they have resulted in warrants being issued.
- Directs any minor who fails to appear for citations (when no warrant has been issued) to appear within **5 days** at the Juvenile Traffic Court, 1945 Hill Street, Room 808, Los Angeles.
- If a warrant is outstanding, directs the minor and a parent to appear within **5 days** to the Juvenile Informal and Traffic Court on a date convenient to the family. Minors under age 18 should be accompanied by a parent.

**2304 FORMS FOR BENCH WARRANTS**

- "Notice of Warrant of Arrest issued by Juvenile Court" (Prob. 651).
- "Request for Bench Warrant" (Prob. 1177).

The DPO submits the original and three copies of each to the court that heard the last disposition.

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On Prob. 1177, above the date box, enter “Advance from ... (next scheduled court date)”.

If there is a court report (Progress/Annual Review – Prob. 1245) due within 5 working days of notice of the runaway, or determination that the minor is not complying with reporting, the DPO submits the applicable report for the pending court date. This does not apply to minors who AWOL from a facility (such as camp, juvenile hall, group home, etc.) or minors who are a danger to him/herself or the community.

**NOTE:** When requesting a bench warrant on a 654.2 case, the DPO shall recommend that the 654.2 grant be revoked. Jurisdiction over the case ends one year from the date the petition was filed unless the status is revoked. By revoking the status, the court is not held to the one-year time frame for handling the warrant and violations.

**The DPO is not to recommend issuance of a bench warrant without substantial evidence that the minor appears to be violating orders of the court.**

## **2305 ANNUAL BENCH WARRANT REPORT (Prob. 1246)**

Prob. 1246 is submitted to apprise the court of case circumstances since the last court review, including any efforts to locate the minor.

Prior to submitting the report, the DPO checks:

- Juvenile Automated Index (JAI) for any new arrest.
- Automated System for any new arrest.
- Adult Justice Data Interface Controller (JDIC) system for any arrests, if minor is an adult.
- Probation Information Center (PIC) shall be contacted for any arrests. (866-931-2222)
- Department of Motor Vehicles (DMV), if indicated.
- The listed home telephone number.
- The listed school or school district to see if the minor has transferred or has a new address.

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## 2306 BENCH WARRANT RECALL

The DPO may recommend that a warrant be recalled and jurisdiction terminated. The following questions are considered before recommending termination:

- How serious was the matter which brought the minor before the court? (For example, if petitions for a series of assaultive acts led to the bench warrant being issued, recommending termination would probably be inappropriate.)
- Is restitution outstanding?
- Is any legal action currently pending against the minor? (If no legal action except the bench warrant has been pending for some time, recommending termination may be appropriate, **provided the other factors listed in this Section are considered**. If several current petitions are pending, particularly involving felonies or victims with losses, recommending termination would be inappropriate.)
- Is the subject of the warrant an adult? (If the subject is now awaiting sentencing in an adult proceeding, termination of the juvenile case and recall of the bench warrant would probably be appropriate, **provided the other factors listed in this Section are considered**.)

## 2307 OUT-OF-COUNTY CUSTODY

### Non-Detained

If the whereabouts of the minor is known, the DPO contacts the law enforcement agency in the area where the minor is located and provides them with the minor's address and details surrounding the warrant. If the minor is taken into custody in that jurisdiction, the DPO follows the procedures for detained minors.

### Detained

For minors apprehended in other California counties and being held on a Los Angeles County bench warrant, the DPO proceeds as follows:

- Faxes a copy of the minute order ordering the warrant to the appropriate county within 48 judicial hours of the minor's arrest, or
- If the warrant is on record with the Los Angeles Sheriff's Department (LASD), the DPO contacts LASD Warrant Record Locator (WRL). LASD will teletype a warrant abstract to the agency which arrested the minor or, if possible, to the juvenile hall where the minor is held.

**GENERAL INFORMATION**

The receiving county will hold the minor for five days after receipt of the minute order or abstract. If the minor is not released to L.A. County Probation by the end of the five days, the holding county will release the minor.

**Southern California Counties**

If the holding county is San Bernardino, Orange, San Diego, Ventura, Riverside, Imperial or Kern, the DPO contacts Probation Transportation and requests that they arrange to pick up minor from the surrendering county location.

A “future” (telephonic probation hold) is then called in to IDC/Eastlake at (323) 226-8506. The future is recorded on a “Juvenile Hall Entrance Record” (Prob. 1295), and indicates the reason the minor is being detained and the DPO responsible for detention).

**Other Counties****The DPO:**

- Requests the court order the **DPO** to transport the minor from (county) to the County of Los Angeles and that the minor be detained in juvenile hall.
- Faxes, sends or takes to Probation Transportation, two certified copies of the resultant minute order.
- Calls in a “future” to IDC/Eastlake.

IDC will schedule the bench warrant hearing and submit the report upon the minor’s arrival.

**2308 OUT-OF-STATE CUSTODY****Non-detained minors**

The DPO determines if the issuing court will order Los Angeles County Probation to return the minor. It is essential to determine who will pay the transportation cost. Often the court will not order a minor returned from another state.

If the court orders the minor returned, the DPO calls the California Interstate Compact Coordinator’s office in Sacramento at (916) 262-1374 to arrange for the authorities in the other state to act on the case, and provides them with the minor’s address. The DPO then follows the procedures for detained minors.



**GENERAL INFORMATION****Detained Minors**

If the court orders the minor returned, the DPO:

- Requests that the court order the DPO to transport the minor from (state) to the County of Los Angeles, to be detained in juvenile hall.
- Faxes, sends, or takes to Probation Transportation two certified copies of the minute order.
- Calls in a “future” to IDC/Eastlake.

IDC will schedule the bench warrant hearing and submit the report upon the minor’s arrival.

The Interstate Compact office handles the requisition for return if the minor refuses to return voluntarily.

**2309 MINORS SURRENDERING TO THE COURT**

If the DPO is contacted by a minor who wishes to appear in court and clear a bench warrant, the DPO:

- Obtains a statement from the minor and parents indicating their understanding as to why the warrant was issued, their willingness to comply with court orders in the future, and whether parents believe a change of plan is necessary.
- Telephones the court officer and requests the case be calendared **within** two judicial days from the date of the call.
- Provides the court officer with the Probation Department Juvenile (PDJ), court, and Juvenile Automated Index (JAIN) numbers and a recommendation for an oral report on minor’s behavior prior to the issuance of the bench warrant.
- Informs the minor and parents of the court date.
- DPOs shall not instruct minor to surrender to court without a calendared appearance date.

**NOTE:** If a **602 WIC** minor surrenders or is arrested on a bench warrant and there is no pending petition on which to detain the minor upon return to court, the DPO determines if sufficient facts exist for **filing of a notice for a violation hearing**

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(777 WIC violation report) a 777 WIC violation report. Otherwise, the DPO can only recommend that minor be released.

For minors on Deferred Entry of Judgment status who are not complying with terms of probation, the DPO may submit a progress report (Prob. 1245). The recommendation should be that the court lift the Deferred Entry of Judgment and proceed to disposition.

Declaration of wardship and a new disposition may be recommended on a progress report for minors in violation of 725(a) WIC probation conditions.

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<b>Subject:</b>  <b>JUVENILE MANUAL</b>  <b>CIVIL COURT INVESTIGATIONS</b>	<b>Section Number:</b> <b>JM-2400</b>
	<b>Effective Date: 7/17/2008</b>
	<b>Approved By:</b>  <b>Sharon Harada, Bureau Chief</b>

The Probation Department is one of the agencies designated by the court to investigate cases of child abandonment, custody, and guardianship for civil cases. The minor's welfare is the focal point of these proceedings.

Civil cases often involve issues of strongly held, contradictory feelings and beliefs involving adverse parties, often unable or unwilling to reconcile differences without court intervention.

Although parental rights are not disregarded, concern for the minor supersedes the interests of parents, guardians, prospective parents, prospective guardians and interested parties.

Civil cases are confidential and all documents and related data are available only by court order.

**General Guidelines**

The Deputy Probation Officer (DPO) collects data from the various parties, and presents to the court the results of the investigation in the form of a court report. The format of the report depends on the type of civil case.

The DPO:

- Reviews all written records and files available from the agencies and parties involved in the case.
- Defines the basic issues.
- Interviews all involved parties.
- Weighs all facts and submits an appropriate recommendation.

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### REPORT FORMATS- CIVIL COURT INVESTIGATIONS

Abandonment	Guardianship	Custody
Whereabouts of Minor	Reason for Referral	Whereabouts of Minor
Reason for Hearing	Present home Situation of Minor	Reason for Referral
Minor's History	Minor's History	Minor's History
Minor's Statement	Minor's Statement	Minor's Statement
Parents' Statements (If applicable)	Natural Parent's Statement	Father's History
Parents' History	Natural Parent's History	Father's History
Petitioner's History	Petitioner's History	Mother's History
-----	References	Father's References Mother's References
Collateral Contacts	-----	Collateral Contacts
Evaluation	Evaluation	Evaluation
Recommendation	Recommendation (only when ordered by the Court)	Recommendation

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## **2401 ABANDONMENT INVESTIGATIONS**

Upon being assigned the investigation of an abandonment petition, the DPO examines the grounds for the basic allegation and the relevant circumstances.

### **2401.1 Declaring a Minor Free From Parental Custody/Control**

Pursuant to Family Sections 7820-7829 Code, a minor may be declared free from parental custody and control when the parent(s):

- Leave the minor without provisions for identification.
- Are convicted of a felony and the crime is of such nature as to prove unfitness.
- Have been declared by a court of competent jurisdiction to be developmentally disabled or mentally ill.
- Are and will remain incapable of supporting or controlling the minor because of mental deficiency or illness.

The minor has been cared for in licensed foster home or residential facility for two or more consecutive years and the court finds returning the minor to the parents would be detrimental and the parent(s) have failed or are likely to fail in the future to:

- Provide a home for the minor.
- Provide proper care and control.
- Maintain an adequate parental relationship.

### **2401.2 Investigation Guidelines**

Proceedings to free a minor from parental custody must take place prior to adoption. Unless both parents have relinquished the minor for adoption, abandonment and adoption petitions must be filed concurrently.

Any interested person such as a grandparent or sibling may petition the court to declare a minor free from either or both parents.

**CIVIL COURT INVESTIGATIONS****Independent Adoptions**

The minor is placed in the home of the petitioner seeking legal custody, by a parent or authorized individual.

**Agency Adoption**

A minor's placement for adoption is made by an agency licensed by the State Department of Social Welfare. The abandonment petition is filed to free the minor for future adoption.

The Superior Court hearing adoption matters adjudicates such petitions.

Upon the filing of a petition, the County Clerk forwards a copy to:

Probation Headquarters  
Probation Civil Court Liaison  
9150 E. Imperial Highway  
Downey, CA 90242

The Probation Civil Court Liaison assigns the case to the area office nearest the minor's foster placement. If the DPO has questions, the Probation Civil Court Liaison can be reached through the Juvenile Field Services Bureau.

**2401.3 Conducting the Investigation**

The DPO conducts an independent investigation to determine if an abandonment exists.

Essential information is provided by the following:

Department of Children and Family Services (DCFS)  
Independent Adoption Section  
3075 Wilshire Blvd., 8<sup>th</sup> Floor  
Los Angeles, CA 90010  
(213) 639-4100

- The DPO reviews the DCFS Court Liaison Parent file at 3075 Wilshire Blvd., 8<sup>th</sup> Floor Los Angeles, CA 90010 8<sup>th</sup> floor. Questions regarding this procedure are directed to the supervisor, Court Liaison Unit.

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- Information may be found regarding the allegation, caseworker's investigation, last known whereabouts of the natural parents or those legally assuming the role of parent (presumptive parents), their statements and relationship with the minor, and whether any parties have active or inactive cases with the Department of Public Social Services (DPSS).
- Independent Adoption Files are also reviewed at 3075 Wilshire Blvd., 8<sup>th</sup> Floor Los Angeles, CA 90010 8<sup>th</sup> floor. Questions are directed to the supervisor, Independent Adoption Unit.

### **DPSS OR DCFS**

Check active or inactive files on minor or parent.

### **Probation Department**

Contact assigned DPO on active case (minor or parent) or review closed files.

### **Police Record Check**

Check criminal records of the parents or petitioners.

### **Birth Records**

Verify the minor's DOB and parental information using best available documents.

### **Certified Letter to Parents**

Using the last known address, advise parents of the proceedings and request they contact the DPO.

## **2401.4 Interviews**

Minor (age five years or older, otherwise observe only).

- Observe in home setting
- Discuss the allegations.
- Adjustment to present environment.
- Attitude regarding petition.

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## **Parents**

Natural (biological) and those legally assuming the role of parents (presumptive).

Discuss:

- Response to allegation.
- Attitude towards minor.
- Extent of support and communication with minor.
- Job, income, living situation.

## **Petitioners** (Foster parents or Department of Adoptions)

Discuss:

- When and from whom minor was received.
- Relationship with the minor's parents and nature of any contacts.
- Knowledge of parents' present whereabouts.
- If parents have supported, visited or attempted to contact minor.

## **Independent adoptions**

Petitioner's history, age, date, place of marriage (verify), education, occupation, income, other children.

### **2401.5 Court Report**

In the court report the DPO briefly:

- Confirms that the nature of legal action to end parental custody was explained to the minor and that the minor was informed of the right to attend hearings.
- Describes the minor's feelings and thoughts concerning the pending action.



**CIVIL COURT INVESTIGATIONS**

- Summarizes the minor's attitude towards the parents and whether or not the minor would prefer living with one or both parents.
- Informs the court of any physical or emotional condition that precludes the minor's giving a meaningful response to the required information.

**Headings:****Whereabouts of Minor**Independent Adoptions:

Include name, address and relationship of persons with whom minor resides.

Department of Adoptions:

Dictate the following:

"Minor is under the care of the Department of Children and Family Services in a licensed foster home."

**Reason for Hearing**Independent Adoptions:

Example:

A petition was filed March 28, 2007 by John Smith and Joan Smith, under Section 7820 Family Code, seeking to declare minor free from the custody and control of her parents.

Department of Adoptions:

Example:

A petition was filed March 28, 2007 by the Department of Adoptions, under Section 7820 Family Code, seeking to declare minor free from the custody and control of her parents.

**CIVIL COURT INVESTIGATIONS****Minor's History**

Briefly report the date and place of birth, relevant facts concerning the minor's early development, and who has provided care and support.

**Minor's Statement**

If the minor is of sufficient age to make a statement, present the minor's view of the present situation and the minor's response to the DPO's recommendation.

**Parents' History**

Briefly discuss the background, whereabouts and efforts to locate each parent. Include information regarding their support, communication and relationship with the minor.

**Parents' Statement**

If parents are available, the DPO should include the parents' version of the minor's history and the current situation, and the parent's feelings regarding relinquishing the minor for adoption.

**Petitioner's Statement**

Include information as to how the minor was received, petitioner's relationship or any contact with natural parents.

**Petitioner's History (Independent Adoption only)**

A concise presentation of petitioner's age, verified date and place of marriage, education, occupation, income, and other children in the home.

**Collateral Contacts**

Information provided by individuals or agencies which add to the understanding and clarity of the case should be concisely included, when necessary to help verify allegations.

**Evaluation**

The evaluation should begin with an identification of any unresolved issues in the case or any significant "facts" which are matters of dispute. The DPO should either resolve these by stating where the

**CIVIL COURT INVESTIGATIONS**

weight of evidence appears to lie or, if resolution is not immediately possible, indicate whether the recommendation must, on that account, be made with certain reservations.

For example, where the emotional health of a party to the case is at issue, the DPO may have access to existing clinical opinion on the subject that would outweigh the adverse statements of another party. If not, the DPO must offer an opinion as to whether the risk involved is so great as to be pivotal to the recommendation.

When the child's statement is material to the case, the DPO should include an opinion on the weight to be given that statement, depending on the chronological age of the child, the child's evident maturity and what influences, if any, have had a bearing on the child's statement.

The statements of adult parties to the case should be weighed against historical information from official sources or observable facts. The DPO should endeavor to answer the following questions:

- What sort of relationship do the adult parties in the case have with the child?
- What experience, if any, have they had in rearing children?
- If the child has special needs, what special capacities, if any, do the adults have for meeting those needs?
- What are the lifestyles of the adult parties and do they allow time for nurturing attention to the child?
- What are the motivations of the adults?

**Recommendation**

It is recommended that the petition be granted, or

It is recommended that the petition be denied.

**2402 GUARDIANSHIP INVESTIGATIONS**

Pursuant to Sections 1400-1602 of the Probate Code, a guardian may be appointed to care for the person or property of another. The Probate court has exclusive jurisdiction of guardianship proceedings.

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The DPO investigates the appointment of a guardian whenever requested by the court. It is the DPO's responsibility to gather and verify facts which aid the court in determining to whose care and custody a minor should be entrusted.

### **2402.1 Investigation Guidelines**

In appointing a guardian, preference is given as follows:

- Parents
- A person selected by a deceased parent.
- The trustee of a fund for the minor's support.
- A relative.

The custody preference of a minor 14 years of age or older is to be considered.

If there is an issue of parental unfitness, it must be demonstrated that parental custody would be detrimental to the minor.

Guardianship does not prevent the possibility of future adoption.

### **2402.2 Conducting the Investigation**

Essential Information may be obtained as follows:

- Review referral documents.
- Read court file in the L.A. Superior Court Probate Department to confirm allegations and identify interested parties and objectors.
- Review probation records on all involved parties.
- Check criminal records on parents and petitioners.

### **2402.3 Interviews**

The DPO interviews the following individuals:

**CIVIL COURT INVESTIGATIONS****Minor**

Observe the minor in the home setting. Interview privately if of sufficient age to communicate. Discuss guardianship preference, and any pertinent issues.

**Person with physical custody, Petitioner or Objector**

Discuss their interest in the minor, their plans for care and their knowledge of the minor's background. Discuss the motivation for seeking or contesting guardianship or for filing the petition.

**Parents**

Describe their relationship with the minor and plans for care. Discuss the response to allegations and persons seeking or contesting guardianship. Review marital and family background, employment, income, criminal and medical history.

**References**

An associate or acquaintance often provides relevant background information. Limit references to three each for the parents, petitioners and objectors.

**2402.4 Court Report**

The DPO submits a concise court report covering the subjects specified in the Investigation Guidelines (JM-2402-01) and dealing with essentially the same considerations as in Adoptions (see JM-2401-05, Evaluation).

Format:

Reason for Referral

Example:

Petition as filed by private attorney on September 4, 2007, to appoint the minor's maternal grandparents as guardians of the minor.

**CIVIL COURT INVESTIGATIONS****Present Home Situation of Minor**

The DPO states name, address and relationship of person with whom the minor lives. Describes living conditions and the minor's adjustment. Indicates who has legal custody and if custody is joint, discuss visitation arrangements.

**Minor's History**

Indicate birth date, birthplace and parentage. Give a complete history of minor's prior custodial care, school and health records. If an estate, property or trust fund is involved, the amount is stated.

**Minor's Statement**

Summarize the minor's attitude regarding guardianship, custody and present living situation.

**Natural Parents' History**

Indicate parents' names, birthdates, marital history, criminal history, financial status and background. Discuss the home situation, employment status and income.

**Petitioner's Statement**

Indicate petitioner's reason for filing the petition, plan for care of the minor and knowledge of the minor's background.

**Petitioner's History**

Indicate petitioner's age, marital history, criminal history, financial status, health, and present living conditions.

**References**

Statements may be quoted and identified in the court report or if a written statement is provided, it is attached to the court report. (Any letter attached to the court report should be summarized in the report).

**Evaluation**

Analyze and summarize the basic issues. Evaluate the reasons and social factors that determine to whom the minor should be entrusted

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(see JM-2401-5, Evaluation, for a more detailed presentation of factors to consider).

**No recommendation is made unless ordered by the court.**

## **2403 CUSTODY INVESTIGATIONS**

Section 628 WIC specifies conditions that must exist before minors can be detained. If such conditions are not found to exist, minors cannot be detained. The following conditions may justify a minor's detention:

The information gathered by the DPO provides the court with facts to help resolve conflicting issues and determine the appropriate award of custody.

### **2403.1 Investigation Guidelines**

The following factors are considered:

Pursuant to Section 3020(b) Family Code, minors shall be assured frequent and continuing contact with both parents and the shared responsibility of child rearing is encouraged.

Primary consideration is given to the best interests and welfare of the minor.

Custody is awarded in the following order based on the minor's best interest:

- To both parents jointly or to either parent. If awarded to one parent, consideration is given to the parent most likely to allow frequent contact with the non-custodial parent.
- To the person(s) in whose home the minor has been residing in a wholesome and stable environment.
- To any other person(s) deemed suitable and able to provide adequate and proper care and guidance.

The custody preference of a minor of sufficient age to form an intelligent preference must be considered.

There is a presumption that where both parents agree, joint custody is in the best interests of the minor.

**CIVIL COURT INVESTIGATIONS****Visitation Rights**

Reasonable visitation is awarded to a parent unless it is shown that such visitation would be detrimental to the minor.

The court may grant reasonable visitation to any other person having an interest in the minor's welfare that the court believes is in the minor's best interest.

**2403.2 Conducting The Investigation**

Essential information may be obtained as follows:

- Review referral documents.
- Examine Superior Court records, including any reports of court custody investigations.
- Check Department of Children and Family Services (DCFS) and Department of Public Social Services (DPSS).
- Confer with the DPO supervising the minor and other family members, if any, and review any active or closed probation files.
- Check criminal records on principles, when indicated.
- Review all pertinent school, medical and psychiatric records. (The DPO should request signed releases from the party holding current custody. If unable to obtain information deemed critical, the court is to be informed. A current school report will be obtained.)

**Financial Accounting**

The DPO records on the "Financial Accounting" (F123) form all time spent on the case, the number of miles driven, and each activity performed.

The DPO completes Sections (1) and (2), the Supervising Deputy Probation Officer (SDPO) completes Section (4).

**2403.3 Interviews**

The DPO conducts separate interviews with the petitioner, respondent and each minor.



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### **Minor**

- Observe in the home setting.
- Interview privately if of sufficient age to communicate.
- Discuss the minor's custody preference, reason, and any pertinent issues.

### **Parents**

An interview should be held in the home of each parent. If possible, schedule a second interview to resolve conflicting issues.

- Review the minor's social history and background.
- Discuss parents' relationship with minor.
- Talk about present plans for the minor's care.
- Discuss employment, income and financial issues.
- Discuss each parent's attitude toward the other parent.
- If the minor or family is in counseling, have the parents obtain and submit a letter from the therapist.

### **References**

Relatives, acquaintances and others often provide pertinent information.

Inform parents of their right to submit reference letters and summarize letters in the report. Contact references only if there is a special concern.

## **2403.4 Court Report**

The DPO provides the court with concise case data. An objective report assists the court in reaching a decision in respect to custody or visitation.

### **Format:**

### **Whereabouts of Minor**

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### **Reason for Referral**

Example:

Pursuant to Section 3111 Family Code and Section 281 WIC, the probation officer was ordered to investigate, report and recommend to the court concerning the custody, care and control of the minor child.

### **Minor's History**

Briefly describe the minor's background, with whom and where the minor has lived, school, health and any other pertinent factors.

### **Minor's Statement**

Indicate the minor's custody preference, reason for the choice, present adjustment, and any other issues or concerns.

### **Father's History**

Discuss father's background, marital history, health, employment, income, criminal history, and present living situation.

### **Father's Statement**

Relate father's view of pertinent issues in the case, and plans for the minor's care if granted custody. Include father's attitude toward the minor and the other parent.

### **Mother's History**

See Father's History above.

### **Mother's Statement**

See Father's Statement above.

### **Father's References**

Identify references by name and relationship. Summarize reference letters and oral statements made to the DPO that provide insight on issues relative to the case.

**CIVIL COURT INVESTIGATIONS****Mother's References**

See Father's References above.

**Collateral Contacts**

Include statements provided by individuals or agencies, other than personal references, which add to the understanding and clarity of the case.

**Evaluation**

Analyze the case data presented in previous sections of the report. The DPO carefully weighs both positive and negative factors affecting the minor's welfare that lead logically to the recommendation.

The DPO addresses conflicting claims of parents, noting whether the claims are or appear valid or unfounded.

If appropriate, the DPO discusses the wishes of the child and whether those wishes are in conflict with the recommendation of the DPO.

The DPO may consider recommending the filing of a 300 WIC petition if neither parent appears suitable.

Visitation rights are also discussed in the evaluation.

(See JM-2401-5, Evaluation, for a more detailed presentation of factors to consider.)

**Recommendation**

"It is recommended that (custody/joint custody) of (name of child(ren)) be awarded to (relationship to child(ren)) (name of person to whom awarded)."

**Sending report to Children's Court**

Once the report is completed, the DPO sends it to:

THE SUPERIOR COURT  
CHILDREN'S COURT, ADOPTION UNIT  
201 Centre Plaza Drive, Room 2100  
Monterey Park, CA 91754-2158

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<b>CIVIL COURT INVESTIGATIONS</b>	

and a copy to:

PROBATION HEADQUARTERS  
CIVIL CASES COORDINATOR  
9150 E. Imperial Highway  
Downey, CA 90242

**LOS ANGELES COUNTY PROBATION DEPARTMENT**

<b>Subject:</b>  <b>JUVENILE MANUAL</b>  <b>INTAKE AND DETENTION CONTROL (IDC)</b>	<b>Section Number:</b> <b>JM-2500</b>
	<b>Effective Date:</b> <b>7/17/2008</b>
	<b>Approved By:</b>  <b>Sharon Harada, Bureau Chief</b>

Subsequent arrests of minors assigned to investigation or supervision Deputy Probation Officers (DPOs) will be brought to the assigned DPO's attention by Intake and Detention Control (IDC) for resolution of detention issues.

The IDC office receives juvenile intake from law enforcement and other authorized agencies. IDC DPOs are stationed at the three juvenile courts adjacent to the juvenile halls.

IDC is primarily responsible for conducting detention investigations on new and active cases, expediting petition requests, screening and assigning non-detained referrals, and overseeing detention alternative programs. All detained 601 and 602 WIC cases are processed through IDC.

## **2501    LEGAL REQUIREMENTS FOR DETENTION**

Section 628 WIC specifies conditions that must exist before minors can be detained. If such conditions are not found to exist, minors cannot be detained. The following conditions may justify a minor's detention:

1. The minor needs parental care or control and has no parent or guardian, or has no parent or guardian or responsible relative who can or will offer care or control over the minor.
2. The minor is without means of providing for him or herself; there is no one providing for the minor and the minor has no home or other proper place to live.
3. The minor's home is unfit due to neglect, cruelty, or abuse by either parent or those with whom the minor lives.
4. Continued detention of the minor is necessary to protect the community or the minor.
5. The minor is likely to flee the court's jurisdiction.
6. The minor has violated an order of the juvenile court.

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<b>INTAKE AND DETENTION CONTROL (IDC)</b>	

7. The minor is physically dangerous to the public because of a mental or physical condition.

**NOTE:** Section 628 WIC does not require that minors meeting the above criteria be detained, only that minors not meeting the criteria must be released.

## **2502 PROCEDURES**

- Minors detained on bench warrants or suitable placement orders only, must appear before the court for detention hearing within 48 judicial hours.
- In misdemeanor cases, petitions must be filed and minors must appear before the court for detention hearing within 48 judicial hours.
- In felony cases, petitions must be filed within 48 judicial hours or minors must be released. Minors must appear before the court the judicial day following the filing.
- Detainable minors not requiring secure detention may be released to the Community Detention Program (CDP), Placement Alternative to Detention (PAD) or other alternative program to detention (see JM-2700, Detention Alternative Programs).
- It is the responsibility of the IDC DPO to seek the cooperation of the supervision DPO in contacting parents or interested parties to whom minor is released.

The minor and parents must be advised of the minor's legal rights. Parents are also advised of the date, time and location of the detention hearing as well as the place of detention.

The minor must be provided with two telephone calls within one hour of being accepted into Probation Department custody.

Detention reports and detained petition requests must be delivered to the appropriate D.A's office according to the "Petition Filing Deadline Chart" (see JM-2600 Appendix). It is the assigned IDC DPO's responsibility to make sure the necessary paperwork is delivered, unless the matter stems from a DPO's arrest of a minor for a 777 WIC violation.

### **Requests by Law Enforcement for Detention Interviews**

All requests by police agencies to interview detained minors are referred to IDC.

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The IDC DPO:

- Monitors the Miranda admonishment phase of the interview.
- Records the minor's waiver on the "Admonition of Waiver of Rights" (76A in "IDC Forms" of the IDC computer system).

If the minor has been arraigned by the court on the allegations for which the interview is sought, written approval of the minor's attorney is required prior to the interview.

When the police request an interview prior to the detention, or the interview is for a matter on which the minor has not been arraigned, and minor consents to the interview, the request is granted.

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<b>Subject:</b>  <b>JUVENILE MANUAL</b>  <b>DETENTION PROCEDURES</b>	<b>Section Number:</b> <b>JM-2600</b>
	<b>Effective Date:</b> <b>7/17/2008</b>
	<b>Approved By:</b>  <b>Sharon Harada, Bureau Chief</b>

Detention decisions on cases assigned to an area office supervision or placement officer involve a cooperative effort between the Intake and Detention Control (IDC) Deputy Probation Officer (DPO) and the field DPO.

Although (IDC) detains most minors as a result of a new criminal offense, others may be detained solely for violating orders of the court while under home on probation, camp, suitable placement or home detention orders.

This chapter spells out certain policies and procedures affecting the DPO's duties in detention situations.

## **2601    LEGAL REQUIREMENTS**

The law sets out a variety of legal tests that must be met if a minor is to be detained.

**625 WIC** denotes circumstances under which a peace officer may take into custody, without a warrant, a minor:

- Who is under age 18 when the officer has reasonable cause to believe the minor is a person described in section 601 or 602 WIC.
- Who is a court ward and the officer has reasonable cause to believe the minor has violated an order of the court or has escaped from a commitment ordered by the court.
- Who is under age 18 and is found in any street or public place suffering from sickness or injury which requires care or medical treatment.

**626 WIC** denotes alternative dispositions for the peace officer who has taken into temporary custody a minor under 625 WIC. They include:

- Release the minor.
- Deliver or refer the minor to a public or private agency with which the city or county has an agreement to provide shelter, care, counseling or diversion services.



**DETENTION PROCEDURES**

- Prepare a written notice for the minor to appear before the probation officer.
- Take the minor “without unnecessary delay” to the probation officer for detention.

Taking the minor to the probation officer may mean consulting with an IDC DPO by telephone, or driving the minor to a juvenile hall where an IDC DPO is assigned the case.

In cases where detention requests are approved, 602 WIC minors are held in juvenile hall or released on Community Detention Program (CDP) pending court. 601 WIC minors are transported to Status Offenders Detention Alternative (SODA) facilities, which are not secure.

**Note:** 601 WIC minors are not normally approved for detention. In rare cases such as out of state runaways, the minor may be detained temporarily.

**2602 CRITERIA FOR DETENTION)**

See JM-2501.

**2603 FIELD DPO INVOLVEMENT**

Detention decisions on new arrests are the sole responsibility of IDC.

For minors arrested and being detained solely on warrants, the DPO has the authority to make the recommendation at the detention hearing.

In cases where a minor is being detained for a violation of probation (777 WIC), the DPO, with SDPO approval, makes the decision on detention, but the IDC officer is expected to assist in assessing the legal necessity for detention.

Any peace officer, including DPOs, presenting minors for detention must provide IDC staff with a “Juvenile Hall Entrance Record” (Prob. 1295), a “Probable Cause Declaration” and a “Los Angeles County Arrestee Medical Screening Form” (SH/R/422) for taking the minor into custody and the reasons for detention.

Disagreements between IDC DPOs and field DPOs over detention issues may be referred to and resolved by their respective SDPOs, then, if necessary, elevated to the respective Directors.

**Note:** If the SDPO with case responsibility is unavailable, the IDC SDPO must approve any “probation admit.”

LOS ANGELES COUNTY PROBATION DEPARTMENT	<b>JM-2600</b>
<b>DETENTION PROCEDURES</b>	

## **2604 PROBATION VIOLATION ARRESTS (See JM-3300, Violations)**

The following conditions shall be met in all probation violation detentions:

- Section 628 WIC criteria must be met.
- Approval of the SDPO and Director prior to admission.
- If a police agency is transporting the minor to juvenile hall for a DPO, the DPO telephones a “future” admission clearance to the IDC location where the minor will be detained.
- If the minor is being brought to juvenile hall by the DPO, the DPO will be prepared to complete the necessary paperwork on arrival, providing a written statement as to the “probable cause” for the minor’s detention. (A detained violation report request must accompany camp minors admitted as disciplinary removals; a completed detention report must accompany minors removed from placement.)

DPOs must be aware of filing deadlines, and submit the Probation Officer’s Report (Prob. 25A-1) within the deadlines set forth for misdemeanors or felony filings.

Procedures:

- The IDC DPO notifies the minor’s parents of the date, time and location of the minor’s detention hearing. The DPO may phone the family or send a mailgram.
- The IDC DPO telephonically clears the minor’s arrest with Eastlake IDC (323-226-8506) to ensure it is recorded in JAI, and the minor is placed on the court calendar lists.
- The DPO of record prepares and submits a “Probation Officer’s Report” (Prob. 25A-1).
- The IDC DPO is responsible for ensuring the minor has an opportunity to complete two telephone calls as specified in 627 WIC.

**DETENTION PROCEDURES****DETAINED PETITION FILING DEADLINE CHART**

<b>Misdemeanors</b>											
<b>Day and Time of Arrest</b>						<b>Petition Due to D.A.</b>			<b>Court Date</b>		
Sunday	12:00	AM	to	5:00	PM	Monday	11:00	AM	Monday	1:30	PM
Sunday	5:01	PM	to	12:00	PM	Tuesday	11:00	AM	Tuesday	1:30	PM
Monday	12:01	AM	to	5:00	PM	Tuesday	11:00	AM	Tuesday	1:30	PM
Monday	5:01	PM	to	12:00	PM	Wednesday	11:00	AM	Wednesday	1:30	PM
Tuesday	12:01	AM	to	5:00	PM	Wednesday	11:00	AM	Wednesday	1:30	PM
Tuesday	5:01	PM	to	12:00	PM	Thursday	11:00	AM	Thursday	1:30	PM
Wednesday	12:01	AM	to	5:00	PM	Thursday	11:00	AM	Thursday	1:30	PM
Wednesday	5:01	PM	to	12:00	PM	Friday	11:00	AM	Friday	1:30	PM
Thursday	12:01	AM	to	5:00	PM	Friday	11:00	AM	Friday	1:30	PM
Thursday	5:01	PM	to	12:00	PM	Friday	11:00	AM	Friday	1:30	PM
Friday	12:01	AM	to	5:00	PM	Monday	11:00	AM	Monday	1:30	PM
Friday	5:01	PM	to	12:00	PM	Monday	11:00	AM	Monday	1:30	PM
Saturday	12:01	AM	to	12:00	PM	Monday	11:00	AM	Monday	1:30	PM
<b>Felonies - 777 WIC - 778 WIC</b>											
<b>Day and Time of Arrest</b>						<b>Petition Due to D.A.</b>			<b>Court Date</b>		
Sunday	12:01	AM	to	12:00	AM	Tuesday	11:00	AM	Wednesday	9:00	PM
Monday	12:01	AM	to	12:00	PM	Tuesday	11:00	AM	Wednesday	9:00	PM
Monday	12:00	PM	to	12:00	AM	Wednesday	11:00	AM	Wednesday	9:00	PM
Tuesday	12:01	AM	to	12:00	PM	Wednesday	11:00	AM	Thursday	9:00	PM
Tuesday	12:00	PM	to	12:00	AM	Thursday	11:00	AM	Thursday	9:00	PM
Wednesday	12:01	AM	to	12:00	PM	Thursday	11:00	AM	Friday	9:00	PM
Wednesday	12:00	PM	to	12:00	AM	Friday	11:00	AM	Friday	9:00	PM
Thursday	12:01	AM	to	12:00	PM	Friday	11:00	AM	Monday	9:00	PM
Thursday	12:00	PM	to	12:00	AM	Monday	11:00	AM	Monday	9:00	PM
Friday	12:01	AM	to	12:00	PM	Monday	11:00	AM	Tuesday	9:00	PM
Friday	12:00	PM	to	12:00	AM	Tuesday	11:00	AM	Tuesday	9:00	PM
Saturday	12:01	AM	to	12:00	PM	Tuesday	11:00	AM	Wednesday	9:00	PM

**LOS ANGELES COUNTY PROBATION DEPARTMENT**

<b>Subject:</b>  <b>JUVENILE MANUAL</b>  <b>DETENTION ALTERNATIVE PROGRAMS</b>	<b>Section Number:</b> <b>JM-2700</b>
	<b>Effective Date:</b> <b>7/17/2008</b>
	<b>Approved By:</b>  <b>Sharon Harada, Bureau Chief</b>

DPOs can make decisions regarding the detention of minors in other than juvenile hall settings. Detention alternative programs are considered in most detention decisions. The DPO should be aware of these alternative programs.

Detention alternative programs are for minors defined under 602 WIC who do not require a secure facility pending court appearance. Such programs are also available for 601 WIC minors who generally are not permitted in secure custody.

Minors placed in these programs must appear at all scheduled court hearings and have the same legal protection as detained minors. All reports must be submitted within the legal limits for detained cases.

DPOs shall consider alternatives to secure detention and utilize these alternatives when appropriate.

**2701 STATUS OFFENDERS DETENTION ALTERNATIVE PROGRAM (SODA)**

SODA provides non-secure detention beds for 601 WIC minors who are transient, runaways, or habitually beyond parental control. SODA is available for all 601 WIC youth whether they are court wards or not. SODA beds are in foster homes in residential neighborhoods.

A DPO assigned to a 601 WIC case may occasionally find a situation requiring alternative placement for the minor. The DPO should contact the SODA Resource Control Desk at (323) 226-8404. After hours SODA matters should be referred to Intake and Detention Control (IDC) at Central Juvenile Hall (323) 226-8506. SODA is operational 7 days a week, 24 hours a day.

If contacting SODA, the DPO:

- Provides SODA staff with the minor's name, address, DOB, parental information, and the reason for the referral.
- Upon approval, confirms how the minor is to be transported to the SODA home. (If the minor is not in police custody, law enforcement will not transport the minor. The DPO may have to personally transport the minor to the SODA placement or to the SODA office at Eastlake court.)

**DETENTION ALTERNATIVE PROGRAMS**

The DPO of record is responsible for following up with the SODA Resource Control Desk to release the minor from the SODA home. If there are behavioral problems displayed by the minor at the SODA home or filing a petition becomes necessary, the DPO of record will assist SODA Resource Control in removing the minor and preparing any required documentation.

**NOTE:** All pending matters for minors placed in SODA must be handled within the established timeframes for detained petitions.

**2701.1 Minors inappropriate for SODA**

Minors inappropriate for SODA are individuals with:

- Severe emotional disturbances.
- Severe psychiatric diagnoses.
- History of suicidal/ self-injurious behavior.
- Significant medical needs.
- Age of 18 years or older.

**NOTE:** SODA Resource Control should be notified prior to SODA placement whenever a minor has been prescribed psychotropic or other prescription medication.

**2702 COMMUNITY DETENTION PROGRAM (CDP)**

The Community Detention Program (CDP) is a viable pre-disposition detention alternative for minors who would otherwise remain in Juvenile Hall. CDP also offers an alternative to being removed from the community.

Referrals and/or recommendations for CDP participation evolve from either post or pre-disposition options. The pre-disposition option is outlined as follows:

- A minor is placed on home supervision with electronic monitoring at the “point of intake” by an IDC DPO. This process is outlined in WIC Sections 628.1 and 629. The minor then has a detention hearing scheduled within 72 hours of being taken into custody. At the detention hearing the minor may be detained, released home or continued on home detention (CDP).

A minor who has been initially detained by the IDC DPO may be placed on CDP by the bench officer (Judge) at the detention hearing following the recommendation of the IDC DPO’s written detention report, at the request of the Public Defender/Attorney of Record or at the bench officer’s judicial

**DETENTION ALTERNATIVE PROGRAMS**

discretion. Home detention is commonly used throughout the adjudication/disposition process.

The post-disposition CDP option relies upon the following:

- Minor is placed on CDP for a specific of days as a condition of probation
- The Bench Officer orders CDP as an alternative sanction for conditional/technical violations occurring while on regular formal probation.

Prior to CDP placement the program and conditions of probation are explained and both the minor and parent(s) or guardian(s) are required to sign their understanding.

Within 24 hours of the court order, electronic monitoring equipment, i.e. an anklet is placed on the minor's leg and a monitor is attached to the family telephone. In conjunction with equipment activation, the minor is assigned to a CDP DPO who makes an appointment to meet with the minor within 72 hours and his/her parent(s)/guardian(s), when available. During this home visit, the minor is structured as to specific program expectations. The CDP DPO establishes an individualized program that allows for out-of-residence leaves such as school, verified medical appointments or any other appropriate allowances. The case plan and necessary modifications are submitted to the court for review.

The CDP DPO then visits the minor at least once per week and has daily contact with the minor via telephone. The CDP DPO receives and reviews daily activity reports for minors on their caseload from the electronic monitoring (EM) company and works with the monitoring company to ensure that all electronic equipment is in good working order.

Regardless of whether a minor is active to a supervision or investigation unit when the court orders CDP, the CDP DPO will collaborate with and coordinate supervision efforts with the DPO of record. It is imperative that the CDP DPO makes systematic automated case note entries while the minor is under CDP's supervision. Progress reports are prepared and submitted for court hearings, as required, outlining the minor's level of compliance with the program.

Failure to cooperate with the stated provisions of CDP may result in the minor's return to secure detention, pending an appearance in court for violation proceedings. The CDP DPO prepares and submits a detailed report to the court describing the violation of CDP condition(s). When necessary, it is the DPO of record who is responsible for preparing a 777 WIC Report.

**2703 PLACEMENT ALTERNATIVE TO DETENTION (PAD)**

The PAD program provides non-secure detention in licensed foster homes for 602 WIC minors. It is an appropriate alternative for minors who are detained

**DETENTION ALTERNATIVE PROGRAMS**

primarily because there is no parent or guardian willing or able to provide proper care and supervise the minor pending court hearings, i.e. 778 WIC petitions. Additionally, PAD houses minors with no remaining confinement time, who would otherwise require detention.

**2703.1 Detention Criteria**

The field DPO considers the following factors in evaluating a minor's appropriateness for PAD:

- The nature of the offense (minors arrested for serious offenses are not suitable for PAD).
- The previous history, including attempts to flee secure detention. (If the minor has a history of runaway attempts from secure facilities the minor should not be referred.)
- Delinquent sophistication. (If the minor is extremely sophisticated or heavily involved in delinquent activity, PAD would not be appropriate.)
- The age of the minor. (602 WIC minors age 18 or older will not be accepted for PAD)
- Failure or the unwillingness of the parents or guardians to provide for the minor. (PAD is primarily designed for 602 WIC minors who do not require secure detention, but whose parents are unable or not available to accept custody of them.)

**2703.2 Guidelines**

PAD may be recommended prior to the detention hearing or at any time during the court process.

Detained minors who leave PAD homes without permission or fail to comply with rules may be housed in juvenile hall pending a detention hearing.

**2703.3 Referral Procedures**

When an IDC or field DPO determines that detaining a minor in PAD instead of juvenile hall is appropriate, the detaining DPO:

- Contacts the PAD Resource Control Desk at (323) 226-8404.

**DETENTION ALTERNATIVE PROGRAMS**

- Provides staff with the minor's name, address, DOB, parental and referral information, and indicates time, date and court location if the minor is being taken directly to a PAD bed.
- Confirms transportation arrangements.

Normally a minor detained at a law enforcement facility will be transported by that agency. Some agencies will not transport minors to PAD homes. In that case, the field DPO must transport the minor.

If the DPO has to transport a minor to a PAD bed, PAD staff will advise the DPO what paperwork and information to provide the Pad home staff.

If a placement removal situation leads to a PAD placement decision, placement staff may transport the minor to the PAD bed after contacting Resource Control. If the minor is in juvenile hall, the transportation section will normally arrange transportation.

- **HOP 602 WIC cases:** The DPO prepares a Probation Officer's Report (Prob. 25) and submits it to the Court within the filing deadline (see JM-2600 Appendix, "Petition/Violations Filing Deadline Chart").

The DPO may also prepare a 778 WIC petition, if circumstances warrant, and submit the 778 WIC packet directly to the County Clerk's office within 48 judicial hours from the time of detention.

If the court having jurisdiction over the minor's detention is located at Eastlake, Los Padrinos or Sylmar, the detained packet is delivered to the designated IDC clerk who routes it to the D.A.'s office.

- **Suitable Placement 602 WIC cases:** IDC prepares the one page detention report on suitable placement cases and ensures the report is delivered to the court having jurisdiction.
- **New cases:** The IDC DPO prepares the "Detention Report" (Prob. 1017 A, B, C), and obtains from law enforcement the detained petition request. The DPO ensures the detention packet is delivered to the appropriate D.A.'s office.

**2703.4 Minors inappropriate for PAD**

Minors inappropriate for PAD are individuals with:



**DETENTION ALTERNATIVE PROGRAMS**

- Severe emotional disturbances.
- Severe psychiatric diagnoses.
- History of suicidal/ self-injurious behavior.
- Significant medical needs.
- Age of 18 years or older.

**NOTE:** PAD resource control should be notified prior to PAD placement whenever a minor has prescribed psychotropic or other prescription medication.

**LOS ANGELES COUNTY PROBATION DEPARTMENT**

<b>Subject:</b>  <b>JUVENILE MANUAL</b>  <b>RELEASE OR REMOVAL FROM JUVENILE HALL</b>	<b>Section Number:</b> <b>JM-2800</b>
	<b>Effective Date:</b> 7/17/2008
	<b>Approved By:</b>  <b>Sharon Harada, Bureau Chief</b>

With some exceptions (see 625.3 WIC), minors accepted for detention in juvenile hall by the Probation Department may be released prior to a detention order by the court.

The release or removal from custody of a minor ordered detained by the juvenile court must be authorized by the court.

There are two ways by which minors may leave custody. They are:

- **Release:** A “release” of a minor frees the minor from custody, with no requirement that he return.
- **Removal:** A “removal” of a minor from custody is temporary, for a specific purpose, and requires a return to custody within a specified period.

## **2801 GUIDELINES FOR RELEASE/REMOVAL**

Parents often ask Deputy Probation Officers (DPOs) to obtain court approval for minors to be removed from juvenile hall for purposes such as attending funerals or private medical appointments.

The DPO weighs the reason for removal against the seriousness of the offense for which the minor is detained and whether the minor is considered an escape risk. The DPO also bears in mind that most medical needs can be met by Los Angeles County medical staff.

If the reasons presented for a minor’s removal outweigh any risk to the community involved, and if it appears essential for the minor’s health or rehabilitation, the DPO usually requests court approval for a minor’s removal.

If the removal request appears unnecessary, the DPO refuses the request.

### **Example:**

The parents of a 17 year-old minor with a long history of assaultive behavior request permission to remove the minor to see a private dentist for an appointment previously scheduled.

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<b>RELEASE OR REMOVAL FROM JUVENILE HALL</b>	

Questioning reveals there is no apparent reason why a county dentist could not do the dental work. The DPO refuses the request and refers the parents to the juvenile hall medical staff to explain the dental needs of the minor.

Releases/removals are processed through Intake and Detention Control (IDC) and Movement Control. Although the issue involves a minor's removal and return to juvenile hall, the order is referred to as an "in and out" order (see JM-2802-03).

### **2801.1 Transportation Deputies**

The deputies may temporarily remove a minor without specific court authorization to:

- Appear in juvenile court.
- Appear for medical appointments at Los Angeles County medical offices or medical facilities contracting services with L.A. County.
- Appear as a witness when subpoenaed by the other courts.

### **2801.2 Placement DPOs**

DPOs may remove/release a minor under suitable placement order for:

- Preplacement visits
- Placement

The DPO must ensure no other court has ordered the minor detained on a separate matter before arranging for the minor's removal or release. If multiple detained cases are ongoing, the DPO checks the probation case file and/or the County Clerk's Menu to be sure the minor's removal is authorized by the court.

### **2801.3 Bench Warrants**

Minors named in bench warrants may not be released from custody prior to the warrant hearing, except in the case of traffic warrants as noted below.

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#### **2801.4 Traffic Warrants**

Minors in custody on traffic warrants may be released if they sign a "Promise to Appear" (PROTAP) at the issuing court at a specific date and time.

### **2802 COURT AUTHORIZED RELEASE OR REMOVAL**

Minors detained by court order are released or removed only by written court order authorizing such action. If the need for continued detention no longer exists, a report is submitted to request a change in the previous order for detention. It must include:

- Parent's attitude towards minor's return home.
- Parent's plan for supervision.
- Minor's attitude concerning release.
- Minor's agreement to cooperate.
- Any new information unknown to the court.

#### **2802.1 "Probation Officer's Report and Order of Court for Removal of a Minor from Juvenile Hall" (Prob. 618)**

Prob. 618 is used to obtain the court's authorization for brief supervised removal of minors for specific purposes.

Four copies of Prob. 618 are prepared. The signed original with the bench officer's signature is delivered to juvenile hall Movement Control, along with copies to the legal file and the probation file.

An order for removal is needed for:

- Temporary removal of a minor by DPO or transportation staff.
- Removal to visit any private medical practitioner regardless of who transports the minor.
- Delivering a minor to any adult court.
- Removal by a police agency of a minor for any reason.
- Any situation that requires supervised removal and return on a specific date.

**LOS ANGELES COUNTY PROBATION DEPARTMENT**

<b>Subject:</b>  <b>JUVENILE MANUAL</b>  <b>SPECIALIZED PROGRAMS</b>	<b>Section Number:</b> <b>JM-2900</b>
	<b>Effective Date:</b> 7/17/2008
	<b>Approved By:</b>  <b>Sharon Harada, Bureau Chief</b>

This chapter tells the Deputy Probation Officer (DPO) how to make use of programs that either enhance home on probation supervision, or that offer placements to fit the specialized needs of some minors.

**2901 DOROTHY F. KIRBY CENTER**

Dorothy F. Kirby Center (DKC) is a secure, coeducational, residential treatment center for 602 WIC wards having closed/open suitable placement orders. The minors accepted for this program generally have fairly severe emotional and family problems, and are believed amenable to the group therapy process. (See JM-1604 for program description and referral procedure.)

**2902 JUVENILE ALTERNATIVE WORK SERVICE (JAWS)**

The Juvenile Alternative Work Service Program (JAWS) is a form of community service work offered to court wards as an alternative to short-term detention time in juvenile hall.

Minors ordered by the court to complete time in the program report to pickup points throughout the county by 7 a.m. on Saturday and Sunday mornings or other designated days. They are met by a JAWS crew leader and, after being structured and searched, the crews are driven in a county van to their worksite. Crews are returned to their pickup points by 3 p.m. (They are allowed a 30 minute lunch break and provided a sack lunch.)

**2903 INTAKE**

To be eligible for JAWS, male or female minors:

- Must be 602 WIC wards or recommended for 602 WIC wardship.
- Must be physically fit for manual labor (as determined by an intake medical examination).
- Must have transportation to the assigned pickup point.
- Must be age 13-18 ½.

**SPECIALIZED PROGRAMS****2903.1 Program Work Tasks**

Crew tasks typically include: cleaning brush from flood control areas, concrete demolition and stacking for removal, pruning ground cover and trees, removing graffiti, removing brush and litter from roadsides, and weed abatement.

**2903.2 Referral Procedure**

If JAWS is an appropriate alternative to time in detention, the investigation or supervision DPO recommends 5 to 30 days of JAWS in lieu of detention time.

If the court orders JAWS, the court officer:

- Notifies the JAWS office by telephone.
- Sends the JAWS court order and signed "Promise to Appear" (P9557 – minor must volunteer for the program) to the JAWS office.
- Secures parental consent for medical treatment, advises the minor and parents to call the JAWS office within 24 hours to secure an appointment for orientation and the minor's physical examination.

The DPO's responsibilities are confined to submission of such reports as the court may order, and ensuring the minor complies with the JAWS court order.

**2903.3 Minor's Responsibilities**

- Report for orientation and medical examination.
- Report promptly for all assigned work as directed.
- Furnish a written physician's excuse for any missed work days.
- Obey all orders of the crew leader.
- Report any changes in address or phone number to JAWS staff.

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#### **2903.4 Violations**

If the minor fails to report for orientation, medical evaluation or crew assignment:

- JAWS staff will attempt to contact the minor to determine the reason for failing to report, and the minor will be given a second appointment.
- Minor is terminated after missing the second appointment. JAWS staff then prepares and sends to court a “Notification of Potential Violation” (Prob. 1111); a copy is sent to the DPO.
- If the minor has more than two unexcused absences (the only excused absence is by physician’s note), the minor is eligible to be detained for the remainder of JAWS days ordered.
- If the minor violates JAWS rules or procedures while on crew, the minor will be detained by JAWS staff summoned to the location.
- Once minor is detained, JAWS staff will send Prob. 1111 to court, and a copy to the DPO.
- The DPO is responsible for all subsequent reports to the court.

#### **2903.5 Termination**

JAWS staff will notify the DPO when the minor completes the assigned JAWS days by sending a copy of the contract showing completed work dates. If the court has directed JAWS staff to prepare a progress report, JAWS submits the report. If not, the DPO is responsible for any progress report.

### **2904 JUVENILE JUSTICE CENTERS**

The Department operates two juvenile justice centers: the David V. Kenyon Juvenile Justice Center (KJJJC), and the Northeast Juvenile Justice Center (NEJJJC).

A variety of community agencies are brought together in a cooperative effort to assist minors involved in pre-delinquent or delinquent behavior. Some agencies participate daily in the JJC programs, others less frequently.

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The agencies:

- Community-based counseling agencies
- County Clerk
- Department of Children and Family Services
- District Attorney
- Los Angeles City Schools
- Los Angeles Police Department
- Probation Department
- Public Defender
- Sheriff's Department
- Superior Court

Agency representatives participate in varying degrees on a panel which daily decides how to proceed with referred cases. Available to the panel are special support services such as counseling and tutoring, furnished through community agencies, as well as the formal services available through the Department and the Courts.

### **JJC Impact on Area Offices**

The Juvenile Justice Centers (JJC) retain jurisdiction over all minors arrested anywhere in the county whose legal residence is within JJC area. Additionally, all companion cases, even those who live outside the JJC area, are referred to the involved JJC.

IDC assigns all appropriate cases to the proper JJC. In the event of mis-assignment, follow the procedures set forth in JM-500, Case Assignment to Area Offices.

Minors active to JJC, who have moved outside the JJC area, are assigned to court venues according to the police agency referring any new petition request. Violations will continue to be filed at JJC until another court takes jurisdiction.



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## **2905 JUVENILE JUSTICE CRIME PREVENTION ACT (JJCPA)**

The Crime Prevention Act of 2000 established a funding source for local juvenile justice programs aimed at curbing crime and delinquency among at-risk youth. The funding initiative, now referred to as the Juvenile Justice Crime Prevention Act (JJCPA), is available to counties for collaborative efforts addressing a continuum of responses to juvenile crime, which includes prevention, intervention, supervision, treatment and detention.

The following services and programs are implemented under JJCPA in Los Angeles County:

### **2905.1 Mental Health, Screening, Assessment And Treatment**

This program provides mental health screening for all youth entering juvenile hall. Appropriate minors receive mental health services while in detention and are referred to community-based mental health services when released.

### **2905.2 Special Needs Court (Mental Health Court)**

This program focuses on juvenile offenders who suffer from mental illness, organic brain impairment, or developmental disabilities. The court attempts to best meet the challenging needs of each minor. A team of mental health professionals, school and probation officers work with the court in determining an effective service plan for the minor.

### **2905.3 Community Treatment Facilities (CTF)**

This program provides supplemental funding, to establish the Community Treatment Facility (CTF) category of care for seriously emotionally disturbed children. The youth in this program may be referred from the delinquency, dependency, or mental health systems.

### **2905.4 Multi-Systemic Therapy Program (MST)**

This program, copyrighted by MST, Inc., is a treatment approach designed to improve the psychosocial functioning of youth and their families so that the need for out-of-home placement is reduced or eliminated.

**SPECIALIZED PROGRAMS****2905.5 School-Based Probation Supervision and Extended Day Supervision**

School-Based Probation Supervision assigns Deputy Probation Officers to high schools, middle schools and elementary schools to reduce crime and delinquency, and improve student attendance, performance and behavior. These schools are located in communities that are impacted by multiple risk factors such as high rates of overall crime, juvenile crime, substance and alcohol abuse, child abuse, and poverty.

**2905.6 Abolish Chronic Truancy Program (ACT)**

ACT is an early intervention program administered by the District Attorney's office, which targets truant students and their parents. The focus of the program is to return children to school and hold the parent and child accountable for the child's truancy.

**2905.7 After School Enrichment and Supervision**

After School Enrichment and Supervision offers after-school and weekend programs to provide positive supervision and education enrichment, and deter criminal behavior.

**2905.8 Gender Specific Services**

This program targets value-based issues such as self-esteem, relationships, communication and learning styles for female youth in the community and juvenile institutions.

**2905.9 Inside Out Writing**

This program helps youth who are subject to long-term detention in juvenile hall. Minors in this program learn effective written and verbal communication skills.

**2905.10 Youth Substance Intervention**

Youth Substance Intervention provides education, intervention, and treatment to deter young people from becoming involved with drugs and alcohol.

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### **2905.11 Housing-Based Day Supervision**

Housing-Based Day Supervision provides probation supervision and services in nine public housing developments to probationers, at-risk youth and their families. Many probationers reside in public housing developments, located in high crime and high needs areas surrounded by gangs.

### **2906 ASIAN GANG UNIT**

The unit screens probationers when the referring DPO believes there may be an affiliation with an Asian gang.

The SDPO and DPOs of this unit may be able to discern gang characteristics in cases not readily apparent to other line DPOs.

Generally, minors appropriate for this unit:

- Have participated in violent gang related crime.
- Been a participant in drug or other criminal activity in concert with known gang members.
- Associate with known gang members.

The Asian gang SDPO may request transfer of cases based on information obtained from law enforcement intelligence and not available in the probation case file.

To request case screening, contact the Asian Gang Unit SDPO.

### **2907 INTENSIVE GANG SUPERVISION PROGRAM (IGSP)**

The IGSP program is the department's response to confront the pervasive threat of gang violence and activity. IGSP provides close monitoring of probationers who are identified gang members, and enforces compliance with terms and conditions of probation.

The IGSP unit is composed of Juvenile Gang Case Managers, who provide primary case management, and the Mobile Community Gang Intervention Teams.

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### **2907.1 Juvenile Gang Case Managers**

- These case-carrying DPOs are stationed at area offices and see probationers in the office.
- The DPOs receive case management information from the mobile teams and complete any necessary court reports, including violations and any new investigations as a result of new arrests.
- The DPOs are required to make face-to-face contact with each probationer at least once per month.

### **2907.2 Mobile Community Gang Intervention Teams**

- The mobile teams focus on supervision in the community. These DPOs work in the community in pairs.
- The mobile teams do not have specific case-carrying responsibilities, aside from providing update information to the case carrying DPOs regarding contacts with probationers in the community.
- The mobile teams work generally from 11:00 a.m. to 8:00 p.m., with coverage across the weekend. A key objective is to increase visibility and access by the community.
- The mobile teams are specially trained and equipped to safely conduct intervention and suppression activities with other local law enforcement agencies that target active gang probationers.

### **2907.3 Intake Criteria**

Priority is given to minors who:

- Have a known gang affiliation or at a high risk for gang involvement.
- Are between the ages of 16-17.
- Are deemed to be of high risk of re-offending.

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## **2908 CAMP COMMUNITY TRANSITION PROGRAM (CCTP)**

CCTP provides after-care services for youth transitioning from camp back into the community. The program begins within 30 days of a youth's release, followed by a 90-day intensely supervised transition period to ensure prompt school enrollment, participation in services/programs provided by community-based organizations, and compliance with the terms and conditions of probation and the case plan.

### **2908.1 Target Population**

Minors returning home to the community after their completion of a court ordered probation camp placement program.

### **2908.2 DPO's Responsibilities**

After camp release the DPO will:

- Make supervision contact with the minor within 24-hours of release.
- Ensure that the minor completes school enrollment or appointment within 48 hours of release.
- Ensure that the minor is referred to a CBO counseling program within 72 hours of release.
- Ensure continuum of care based on the camp's case plan.
- Implement family monitoring plan.
- Develop a relapse prevention strategy.

Within 90 days of camp release, DPO will:

- Make in-person weekly contacts either at the home, school, office or CBOs to ensure the efficacy of program services.
- Make two monthly telephone contacts with the family and the minor to follow-up on the effectiveness of service interventions.
- Update case plan every 45 days or as needed, depending on the effectiveness of case plan interventions.

**SPECIALIZED PROGRAMS**

- After the first 90 days, DPO will continue with above case management services, with a minimum of two monthly in-person contacts to ensure fidelity of the case plan.

**2909 TEEN COURT**

Teen Court offers an alternative sanction in the form of a diversion program for first time juvenile offenders in lieu of delinquency proceedings. The court consists of a volunteer judicial officer, a court coordinator (either a DPO or a Reserve DPO) and a jury composed of six peers. Probation collaborates with the court, other law enforcement agencies, schools, attorneys, and community-based organizations in this program.

Teen Court offers a convicted juvenile offender the incentive of having no record of criminal conviction, if the sentence imposed is completed within a six-month period. If a juvenile fails to comply with the conditions of informal probation for the entire six-month period, the offender is transferred back into the traditional juvenile justice system for corrective action which might include adjudication.

**2909.1 Teen Court Locations**

Teen Courts in Los Angeles County are presently held at several locations. Some Teen Courts are held in local courts, such as Division 3 of the Newhall Superior Court. Most Teen Courts, however, located at a local high school in either a classroom or a courtroom on campus.

**2909.2 Teen Court Participants and Their Functions**

**The Judicial Officer:** The Judicial Officer is the main contact for all agencies involved in Teen Court. He/she in works with the DPO to provide a variety of cases that will encourage attendance at Teen Court and provide a learning experience for all participants.

During a trial, the Judicial Officer takes an active role to ensure that the jury has sufficient information to decide the case. Often the Judicial Officer may find it necessary to prompt juror questioning, especially when the jurors are just learning to be efficient fact finders. The Judicial Officer will accept the jury verdict and proposed sentence and, where appropriate, modify the sentence to best meet the rehabilitative needs of the charged minor.

**The Probation Officer:** The DPO assigned to Teen Court is responsible for seeking out Teen Court referrals, screening cases, meeting with the minor and guardian, and having the appropriate contact and waiver forms signed and prepared in a Teen Court file.

**SPECIALIZED PROGRAMS**

The DPO should review the arrest report and prepare the summary of the charges that will be provided to the court and the student jurors. The summary and arrest reports should be contained in the Teen Court file.

The DPO should contact the assigned Judicial Officer at least 48 hours before the scheduled Teen Court and provide the bench officer with the list of cases and charges to be heard.

The DPO is responsible for the supervision of the minor, if the minor is convicted by the Teen Court jury.

**The School:** Aside from providing the necessary space to conduct Teen Court proceedings, the school assigns a teacher that will act as the “Teen Court Coordinator.” The Teen Court Coordinator is responsible for organizing the teen court schedule for the year and coordinates the schedule with the Judicial Officer and other school activities to maximize student participation. The Teacher/Coordinator is responsible for selecting and orienting student participants in the Teen Court Proceedings.

**The Volunteer Attorney:** The volunteer attorney acts as a proctor for the Teen Court jury. The proctor’s responsibility is to make sure that the jurors function like a jury in that they select a foreperson to lead the discussion. The proctor shall not enter into the deliberative process. If the jury finds the juvenile offender guilty or if the minor admits guilt, the proctor must make sure that the jury discusses a proper disposition.

**2909.3 Eligibility Criteria**

- Any minor between the ages of 11-17 years old.
- First time offender and eligible for an early intervention pursuant to WIC section 236, or informal probation pursuant to WIC 654.
- The minor cannot attend the high school from which the jury pool is drawn.

## LOS ANGELES COUNTY PROBATION DEPARTMENT

<b>Subject:</b>  <b>JUVENILE MANUAL</b>  <b>SUPERVISION: ENFORCEMENT OF COURT ORDERS</b>	<b>Section Number:</b> <b>JM-3000</b>
	<b>Effective Date:</b> 7/17/2008
	<b>Approved By:</b>  <b>Sharon Harada, Bureau Chief</b>

Section 727 WIC requires probation officers to provide a program of supervision for minors placed under their care by the juvenile court. These programs are designed for the safety and protection of the community, to hold minors accountable for their behavior, and to provide care, treatment and guidance appropriate to their circumstances.

Supervision is largely an ongoing process of receiving and analyzing information for the purpose of formulating and implementing case decisions.

Supervision involves regular contacts, not only with minors and parents, but also with the court, law enforcement, school personnel, interested parties, victims, and other members of the public who have an interest in the protection of the community and the adjustment of the minor to the community.

### **3001 SUPERVISION RESPONSIBILITIES**

The Deputy Probation Officer (DPO):

- Enforces court orders by reporting the minor's compliance with or alleged violations of court orders, including restitution.
- Complies with Departmental and program mandates, including recording case activity and maintaining case documents.
- Assists minors with their obligations to the court, and with their adjustment to home, school and community, including referrals to community agencies.
- Assesses minors' strengths and needs, and develops case plans.

### **3002 INCOMING CASES**

The supervision DPO is assigned new cases according to policy and procedures. It is important that the DPO quickly review these cases and begin the supervision process.



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On receipt of a case the DPO:

- Reviews the case file material with special attention to the current general and specific conditions of probation. The DPO will receive most information from the disposition report.
- Advises the Supervising Deputy Probation Officer (SDPO) if the case appears to be inappropriately assigned or transferred, or if there are questions about court orders.
- Contacts the minor and parents and schedules the initial interview within 10 days of receipt of the case, as required by program mandates.
- Makes the first in-person contact within 30 days of case assignment, or as required by program mandates.

### **3003 INITIAL INTERVIEW**

The DPO opens the interview with a self-introduction, identifies the role of the DPO as an agent of the court, and explains that the purpose of the initial interview is to set a foundation for the supervision process that follows.

The DPO:

- Verifies information in the automated system (case notes). This requires making sure the DPO has any emergency or work telephone numbers for the parents, school personnel, any agency or private counselors involved with the minor, and that all other information in the automated system including zip codes, is accurate and current.
- Reviews the “Conditions of Probation” (Prob. 1259) and explains them to the minor and parents. The minor and parents should be given an opportunity to ask any questions they wish about the conditions, and the implications for the minor arising out of non-compliance with conditions. The DPO has the minor and parents sign the PDJ file copy of the conditions and gives them a photocopy.
- Offers the minor and parents an opportunity to bring up questions and issues pertinent to the minor and the family situation. Despite limited DPO time, the minor and parents need to realize the DPO’s role is not limited to enforcement efforts. The minor and parents should also be advised of the best way to leave messages for the DPO, and the area office Officer of the Day (OD) system should be explained.

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- Discusses restitution issues with the minor and parents. If the restitution amount and a payment plan has been set, the DPO ensures the minor and parents understand where and how payments are sent, and the importance of making regular payments. If restitution is pending, the DPO determines if a payment plan should be implemented, and makes sure that it is understood by the minor and parents.
- Instructs the minor to provide written verification of school progress, employment, and counseling. Instructs the minor regarding documents needed to verify this information, or whether the DPO will independently verify.
- Supplies the minor with referrals, as needed, to counseling, schools, or community service programs in the community. Each area office has a list of available community resources, which the DPO may use. The DPO is also expected to learn and utilize those resources, which are most responsive and provide the best service level to minors and the Department.
- Explains, if required, anti-narcotic testing procedures (as described in JM-3200, Controlled Substance Abuse Cases), and has the minor read and sign the "Narcotics Testing Instruction" (Prob. 1048).
- Instructs the minor and parents to report any police contact for the minor to the DPO, area office Officer of the Day, or the unit SDPO by the next business day following the contact.
- Sets the date and time for the next interview, including required telephone contacts or mail in reports.
- Enters the contents of the interview in the automated system (case notes). In addition to the instructions of the DPO to the minor and parents, the DPO should record the reaction of the family during the interview to the DPO's comments, particularly noting any inconsistency between the description of the family in the court report and as viewed by the DPO during the initial interview.
- Notes the attitudes of the minor and parents and their willingness to cooperate with the supervision plan.

**3004 SUBSEQUENT CONTACTS**

The DPO maintains contact with the minor, parents and interested parties in order to monitor and evaluate the minor's progress. This includes face-to-face

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contacts between the DPO, the minor and family, as well as telephonic and written communication with other interested parties, such as schools.

### **Types of contact**

- Office visit
- Telephone
- “Report by Mail” (Prob.1260)
- Field (home, school, custody)

The DPO:

- Secures information about the minor’s activities and verifies as necessary.
- Addresses compliance issues or problem areas by providing specific directions.
- Engages the minor and parents in conversation about the minor’s current activities, progress in school, goal setting, and adjustment in the community.
- Sets the next appointment date and time.
- Enters the contents of the interview or mail-in report in the automated system (case notes).

### **3005 IN-PERSON CONTACT STANDARDS (Revision Pending)**

- All 707(b) WIC cases must be seen at least once per month or as required by program mandates.
- All narcotic testing cases must be seen and tested at least once per month by random appointment (see JM-3204)
- All other cases are seen according to program mandates.

The DPO determines whether a minor should be seen more often and schedules accordingly, depending on case activity and subject to SDPO approval.

**SUPERVISION: ENFORCEMENT OF COURT ORDERS****3006 SUPERVISION RECORDING****3606.1 Purpose**

The automated system (case notes) is the official Department record of a minor's activities while under the supervision of the probation officer, and as case transfers dictate a need for continuity of service, it is vital the DPO record all contacts, particularly the following:

- The minor's response to court orders.
- Action taken by the DPO.
- Identification of problem areas: analyzing and planning involved in addressing them, and any significant changes noted by the DPO.
- Progress in achieving case plan goals, and/or modification of case plan.

**3606.2 Automated System**

All case contacts are recorded in the automated system (case notes). All entries are to be kept current and accurate. All contacts, regardless of type, are to be dated and the appropriate boxes checked.

**3606.3 Information Recorded**

The DPO is responsible for recording all pertinent case information accurately and legibly, including but not limited to:

- Date case received and reviewed.
- Type of initial contact (letter or phone).
- All contacts with minor and/or family.
- Changes in the minor's situation such as school transfer or family status.
- Inquiries and information sent or received.
- Narcotic testing order; date minor contacted, date appeared for testing, and results.

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- Case conference/clearance with the SDPO.
- Case clearances with Out-of-Home Screening Unit.
- Transfer Summary.
- Termination and Closing (see JM-2000).
- Transfer of Cases (see JM-1700).

**3606.4 DNA And Palm Print Impression Collection**

The Department must collect DNA samples (buccal swabs) and palm print impressions on all active minors who have been adjudicated (i.e., petition sustained) of a felony, and any juvenile who is required to register under section 296 PC. However, juveniles are only required to register if they are committed to the Division of Juvenile Justice (DJJ). This DNA and palm print impression collection requirement includes probationers accepted into California pursuant to interstate compact, with a qualifying offense or prior felony record.

**Juvenile Field Supervision DPOs shall:**

1. Review all cases when assigned and identify active minors with adjudicated felony offenses who have not previously provided a DNA and palm print impression sample. To determine whether a DNA sample was collected, check JCMS/Record of Supervision (ROS) for entries by the DNA collection staff, or contact the Juvenile Field Services (JFSB) Special Assistant.
2. Instruct those minors who have an adjudicated felony offense to contact the Probation Information Center (PIC) for DNA and palm print impression collection appointment:

**Probation Information Center (PIC)**  
**14540 Haynes Street**  
**Van Nuys, CA 91411**  
**Phone # (866) 931-2222**

PIC will arrange a DNA and palm print impression collection appointment closest to the minor's residence. Appointments will begin at 8 a.m. and run through 8 p.m. on weekdays, and 10 a.m. to 5 p.m. on Saturdays. Minors are required to bring picture identification (i.e. – drivers license, CA identification card, school ID, Matricular Consular, etc.) to the appointment.

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3. Document in automated system (case notes) that the minor was referred for DNA and palm print impression collection.
4. Ensure that the juvenile probationer provides a DNA sample **within 3 weeks** of DPO's instruction. Once a sample is collected, the DNA collection staff will document in automated system (case notes) the date and time that the sample was collected.
5. If minor fails to provide DNA sample within the instructed time frame, notify the court immediately of minor's non-compliance via "Notice of Potential Violation" (Prob.1111), or violation report.
6. Once minor provides DNA sample, notify the court of minor's compliance at the next scheduled hearing via the respective court report.

**NOTE:** Per Superior Court instructions, minors who fail to submit a DNA sample and palm print impressions will not be allowed to terminate from probation. Therefore, it is crucial that the DPO notifies the court of minor's compliance.

***It is imperative that the DPO ensures that a DNA sample and a palm print impression have been collected from all qualifying minors before recommending termination of probation.***

**3007 REQUEST TO LEAVE THE STATE OR COUNTY**

A minor who wants to leave the state or country for reasons such as family vacation or emergency, makes a request to the DPO in sufficient time to obtain the court's permission. In addition, the DPO completes an "Interstate Compact Out-of-State Travel Permit and Agreement to Return" form (available on the Interstate Compact website <http://ajica.us>) for travel within the country. The completed form is sent to the California Interstate Compact Office for notification to the state to be visited.

The court must approve such travel in advance. Before requesting the court's permission, the DPO considers:

- Why the trip is necessary or desirable.
- With whom the minor is going.
- Where the minor is going.
- The planned length of absence.

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If the DPO and the SDPO agree the trip is proper, the DPO sends a non-appearance report (Prob. 1245) with the above information to the court 20 days prior to the minor's planned date of departure. In emergent situations, the DPO may deliver the report to court, and request prompt handling.

The minor and family are advised that the court may not grant permission for the minor to leave the state or country.

They are advised of the court's order as soon as it is received by the DPO.

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<b>Subject:</b>  <b>JUVENILE MANUAL</b>  <b>SUBSEQUENT ARRESTS</b>	<b>Section Number:</b> <b>JM-3100</b>
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Arrests that occur after a 652 WIC Investigation has begun or after a minor has been placed under supervision are termed "subsequent arrests." If they result in referrals from the arresting agency, the Deputy Probation Officer (DPO) investigates in essentially the same manner as for initial referrals (see JM-800, Investigations).

Certain aspects of handling subsequent arrest are presented below.

### **3101 DETAINED AND 653.5 REFERRALS**

Detained cases are submitted directly to the District Attorney (D.A.) in the court serving the arresting police agency, by Intake and Detention Control (IDC). (An advance copy is sent to the area office DPO.)

If a petition is sustained, the assigned DPO completes the disposition report as in JM-1300, The Disposition Court Report.

If the D.A. rejects the request or the court dismisses the petition, the DPO follows procedures below.

**NOTE:** IDC identifies juvenile justice center cases and submits those cases to the center involved.

### **3102 NON-DETAINED 653.5/652 WIC PETITION REQUESTS**

All law enforcement non-detained petition requests are delivered by the referring agency to the District Attorney. The District Attorney determines which cases fall under 653.5 WIC and files petitions on them. Central Records sends non-detained 652 WIC petition requests on active probation cases to the DPO of record. The DPO reviews the police petition request and determines whether filing of a petition is required.

#### **3102.1 Petition Filing Not Required**

The DPO:

- Marks CWP (court without petition) on the Juvenile Automated Index (JAI) Record Clearance (Prob. 1238), obtains Supervising



**SUBSEQUENT ARRESTS**

Deputy Probation Officer (SDPO) approval and signature, and gives the form to the clerk.

- Submits a “Notice of Potential Violation” (Prob. 1111) to the court – two copies.
- Instructs minor and parents to disregard court citation date.

**3102.2 Petition Filing Required**

The DPO:

- Completes investigation (interviews minor and parent, contacts victim, etc.).
- Clears the case with Supervision Deputy Probation Officer (SDPO).
- Instructs minor and parents to appear in court as scheduled on the citation.
- Submits the petition request to the D.A.
- Completes and submits the D.A. packet which includes:

...Arrest report – three copies

...”D.A. Non-Detained Petition Request” (Prob. 1120) – three copies

...JAI printout – one copy

...”JAI Record Clearance” (Prob.1238) – two copies

...Submits the packet to the SDPO for approval.

**3102.3 Petition Dismissed in Court**

Notwithstanding the dismissal of 602 WIC allegations, the DPO determines if a 777 WIC petition alleging violation of certain conditions of probation should be requested.

**SUBSEQUENT ARRESTS****3102.4 Petition Sustained**

The DPO completes the “Subsequent Worksheet” (Prob. 13) and “Subsequent Court Report” (Prob. 23 – see below) and obtains SDPO clearance for out-of-home recommendations.

When a disposition report has been completed within the past year, the DPO may refer to that report for personal history and interested party information and attach a copy to the new disposition report. DPO must screen all case with the out of home screening unit before recommending, placement, camp, or DJJ.

**3103 SUBSEQUENT COURT REPORTS**

The DPO follows the guidelines in The Disposition Report chapter (JM-1300).

The headings include:

- Present Offense
- Victim’s Statement
- Prior Record
- Minor’s Statement
- Parent’s Statement
- Interested Parties
- Additional Relevant Personal History
- Conduct Under Supervision
- Analysis and Plan

**3103.1 Dictating the Report**

Dictated reports are due in transcribing no later than 1:00 pm, 5 full working days before the court date. On its return from transcribing, the report is reviewed and corrections are made. The original and three copies are submitted to the SDPO for signature, unless using the Probation Enterprise Document Management System (PEDMS), which does not require signatures on reports (Notice 1450 - PEDMS Court

**SUBSEQUENT ARRESTS**

Report Signatures). The report is submitted to court **48 hours before the scheduled court date.**

Should the court return the minor home on probation, the DPO reinstructs the minor and parents on the conditions of probation, particularly calling their attention to any change in the conditions of probation and the anticipated termination date, and giving the minor and parents a copy of the new conditions.

**3103.2 Camp or Suitable Placement Ordered**

The DPO:

- Writes a Transfer Summary on the automated system (case notes).
- Submits the first “15-Day Detention Review” (Prob. 1086) to court and includes a copy in the Probation Department Juvenile (PDJ) file.
- Completes a “Financial Change” (Prob. 1286) if there is a financial order.
- Includes in the Probation Department Juvenile (PDJ) file, the automated system (case notes) entry, and “Financial Change” (Prob. 1286).
- Completes the “Transfer Check Sheet” (Prob. 577).
- Submits the PDJ file to the SDPO for transfer to the Regional Placement Office or Camp Headquarters.

**3103.2 Division of Juvenile Justice Ordered**

The DPO sends the PDJ file to the Division of Juvenile Justice (DJJ) Unit at 1601 Eastlake Ave Los Angeles, CA 90022, as soon as the minute order is received (see JM-1606 for DJJ procedures). The DPO must complete the first 15-day report.

**LOS ANGELES COUNTY PROBATION DEPARTMENT**

<b>Subject:</b>  <b>JUVENILE MANUAL</b>  <b>CONTROLLED SUBSTANCE ABUSE CASES</b>	<b>Section Number:</b> <b>JM-3200</b>
	<b>Effective Date:</b> <b>4/19/2011</b>
	<b>Approved By:</b>  <b>Sharon Harada, Bureau Chief</b>

Minors referred to probation often use or have experimented with controlled substances such as alcohol, marijuana, methamphetamines, cocaine, prescriptions medication, heroin or other controlled substances.

Some of these minors have developed, or will develop if not deterred, dangerous abuse patterns which contribute to their delinquent activity, and which place them at risk.

### **3201 IDENTIFICATION OF CONTROLLED SUBSTANCE CASES**

The following factors are considered when deciding whether to recommend testing for controlled substance for a minor:

- Minor admits controlled substance use of any kind or possession of drug paraphernalia.
- Minor is referred to probation on a controlled substance offense.
- Minor has physical signs of possible use, such as visible injection sites, or exhibits symptoms of drug use, such as extreme sleepiness during probation interview.
- Observation or Report of erratic behavior indicative of substance abuse.
- Arrest reports or previous history indicate controlled substance involvement or possession of drug paraphernalia.
- Minor's language or choice of companions indicates a controlled substance abuser's lifestyle, orientation or attitude.
- Interested parties, such as parents or guardians, siblings, teachers, and counselors, indicate minor is a substance abuser.
- Minor claims to have medical problems that often are associated with substance abuse, such as hepatitis, blackouts, or convulsions.

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**NOTE:** DPOs who are not Court or Department certified narcotics experts should not attempt to confirm use or abuse of controlled substances by analyzing marks or medical symptoms of minors.

**3202 COURT REPORTS**

If the DPO determines that court intervention is required to deter the minor's substance abuse, the DPO selects one of the following reports:

**3202.1 PPR/Disposition Report**

The DPO completes a full report with emphasis on the following sections:

- **Social History:** Include all of the information about the minor's controlled substance abuse or use.
- **Interested Parties:** Include the statements of other interested parties who have contributed to identifying the minor's substance abuse problems.
- **Analysis and Plan:** Explain why the minor should be ordered to comply with the conditions of probation relevant to substance abuse.

**Example:**

Minor continues to deny the abuse of drugs despite a pattern of controlled substance related arrests.

- **Recommendation:** Include condition number 23 in all cases and condition numbers 20, 21 and 22 in all but very unusual case.

**3202.2 777 WIC Report**

This format is used when there is no testing order, but the DPO believes that the minor's non-adherence to the conditions of probation may be related to substance abuse.

The DPO:

- Completes the "Probation Officer's Report" (Prob. 25A-1).

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- Emphasizes in the report the extent of the minor's substance abuse.
- Requests that condition number 23, and other conditions as appropriate, be ordered.

**3203 TESTING PROCEDURE**

The objective of narcotic testing is to detect the use and deter the abuse of controlled substances.

At the first supervision interview, or if the court orders narcotic testing for a minor already on supervision, the DPO reviews and discusses the "Narcotic Testing Instructions" (Prob. 1048) with the minor and parents.

The minor signs the form, is given a copy, and the original is placed in the PDJ file. A minimum of one test per month is conducted.

Only deputized staff who have been trained in narcotic testing procedures can test a minor.

**3203.1 Valid Test**

A urine test in which the DPO:

1. Allows no more than 24 hours between notification to the minor and administration of the test.
2. Sets the appointment for the test on a random basis which cannot reasonably be anticipated by the minor.
3. Contacts the minor for each test (unless the minor reports daily).
4. Records accurate up-to-date information in detail in case notes, including the time the test was given, and specimen number/barcode number.
5. Observes the minor giving the urine sample.
6. Maintains custody of the sample until it is deposited in the office's locked collection container.

**3203.2 Invalid Test**

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A urine test that has been conducted despite the fact that one or more of the valid testing criteria (numbers 1, 2, and 3 above) have not been met

- Any positive test result may be considered valid if the DPO complies with the numbers 4, 5, and 6 above.
- The DPO records the “deliberately invalid” (DI) test result and reason for conducting the “DI” test.

**Example:**

A minor reports to the DPO’s office on Friday and announces plans to spend the weekend with relatives in a different part of town. The minor is instructed to return on Monday and is advised that he will be drug tested at that time. The minor returns Monday and the DPO conducts a “deliberately invalid” test.

**3203.3 Conducting the Test**

The DPO:

- Must complete all sections of the Chain of Custody Form
- Has the minor completed the “Last Use Questionnaire” each time a urine specimen is requested.
- Must observe the urine specimen pass from the body of the minor to the sample container (or cup and then container for females). Any obstructions to viewing, such as clothing or long hair, are to be removed or held aside by the probationer.
- Has the minor secure the container cap and place the label on the container (the DPO checks the container to make sure it is secure).
- Has the minor read the label on the container to assure his/her name is on the label (the DPO also checks the label).
- Checks to be sure the specimen is warm (the container should be three quarters (3/4) full).

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- Records accurate, up-to-date information in detail in supervision case notes, including the time the test was given.
- Places the specimen in the locked specimen box in the area office and fills out the information on the lab sheet.
- Observes the drug screening result of the on-site test (See JM 3203-4 for additional information regarding on-site testing).
- Conducts the testing at the area office or minor's home. A minor cannot be tested in school.

The DPO reports the test results to the court in subsequent court reports when a minor has been ordered to submit to periodic testing.

**3203.4 On-Site Drug Testing**

The Departmentally approved On-Site Testing Device (On-Site Sure Screen Device) shall be used on a limited basis by the following authorized units:

- Placement
- Juvenile Drug Courts
- Residential Treatment Services Bureau (RTSB)
- Mobile Gang Unit/IGSP (field/home calls)
- Camp Community Transition Program (CCTP)
- On-site court order
- Special Enforcement Operation (SEO)
- Specialized Caseloads conducting field/home calls
- All other caseloads on an emergency basis with prior SDPO approval. (Approval reason should be documented in the automated system [case notes] by SDPO)

The **Standard Test** should be utilized as a primary means of testing, specifically at the area office. **The On-Site Testing Device shall be used only on a limited basis and by the specific units listed**



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**above.** The On-Site Testing Device's sole purpose is for immediate drug screening: therefore, positive screening test results **shall** be sent to Medtox Laboratory for confirmation prior to the initiation of formal probation violation procedures.

The following procedures shall be followed when using the On-Site Testing Device:

- Positive screening test results must include a **completed** Chain of Custody Form.
- Once the positive On-Site Testing Device specimen cup is placed in the test bag and sealed, the DPO shall drop off the specimen at the nearest area office for pick up by Medtox Laboratory courier.
- Negative test results shall be discarded.

All tests (positive or negative) **shall be** documented in automated system (case notes). Authorized staff may obtain on-site testing devices from the Narcotic Consultant or their local Adult Narcotic Testing SDPO. (The devices are heat sensitive and are to be kept at room temperature. The ideal storage temperature is between 36 and 77 degrees Fahrenheit. Devices should not be stored in your vehicle.)

**3203.5 Evidence of Violation**

- Positive test results that indicate illegal use.
- Admission to illegal use.
- Tracks or marks identified by a qualified person.
- Failure to report for testing without valid excuse.
- Failure to provide a urine sample.
- Use of any device, adulterant, substance or other person's urine to evade valid testing.

**3203.6 Reporting Violations – Progress or Annual Reports**

- If a court date is scheduled within the next 30 days, the DPO submits the report for that date.

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- If the court date is over 30 days, the DPO advances the court date to report a violation.

In some cases a "Notice of Potential Violation" (Prob.1111) may be appropriate to report violations, if no change of plan is required or if no need for a new condition of probation exists. This report must clearly state the corrective action the DPO is taking to address the violation.

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	<b>Approved By:</b>  <b>Sharon Harada, Bureau Chief</b>

It is the policy of the Department to vigorously enforce the terms and conditions of probation and orders of the court. Conditional violations shall be reported to court within 30 calendar days of the date the violation(s) was reported to the DPO (see Juvenile Handbook Section 3302) or as required by program mandates.

The report shall contain concise statements of fact sufficient to support the conclusion that the minor has violated an order of the court. Adequate factual statements lead to sound conclusions and recommendations concerning the minor's future, regardless of where the case is in the delinquency process. Do not include those circumstances that are beyond the control of the minor (see Directive 1041 on 778 WIC).

Essential to the supervision of minors is addressing their failures to obey orders of the court or instructions of the Deputy Probation Officer (DPO). When and how to respond to these violations is one key aspect of the supervision DPO's duties.

The DPO carefully reviews minute orders to be certain orders from the court regarding violations are followed completely. The DPO informs the court when the minor fails to comply with the conditions of probation.

The supervision DPO receives information regularly from parents, school personnel, police and others. In certain cases violations are immediately apparent; in others, the DPO will have to review the minor's probation conditions to assess potential violations.

**DPOs shall include in the report:**

- Witness' names, their statements and a thorough description of the facts that give rise to each count alleged. Attach the witness list to all violation reports listing all potential witnesses (full names and, if applicable, PDJ numbers), with complete addresses, telephone numbers and the facts to which they can testify.
- A description of the risk and needs associated with the case. These elements are usually related to the problems that led to the behavior resulting in the violation. Outline minor's case plan and provide

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information that defines the minor's failure in following the plan.

- A description of provided program services related to the identified risk and needs. Document any failure on the part of the minor that precludes him/her from benefiting from these services, despite all attempts to provide them. Include related elements to the case (e.g. number and nature of contacts that the DPO has had with the parents, caregivers, therapists, etc.) and services that are needed to improve the outcome of the case.

An explanation for any request for a new or change of court order, explaining the significance of the counts alleged and how they resulted in the request for court action. The evidence shall support all statements contained in the report. Reports that are only supported by broad, sweeping statements, based on conjecture, are not acceptable.

The decision about how to proceed on a potential violation is based upon:

- Orders from the court specifically about how to handle certain violations.
- The nature of the violation.
- Minor's behavior in the community since being placed on probation.
- The minor's previous probation history.
- The minor's school performance.
- Minor's behavior at home.

### **3301 APPROACH FOR HANDLING VIOLATIONS FOR JUVENILE PROBATIONERS**

#### **Theoretical Framework**

The County of Los Angeles Probation Department's violation approach for juvenile probationers draws upon the graduated sanctions model and research. This model combines accountability and sanctions with treatment and intervention services. The sanctions are designed to fit the violation and include the possibility of both treatment interventions and secure confinement options.

The graduated sanctions approach and model is designed to provide immediate intervention and correction to ensure that the probationer's misbehavior is addressed. The sanctions together with appropriate treatment services constitute an integrated approach to handling violations by probationers. The overriding

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purpose of this approach is to stop the probationer's further escalation of antisocial and delinquent behavior by inducing law-abiding behavior as early as possible through the combination of appropriate sanctions and treatment interventions.

The Department's violation approach for juveniles is researched-based and specifies a clear and coherent framework for handling violations that consists of four primary objectives:

- Community protection and public safety
- Victim safety
- Probationer accountability
- Treatment services

Community protection requires that the Deputy Probation Officer (DPO) take all necessary steps to ensure public safety through supervision, monitoring, instructions and treatment. Accountability refers to the requirement that the probationer is held to a standard of strict compliance with conditions of probation. Treatment services are directed toward addressing criminogenic needs, reducing risk factors, and increasing protective factors.

**Assumptions of Graduated Sanction Approach**

The major emphasis and focus of the graduated sanctions approach is to effectively handle violations through a judicious application of a range of graduated sanctions and a full continuum of treatment and intervention services.

The model is informed by seven assumptions that guide its use and application. Each of these assumptions while important in and of itself is also part of a larger whole and provides an overarching framework for the model. These assumptions are:

- We must intervene immediately and effectively when misbehavior occurs to successfully prevent escalation of delinquency and prevent probation offenders from becoming chronic offenders or progressively committing more serious and violent crimes. DPOs must ensure that an appropriate response occurs and act quickly and firmly if formal sanctions are warranted.
- Probation offenders who are inappropriate for immediate intervention (first-time serious or violent offenders) or who fail to respond successfully to immediate intervention as evidenced by reoffending

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(such as repeat property offenders or drug-involved juveniles) would begin with or be subject to intermediate sanctions.

- The misbehavior or violations of high risk serious, violent, and chronic, juvenile offenders requires the application of secure sanctions to hold these offenders accountable for their acts and to provide a structured treatment environment. Secure sanctions are most effective in changing future conduct when they are coupled with comprehensive treatment and intervention services.
- Probation offenders whose presenting violation is sufficiently serious and who fail to respond to previous sanctions as evidenced by continued violations will be subject to removal from the community and placed in secured confinement.
- Probationers whose presence in the community would constitute an ongoing threat to community safety or who have failed to respond to short-term confinement may require extended placement in camp.
- For intervention efforts to be most effective, they must be swift, certain, consistent, and incorporate increasing sanctions, including the possibility of confinement. As the severity of sanctions increase, so must the intensity of treatment. At each level, probationers must be aware that, should they continue to violate the law, they will be subject to more severe sanctions and could ultimately be confined in a secure setting, ranging from juvenile hall to camp.
- At each level in the continuum, the family must continue to be integrally involved in treatment and intervention efforts.

**Criteria for Sanctions**

The Probation Department's graduated sanction model provides for a comprehensive and balanced approach in responding to probation violations. The critical factors for consideration in imposing sanctions are: (1) community protection and public safety, (2) balanced representation of the interest of community, victim and probationer, (3) seriousness of the violation, (4) probationer accountability, (5) potential risk for re-offending, based on the presence of risk factors, (6) competency/protective factor development and (7) compliance with conditions of probation. All of these factors are to be considered and weighed as a whole when determining the level of sanction.

**Sanction Guidelines**

The following guidelines will be applied when handling violations:

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- The LARRC assessment (risk/strength level) and the probationer's case plan progress (growth in protective factors) will be major points of consideration in determining the sanction level. In each case, an override provision will be in place to handle exceptions or unusual circumstance.
- Sanctions should be imposed in the least restrictive, normative environment that is appropriate and safe for the community, the victim and the probationer. Whenever possible, probationers should remain attached to their families.
- Consideration should be given to recommending intermediate sanctions for probationers who violate at a lower level, allowing them to remain in the community with their families whenever possible.
- Sanctions should be paired with treatment.
- Sanctions should fit the severity of the violation.
- Sanctions and treatment should address the factors that led to the violation.
- Sanctions should be developmentally appropriate, taking into consideration age and gender.
- Sanctions should reinforce case management goals and client outcome goals.

The final decision on when and how to report violations is reached by case clearance with the Supervising Deputy Probation Officer (SDPO).

## **3302 METHODS OF NOTIFYING COURT OF VIOLATIONS**

### **3302.1 Notice of Potential Violation (Prob. 1111)**

This form is used when the DPO believes no other court action is required.

- The DPO discusses the violation with the minor, parents and the SDPO.
- Prob. 1111 (two copies) is submitted to the court that heard the last disposition, within 20 working days of the date the DPO

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obtains knowledge of the violation, or as required by program policy.

- The court will notify the DPO whether any further action is required.
- The DPO shall clearly state what corrective action was taken to address the violation.

**3302.2 Non-Appearance Progress and Annual Reports (Prob. 1245)**

The DPO may notify the court of violations by a progress report (Prob. 1245) when commitment time or removal from home is not recommended. The DPO submits a report if there is a scheduled non-appearance court date within 20 days of notification of the alleged violation.

The DPO:

- Indicates the violated condition(s) by number(s) with a brief explanation.
- Submits a recommendation that does not include commitment time or removal from the home, or advises that a 777 WIC violation report will be submitted.
- If a non-appearance hearing is to be changed to an appearance hearing, for example, to add a condition of probation, the DPO submits a "Set-On Slip" (Prob. 981) requesting a specific court date.
- Cites the minor and parents personally to the conformed court date.

**3302.3 Appearance Progress Report (Prob 1245)**

The DPO submits a report if there is a scheduled appearance progress report due within 20 days of notification of the alleged violation.

The DPO:

- Indicates the violated condition(s) by number(s) with a brief explanation.



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- Submits a recommendation that does not include commitment time or removal from the home, or advises that a 777 WIC violation report will be submitted.

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### 3302.4 777 WIC Violation Report

777 WIC Violation Report (Prob. 25) is used by the DPO when the minor has violated a condition of probation and the DPO and the SDPO agree that a more restrictive plan is necessary.

The California Supreme Court (*re Eddie M.*, 31 Cal 4<sup>th</sup> 480) rendered a decision that "the amended section 777 may be used to initiate proceedings to impose a more restrictive placement based on any violation of a condition of probation, including one that involves arguably criminal conduct, provided no new criminal offense is alleged." Therefore, **DPOs may file a noticed hearing on any violation, including one that alleges new criminal conduct, provided a new petition is not filed alleging the same matter.**

Minor offenses received for 652 WIC investigations also may be filed as 777 WIC violations in lieu of a new petition.

The narrative portion must contain a concise statement of facts sufficient to support the recommendation.

The law dictates that to be found true, a 777 WIC violation must provide "a preponderance of evidence" supporting those allegations alleged by the DPO in the petition. It is essential that the DPO allege violations sufficient to satisfy this burden of proof, and that the DPO identify the names, addresses and telephone numbers of witnesses who will testify to each violation alleged. Reliable hearsay evidence is admissible.

This violation report can be used for 601 or 602 WIC minors who are court wards, but not in 654, 790 or 725(a) WIC cases. It is also used when a new 601 or 602 WIC petition request has not been filed, been dismissed or rejected by the District Attorney (D.A.) and the DPO believes a 777 WIC petition is necessary.

#### Example:

A minor on probation for drug sales is arrested with fellow gang members at 2:00 am for possession of drugs and weapons. Though the minor had a joint, no weapon was found in the minor's possession. The D.A. declines to prosecute.

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Additionally, the minor recently stopped attending school and reporting to the DPO. Together, these facts show that a change of plan or sanctions are necessary, and the 777 WIC report would be submitted.

The DPO submits the petition packet to the SDPO for approval.

**RECOMMENDATIONS**

**In most cases**, when sufficient information is included in the violation report, the court can proceed to disposition without requiring an additional report from the DPO. It is crucial that the report be accurate and complete. The evaluation section must support the recommendation.

**Juvenile Hall**

**Recommendations for commitment to Juvenile Hall** must be for a specific number of days, such as “3 days in Juvenile Hall.” Director approval is required on all recommendations for commitment time in Juvenile Hall.

**Suitable Placement/Camp Community Placement/Division of Juvenile Justice (DJJ)**

DPOs shall follow Departmental policy for clearing all Suitable Placement, Camp Community Placement and Division of Juvenile Justice (DJJ), formerly the California Youth Authority, recommendations (Directive No. 1046, issued 7/7/05).

Court rulings preclude Juvenile Court commitments to County Jail. Such recommendations shall not be made by the DPO. ***Additionally, Court rulings preclude detention of non-ward probationers (654.2 WIC, 725 (a) WIC and 790 WIC).***

In addition, Department Directive on Division of Juvenile Justice (DJJ, formerly California Youth Authority) Recommendations (Dir. No. 1142, issued 9/5/07), precludes recommendations to DJJ on 777 WIC reports unless the most recent offense was a sustained 707(b) or a sex offense specified under 290(d) (3) Penal Code (PC).

**3302.5 Non-Detained 777 WIC Violation Reports**

1. Calendar the matter for an appearance hearing following standard procedures.

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2. Submit four copies of the following 777 WIC packet to the County Clerk at the court location, utilizing standard court report delivery procedures:
  - a. Notice of Violation/777 WIC report
  - b. Witness list (DA-893-0)
  - c. All supporting documents (e.g. school reports, police reports, etc.)
3. Attach a copy of the last complete Pre-Plea/Disposition report to the Court Officer's copy of the 777 WIC report (label the report "Court Officer" in the far upper right corner).
4. Cite the minor and parents to court for the scheduled hearing.

All non-detained court reports are to be dictated by 1:00 pm 5 full working days before the court date and submitted to court 2 full working days before the court date.

**3303.6 Detained 777 WIC Petitions**

The DPO shall obtain SDPO and Director approval for all detained violation filings prior to taking a minor into custody and should comply with all program requirements. In all detained violation filings, the DPO shall:

1. Contact Intake and Detention Control (IDC) to provide advance notice of the impending detention if the DPO will not be present at intake. (DPO initiating the detention is responsible.)
2. Submit the following documents to IDC at the time of intake:
  - a. Juvenile Hall Entrance Form (Prob. 1295, Rev. 12/98)
  - b. Probable Cause Declaration (PCD) (Prob. 1331, Rev. 11/01), attaching a current Juvenile Automated Index (JAI) printout. The PCD must include the following information on the minor:
    - Date placed on probation
    - Court Department that placed minor on probation.

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- Current probation grant (e.g. 654.2, 725(a), HOP, CCP, SP, etc.)
- Aggregated maximum confinement time on all sustained cases
- Remaining confinement time
- **All** conditions of probation ordered
- Listing of alleged violations

3. Submit four copies of the following 777 WIC packet to the County Clerk at the court location within the guidelines for a detained felony filing.

- a. Notice of Violation/777 WIC report
- b. Witness list (DA-893-0)
- c. All supporting documents (e.g. school reports, police reports, etc.)

Attach a copy of the last complete Pre-Plea/Disposition report and a copy of the Title IV-E Findings minute order (for cases where minor has been previously detained) to the Court Officer's copy of the 777 WIC report (label the report "Court Officer" in the far upper right corner).  
Mobile Gang/SEO DPOs shall contact the DPO of

Record and obtain a copy of the last complete Pre-Plea/Disposition report and Title IV-E Findings minute order (for cases where minor has been previously detained) and attach to the Court Officer's copy of the 777 WIC report (label the report "Court Officer" in the far upper right corner).

4. Fax a copy of the report face sheet to the IDC site where the minor was detained to ensure that the minor is placed on the movement to court broadcast:

- a. Eastlake (323) 221-4879
- b. Los Padrinos (562) 803-1279

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c. Barry J. Nidorf (818) 362-7859

**Note:** Detention may begin in a Camp Special Housing Unit (SHU) after the Miranda Admonishment is given.

### **3303 ARRESTS BY DEPUTY PROBATION OFFICERS**

shall have the powers and authority conferred by law upon peace officers listed in Section 830.5 of the Penal Code (283 WIC)."

DPOs are to obtain SDPO approval to arrest minors. DPOs are not to use force to effect arrests of minors. Request the assistance of law enforcement whenever an arrest may require the use of force, by telephoning the watch commander or other official at the appropriate agency.

Generally, law enforcement will meet the DPO in the area where the arrest is to take place, including the area office. The DPO legally places the minor under arrest, but law enforcement will place restraints on the minor and transport the minor to the police station or juvenile hall.

**NOTE:** If the minor is taken to the law enforcement station, the DPO must coordinate the minor's detention with IDC staff. The DPO is responsible for all required paperwork, and all documents which show that the minor was taken into custody by the probation officer.

Arrests that can be undertaken without any use of force, as when the minor willingly accompanies the DPO to a place of detention, may be made without contacting law enforcement, if there is prior SDPO and Director approval.

Special probation enforcement units, such as the Intensive Gang Supervision Program (IGSP), Community Law Enforcement and Recovery Program (CLEAR) and Developing

Increased Safety through Arms Recovery Management (DISARM), will be governed by their individual program statements and policies in addition to the procedures noted above. The DPO of record shall be consulted whenever possible before the special unit DPO makes an arrest.

Community Detention is considered for minors that do not require 24-hour detention.

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<b>Subject:</b>  <b>JUVENILE MANUAL</b>  <b>MEDICAL AND PSYCHOLOGICAL CONCERNS</b>	<b>Section Number:</b> <b>JM-3400</b>
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The Presiding Judge of the Juvenile Court establishes procedures that are to be followed by the Department when minors under their jurisdiction require medical and related services (such as psychological assessment), whether routine, voluntary or emergent.

This chapter sets out guidelines for obtaining these services and necessary authorizations.

It covers a variety of medical and psychological problems occasionally faced by minors, and how the Deputy Probation Officer (DPO) responds to them. Some sections of the chapter deal with processes that involve the DPO only peripherally, others with processes that demand more active participation from the DPO.

DPOs are rarely involved in the mental health problems of minors leading to hospitalization. However, when such involvement does occur the complex nature of the procedures requires an authoritative source of information.

The section on Developmentally Disabled minors is intended, at least in part, to look beyond an offense itself and to determine various aspects of a minor's makeup, which may contribute to involvement in delinquency.

The section on HIV/AIDS guides the DPO in properly communicating the information to those entitled to it.

## **3401 MEDICAL INTAKE**

### **3401.1 Parents Available**

If medical attention is required for any minors entering juvenile hall, the intake DPO has the minor's parents sign a "Consent for General Medical/Dental Care" (Prob.714A).

- If parents verbally consent to other than routine medical (not surgical) treatment but cannot get to an Intake and Detention Control (IDC) location to sign Prob. 714A, the IDC DPO may sign for them.

**MEDICAL AND PSYCHOLOGICAL CONCERNS**

- The court officer has the parents sign Prob.714A if the parents are in court and the minor is detained.

**3401.2 Parents Unavailable**

The Welfare and Institutions Code (WIC) allows the probation officer to authorize medical consent in a variety of situations. When parents are not at least telephonically available, authorization of the juvenile court is sought in any medical procedure (except routine medical tests or care) such as emergency surgery.

**3401.3 Court Authorization**

When the parents are not available, refuse consent, are incapable of authorizing treatment, or the medical consent is not covered in Medical Intake (JM-3401), the court is the sole consenting authority.

**3401.4 Field DPO Responsibilities****Medical Emergencies (normal business hours)**

When a case is assigned to an area office DPO, and during normal business hours a medical emergency regarding that minor and requiring medical consent is reported, the DPO:

- Shall immediately attempt to contact the minor's parents and secure their consent for medical treatment.
- If consent is granted, makes arrangements to obtain the parent's signature on Prob. 714A, and takes or faxes a copy to the juvenile hall where minor is located, or
- Directs the parents to the juvenile hall where the minor is located to sign the form at IDC, if that is more expedient.
- If the parents refuse to give consent, or cannot be located, telephones the court officer in the court having jurisdiction over the minor's case and explains the situation.

The court officer consults the hearing officer and determines if that court has jurisdiction. If not, the court officer determines what court does have jurisdiction, what information that court needs, how to provide the needed information and who must provide it, as well as the method of transmission to court, such as fax, in-person or telephone.



**MEDICAL AND PSYCHOLOGICAL CONCERNS****Medical Emergencies (after hours)**

IDC handles all requests for emergency medical consent after normal business hours.

**Psychotropic/Anti-seizure Medication**

The dispensing of these types of medication for minors who are under the jurisdiction of the court and out of the home is governed by the California Civil Code.

Unless a specific authorization is obtained from a minor's parents, administering these medications requires the consent of the court.

The authorization procedure is determined by the court, medical staff and the parents, or the court and the medical staff (the DPO is not involved).

**3402 ADMISSION TO MENTAL HEALTH FACILITIES**

Section 6552 WIC specifies that court wards may voluntarily admit themselves to state or private mental facilities only with permission of the local court having jurisdiction over the case and with the concurrence of counsel.

Court wards who are unwilling to admit themselves must be admitted to county and state facilities pursuant to the Lanterman-Petris-Short Act. Approval is sought in Superior Court, Department 95, if state hospitalization is required (see JM-3402-5, 3403, and 3404).

**3402.1 Voluntary Admission Criteria**

Minor must be:

- Under the age of 18 years.
- A ward of the court
- Voluntarily applying for inpatient services.

**3402.2 Voluntary Admission – State Facility**

The DPO:

**MEDICAL AND PSYCHOLOGICAL CONCERNS**

- To screen a case, telephones the Probation Department's Mental Health Consultant, Central Placement Office or the Interagency Case Management Unit.
- If a case is appropriate for Hospital Screening Committee presentation, receives a date from the Consultant for the DPO to present the case to the screening committee.
- Prepares a packet (four copies) for the Committee consisting of:

Face sheet of "Worksheet" (Prob. 1423).

Original and most recent court reports. (The reports should reflect any efforts made to place minor in an appropriate facility.)

Clinical evaluation (if available) including:

Current psychological evaluation.

Diagnostic and Statistical Manual of Mental Disorders (DSM-111-R) diagnosis.

Medical history including height, weight, and immunization record, if available (give the minor's physical description in all cases).

- Obtains school reports including Individual Educational Plan (IEP), if available.
- Personally presents the case and packet to the Committee with a synopsis of the minor's progress in any programs the minor was involved.
- Prepares a court report stating if the minor was accepted by the Committee for hospitalization and submits the appropriate recommendation.
- Obtains copies of all documents required for voluntary hospitalization. (The Mental Health Consultant provides a list of all required documents.)

**3402.3 Voluntary Admission – Private Facility**

The DPO:

**MEDICAL AND PSYCHOLOGICAL CONCERNS**

- Advises the minor's family and the proposed facility that the family assumes full cost of the hospitalization.
- Contacts the minor's counsel to determine if there are any objections.
- Arranges an appearance hearing in juvenile court and cites the minor and parents.
- Submits a report to the court recommending the parents be permitted to place the minor at the facility under section 6552 WIC; that minor not leave the facility against medical advice.
- Submits a "Progress Report" (Prob.1245) with the appropriate recommendation upon the minor's termination.

**3402.4 DPO Responsibilities for Hospitalized Minors**

The DPO:

- Maintains regular contact with the minor, parents, and hospital staff.
- Submits court reports as indicated by previous order or as the need to inform the court arises.
- Requests a bench warrant if the minor goes AWOL (absent without leave).
- Places the matter on the appearance calendar if the minor demands to leave a facility prior to completing the program. (If the minor does leave the facility against medical advice in violation of the court's order, the DPO requests a bench warrant.)
- Submits a non-appearance report to the court when the minor completes the program. The report is submitted within 20 days of release and includes future plans.

**3402.5 Involuntary Admission Criteria**

The minor must:

**MEDICAL AND PSYCHOLOGICAL CONCERNS**

- Be under 18 years of age.
- Be a ward of the court.
- Require psychiatric hospitalization.

The DPO discusses the case with the Mental Health Consultant. If appropriate, prepares and presents the case to the Hospital Screening Committee (see JM-3402-2).

**3403 EMERGENCY PSYCHIATRIC HOSPITALIZATION**

Referral to designated mental health facilities for 72 hours observation can be accomplished by:

- Parents taking the minor to the local screening facility designated by Los Angeles County Mental Health for observation and interview.
- Contacting a Psychiatric Mobile Response Team (PMRT).
- Referral by the Superintendent or on-duty mental health professional for minors in juvenile hall.

**NOTE:** Field DPOs notified of psychiatric emergencies regarding detained minors should refer these to the Movement Control Officer of the Day (OD) at the juvenile hall where the minor is detained. The OD will arrange for the minor to be evaluated.

Except for DPOs on suitable placement caseloads, DPOs are not to personally seek to have minors hospitalized.

The hospital psychiatrist, at the end of the observation period, determines if the minor still presents a danger to self or others. If so, the minor may be certified for an additional 14 days.

Within 4 days of the 14-day certification, a probable cause hearing is held to decide whether involuntary hospitalization is justified. If the minor is evaluated as “gravely disabled and dangerous to self or others,” the hospital prepares the necessary papers for further observation and conservatorship proceedings.

**3404 CONSERVATORSHIP PROCEEDINGS**

Conservatorship is sought for persons so gravely disabled due to mental disorders that they are unable to provide themselves with or avail themselves of food, clothing or shelter.

**MEDICAL AND PSYCHOLOGICAL CONCERNS**

Conservatorship proceedings result in the appointment of Public Guardian for the minor if the court grants the conservatorship. The Public Guardian investigates the need for further hospitalization and applies to the court to keep such a minor in a treatment facility until it is determined the program is no longer necessary.

Appointment of a public guardian does not relieve the DPO from maintaining contact with the minor, family and facility staff, nor of reporting the minor's progress to the court.

**3404.1 Temporary Conservatorship**

The psychiatrist at the mental health facility submits a referral to the Public Guardian during the 72-hour observation period or during the 14-day observation period.

The hospital applies to Department 95 for "Letters of Temporary Conservatorship."

A probable cause hearing is held within 7 days of the initial admission. It is held at the facility where the minor is hospitalized and can result in the involuntary hold being denied. If so, the minor is released from the facility and removed to juvenile hall, depending on the existing juvenile court order.

During the temporary conservatorship, the Public Guardian investigates and makes a recommendation to Department 95 for an appearance hearing, which is scheduled 30 days after the granting of the temporary conservatorship.

The Public Guardian notifies the DPO of any court dates and action.

The DPO is not required to submit any reports.

**3404.2 Permanent Conservatorship**

- Granted to the Public Guardian for a period of 12 months.
- County Counsel can petition the court for reappointment of the Public Guardian prior to the 12-month termination date.
- The DPO is responsible for requesting a bench warrant if the minor goes AWOL.
- The court must sign an authorization for medical services prior to admission to a facility.

**MEDICAL AND PSYCHOLOGICAL CONCERNS**

- The DPO will be notified prior to the minor's release.

**3405 AIDS CASES**

Acquired Immune Deficiency Syndrome (AIDS) is the most serious complication of an infection caused by the Human Immunodeficiency Virus (HIV). A few minors entering the juvenile justice system may have AIDS or test HIV positive. HIV-infected individuals range from those who may have no symptoms to those who are terminally ill.

The DPO may receive this information from one of several sources:

- Minors who believe they have AIDS or who have tested HIV positive, may disclose that belief or fact to the DPO.
- The minor's parents or other family members may tell the DPO.
- Medical sources, such as medical staff in juvenile hall, may advise the DPO.

**Confidentiality**

Information about a minor's HIV status is extremely confidential.

No one, except the caretakers listed below, is told of a minor's HIV status without specific written authorization specifying who is to be told, signed by the minor.

Information about a minor's HIV/AIDS status may not be included in any probation report.

**Caretakers**

Those in caretaker roles with direct responsibility for minors in a living or medical treatment environment have a direct "need to know" of a minor's HIV status.

This includes staff assigned to juvenile halls, camps and suitable placements that may be required to assist in a medical emergency involving such a minor.

Other than those noted above, staff are not to be told of the infected minor's HIV status.

Anyone, including DPOs, who divulges information about a minor's HIV status without the minor's permission (unless otherwise allowed by law) may be the subject of misdemeanor prosecution.

**MEDICAL AND PSYCHOLOGICAL CONCERNS**

When the DPO receives information about a positive HIV test for a minor, the information is documented in a memo that is placed in an envelope marked, "Confidential – Judge (name)."

The envelope is sealed and delivered to the court officer, who presents it directly to the hearing officer. If the minor has a report pending, the envelope is stapled to the court's copy of the report.

**3406 DEVELOPMENTALLY DISABLED MINORS**

Part of the investigative process is to establish whether minors now receive services from a Regional Center or should be referred for evaluation to a center.

State law requires the Developmentally Disabled be provided the special services their handicap warrants and designates the Regional Center for the Developmentally Disabled as the agency responsible for implementation.

Developmentally disabled minors are occasionally referred to probation for alleged 601 or 602 WIC offenses.

**3406.1 Eligibility Issues**

Developmentally disabled minors are those who are disabled due to:

- Mental retardation
- Cerebral palsy
- Epilepsy
- Autism
- Other neurologically handicapping condition (Conditions other than retardation must be closely related to mental retardation and require treatment similar to that designed for retarded children).

**NOTE:** Although most mentally ill or emotionally disturbed children are not developmentally disabled, some are. It is possible to have a dual diagnosis of developmental disability and some form of mental illness.

**3406.2 Indicators of Disability**

A history of enrollment in any of the following special education classes:

**MEDICAL AND PSYCHOLOGICAL CONCERNS**

- CH/SDC (Communicatively Handicapped, Special Day Classes)
- D.H. (Developmentally Handicapped, Special Day Classes)
- EMR (Educable Mentally Retarded, Special Day Classes)
- LH/SDC (Learning Handicapped, Special Day Classes)
- M.H. (Multi-Handicapped)
- O.H. (Orthopedically Handicapped)
- RSP (Resource Specialist Program)
- SED (Severely Emotionally Disturbed)
- TMR (Trainable Mentally Retarded)

**NOTE:** Earlier diagnostic terms such as EMR or TMR are no longer used and any such test scores may have been expunged. Additionally Educationally Handicapped (EH) classes do not indicate retardation but are seen as evidence of a mental disorder.

- Difficulty in performing simple tasks (for example, telling time, rereading or writing very basic words, and being responsible for age appropriate living skills).
- “Slowness” in verbal or physical responses.
- Tested I.Q. scores of 70 or below.
- Diagnosis of the above conditions by a qualified source.

**3406.3 Referrals**

Generally, minors are referred to Regional Centers by their parents, often as a result of evaluations by school officials.

The DPO, or other interested parties, may refer a minor by contacting the Intake Counselor at the appropriate Regional Center and discussing the minor’s situation.

Although there is an appeal procedure present in the referral process, the process may be lengthy. In such cases, the DPO may request the



**MEDICAL AND PSYCHOLOGICAL CONCERNS**

court having jurisdiction over the minor's case to order such an evaluation.

**3406.4 Diagnostic Services**

Regional Centers provide extensive evaluative services including a full range of testing; if necessary, to determine whether referred persons qualify for services.

**3406.5 Treatment Services**

Once accepted as Regional Center clients, minors are offered a wide array of services for their lifetime, unless they leave the state, their condition changes, or they wish to discontinue services.

Services include: counseling, educational, hospitalization, medical life planning, recreation, residential care and transportation.

Case management services are offered by the Client Program Coordinator, who is assigned when the case is accepted.

The Regional Centers have a policy of not duplicating services offered by other agencies, such as probation.

Occasionally, Regional Center staff may disagree with DPOs about services the Centers should offer probation clients. Unless the court directs an order to the Regional Center, they do not have to provide services.

DPOs should not plan disposition recommendations around referrals to a Regional Center unless acting from a specific court order, as delays in evaluation may be lengthy.

**3407 PSYCHIATRIC AND PSYCHOLOGICAL EVALUATIONS**

Minors are often referred for investigation that appears to have emotional or mental conditions which are significant factors in their delinquent behavior. Occasionally, the DPO may have difficulty deciding what plan is most appropriate for such minors without evaluations from a psychiatrist or psychologist.

The DPO should thoroughly explore a minor's history to see whether the minor has ever been the subject of a psychological or psychiatric evaluation.

The DPO should obtain releases of information for each source, and obtain copies of the evaluation as soon as possible.

**MEDICAL AND PSYCHOLOGICAL CONCERNS**

In cases where no such testing has been done, or where the parents refuse to sign releases of information, and the minor's mental status appears critical in deciding on a disposition recommendation, the DPO may recommend to the court that a psychologist or psychiatrist be appointed to evaluate the minor.

Such a recommendation requires the Supervising Deputy Probation Officer (SDPO) approval, after the DPO determines that such information is both critical and not otherwise available. The recommendation will include a request that the evaluator provide a copy of the report for the DPO.

In detained cases, the request should be made by the Intake and Detention Control (IDC) DPO. In non-detained cases, the DPO attaches to the D.A. packet an "information to the Court Officer" (Prob. 804) requesting the court make the appointment.

If grounds for such an evaluation are evident after the arraignment hearing, the court is advised by the next court hearing.

If the minor's attorney objects and adjudication has not taken place, the DPO may stipulate that results of the evaluation are not to be made available to the DPO until after the adjudication hearing.

**3408 RELEASES OF INFORMATION**

Psychologists, psychiatrists and other medical and mental health professionals will not release copies of their reports on clients without a signed release of information. For minors, the release must be signed by the parents or guardians.

In cases where such reports are necessary, the DPO has the minor's parents sign an "Authorization for Release of Student Records" (Prob. 1073). If psychological reports are also sought, Prob. 1051 is used to obtain copies of these reports.

By law, DPOs are allowed access to school records, although some districts may request a written release in certain cases. If so, use "Authorization for Release of Student Records" (Prob. 1073). If psychological reports are also sought, Prob. 1051 is used to obtain copies of these reports.

Current law clearly allows school districts to advise the DPO whether or not such reports are available in the minor's psychological file, though the district may insist on a written release prior to releasing copies of the reports to the DPO.