

**PETITION TO CHANGE, MODIFY OR SET ASIDE ORDER
OR TERMINATE JURISDICTION OF THE COURT**

- AUTHORITY:** Sections 775, 776, 778 Welfare and Institutions Code
California Rules of Court, Rules 5.570 and 5.560 (d)
- RESCINDS:** Procedure Manual Item 2-6-104, dated 07/07/16
- FORMS:** Petition for Modification (JMP 01-22) (F057-5150AF)
- PURPOSE:** To standardize the procedure for filing Petitions for Modification and explain the process by which they will be considered by the Court.

I. GENERAL INFORMATION

- A. A petition for modification hearing must be used if there is a change of circumstances or new evidence that may require the court to:
1. Change, modify or set aside an order previously made; or
 2. Terminate the jurisdiction of the court over the **youth**.
- B. Reasons for submitting a modification petition include but are not limited to:
1. Adding a condition of probation
 2. Transfer of Wardship pursuant to California Rules of the Court 5.610
 3. Warrant Recall
 4. Termination of probation
 5. Request Interstate Compact Supervision
 6. Correcting Court record, true name or DOB or both
 7. Temporary release from Juvenile Hall
 8. Modifying a court order
- C. Resources
- Refer to Word Templates:
1. Restitution order for DJJ
 2. JMP01-Calendaring of custody status hearing per Section 208.5 WIC
 3. JMP03-Correction of Court record-true date of birth
 4. JMP04-Correction of Court record-true name and date of birth
 5. JMP05-Correction of Court record-true name

6. JMP06-Administration of INH
7. JMP07-Consent for Psychotropic medication in Juvenile Hall
8. JMP08-Consent for Psychotropic medication in group home/foster home
9. JMP09-Temporary release from Juvenile Hall
10. JMP10-Modification of Court Order
11. JMP12-Relief of Supervision
12. JMP13-Relief of Supervision-Termination upon complete payment of restitution
13. JMP14-Calendar of Contested Restitution Hearing
14. JMP16-Setting of Restitution
15. JMP17-Request for zero restitution order
16. JMP18-Termination of wardship-adult jurisdiction
17. JMP19-Termination of wardship-moved to (County, State, Country)
18. JMP20-Termination of wardship - **youth** turned ___ years
19. JMP21-Termination of wardship
20. JMP22-Transfer of wardship to___ County
21. JMP23-Authorization of funds to transfer **youth**
22. JMP24-Order to transport and detain **youth** in Juvenile Hall pending hearing
23. JMP base
24. Termination of wardship, 18+ years old, and request for money judgment
25. Termination of wardship

II. PROCEDURE

A. Deputy Probation Officer (DPO)

1. Determines the need for a change, modification or setting aside a court order, or a termination of the Court's jurisdiction, pursuant to Welfare and Institutions Code (WIC) Section 778.
2. Completes the computer generated version. The Discussion section of the petition will present completely the change of circumstance leading to the recommendation. It should include specific case information to support the recommendation. This will be the sole information provided to the Court and counsel and will be the basis of the Court's decision at the Modification Conference.
3. Submits the petition to the SPO for review.
4. If the matter is set for a Contested Modification Hearing, the DPO will send the probation file to Contested Case functions, LJC-5. The DPO may be asked to provide additional information for the Contested Modification Hearing.

B. Supervising Probation Officer (SPO)

1. Reviews the petition for accuracy and ensure that compelling information supporting the recommendation is included.
2. If probation termination is recommended, ensures that a record check has been received, there are no pending applications for petition and that all court orders have been met.

C. Unit Clerk

1. Will process the approved petition, print it on the four part NCR paper (white, gold, yellow, and pink), and will forward the petition to Contested Case functions, (Lamoreaux Justice Center) LJC-5.
2. If the matter is deemed by the DPO and SPO to be an emergency, the unit clerk will provide the completed packet to the DPO who will deliver it directly to the Court Officer assigned to the courtroom. It will be submitted to the Court for review.

D. Contested Case Functions

Contested Case functions will distribute the petitions to the appropriate Court Officer for delivery to the correct courtroom.

E. Process for Juvenile Court Staff

1. Modification Conference

When a hearing has been ordered by the Court, the clerk's office will set the matter for hearing.

- a. The Modification Conference will be set on the 15th calendar day from the date of filing of the duly executed Petition for Modification.
- b. The Notice of Hearing and a copy of the Petition for Modification shall be served on the Probation Department, prosecuting attorney, and to the counsel of record, or if there is no counsel of record, to the **youth** and his/**her** parent(s) or guardian(s) (Section 776 WIC).

2. Contested Modification Hearing

- a. If the Court orders the matter set for a Contested Modification Hearing, the courtroom clerk shall set the matter for a Contested Modification Hearing.
- b. The Notice and a copy of the Petition for Modification shall be to:
 - a. **Youth**;
 - b. **Youth's** parent(s) or guardian(s);
 - c. Probation Department;
 - d. **Youth's** attorney and
 - e. Prosecuting attorney

3. Minute Order

- a. A signed modification petition with a check on the "Ordered as recommended" section in the lower portion of the petition and signed by the judge, will serve as the Minute Order.
- b. If a hearing is held on the matter, the clerk's office shall prepare and provide a copy of the Minute Order that reflects the Court's specific order(s) regarding the requested modification to the Probation Department and counsel.

REFERENCES: None

S. Mathieson

APPROVED BY: