

JUVENILE COURT REPORT RECOMMENDATIONS

- AUTHORITY:** Welfare and Institutions Code (WIC) Sections 280, 281, 601, 602, 602.1, 602.1635, 636, 652.5, 654, 654.1, 654.2, 654.3, 656.5, 702, 706.5, 707, 725, 725.5, 726, 727-731.1, 737, 738, 742, 782, 790, 791, 793, and 794
 Penal Code (PC) 243.5, 290.008, 296, 296.1, and 1202.1
 Family Code (FC) 6211
 Government Code (GC) 27757
 California Vehicle Code (CVC) 23152, 23153, 23520, and 23509
 California Rules of Court, Rule 5.768 (Report of Probation Officer), Rule 5.785 (General Conduct of Hearing), 5.790 (Orders of the Court), Rule 5.790 (Orders of the Court), Rule 5.795 (Required Determinations), Rule 5.800 (Deferred Entry of Judgement), and Rule 5.805 (California Department of Corrections and Rehabilitation, Division of Juvenile Justice Commitments)
- RESCINDS:** Procedure Manual Item 2-5-003, dated 07/09/19
- FORMS:** Juvenile Court Report Recommendations (Attachment)
- PURPOSE:** To assist deputy probation officers (DPOs) with completing the Recommendation section of the Juvenile Court Report (Social Study) with efficiency, consistency, and technical accuracy.

I. GENERAL INFORMATION

- A. The California Juvenile Laws and Rules and California Rules of Court require that the DPO submit a recommendation as part of the Juvenile Court Report (Social Study). This Procedure Manual Item (PMI), therefore, supplements those PMIs which govern the preparation of reports. Some reports and recommendations are prepared prior to jurisdictional findings and others prior to the Disposition Hearing. Sample recommendations are included to cover either situation.
- B. Jurisdictional findings must always occur before dispositional orders can be made even though Pretrial and Pre-Plea Reports may be completed prior to findings being made by the Court. Findings and dispositions will therefore be addressed below as the two broad areas that are involved in the submission of recommendations to the Juvenile Court.
- C. When a probation condition imposes limitations on a person's constitutional rights, the DPO must closely tailor those limitations to the purpose of the condition, that is the youth's reformation and rehabilitation. Every probation condition should be recommended to fit the circumstances of the youth. Additionally, a probation condition must be narrowly tailored to both the condition's purpose, as well as sufficiently precise for the youth to know what is required of them, and for the court to determine whether a condition has been violated.
- D. The attached recommendations are to the best extent possible, arranged in the order in which they should be addressed within the **Recommendation** section of

the court report and are also sequentially numbered. When dictating a report, simply state the numbers (and the options which accompany each number) in the sequence order in which they are to be typed.

II. PROCEDURE

A. Findings

1. Findings - General

Once a petition has been filed, whether under WIC 601 or 602, the Court is required to act on it. The allegations of the petition may be found true or untrue based upon admission, denial, and/or trial evidence. They may be modified based upon negotiation. On rare occasion, the Court may be asked to dismiss an unverified petition (WIC 656.5), either at a formal hearing or via Petition for Modification.

a. When a youth named in a petition denies the allegations of the petition, the matter is contested and the jurisdiction of the Court, as requested in the petition, is challenged. Under these circumstances, the findings of the Court usually result either from a plea negotiation or a Contested Hearing (trial).

(1) In plea negotiations, the petitioner and counsel for the youth agree to recommend to the Court that certain findings be made. This often results in the modification of the original allegations.

(2) In contested hearings, findings are made on the basis of evidence presented to the Court at trial.

b. Whether or not the youth admits the allegation(s) of a petition, the matter is set for a Pretrial Hearing.

(1) At this hearing, the youth is advised of their rights, proper legal representation is ensured, and a date is set for trial, disposition hearing, or other proceedings. In some misdemeanor cases both jurisdictional findings and dispositional orders are completed.

(2) Pretrial Reports and recommendations are prepared for this hearing. The reports on new cases are prepared by Non-Custody Intake. Reports on wards/non-wards with an assigned DPO are prepared by the assigned DPO.

2. Findings Not Yet Made (Recommendation)

In pretrial and pre-plea situations, the Court has not made findings prior to filing of the juvenile court report. In such cases, begin recommendations as follows:

"In view of the foregoing, if the allegations of the petition are sustained, it is respectfully recommended that..."

3. Findings Already Made (Recommendation)

When findings have been made prior to filing of the juvenile court report, begin recommendations as follows:

"In view of the foregoing and in that the allegations of the petition(s) have been sustained, and the Court has found the matter(s) to be felony(ies) and/or misdemeanor(s), it is respectfully recommended that..."

4. Findings-Incorrect Petition

Either before or after findings, an error may be discovered in the petition. Bring this to the attention of the Court and recommend the correction. Place these recommendations at the end of the Recommendation section.

B. Disposition

After findings are made, the Court considers the probation report and other evidence on the proper disposition of the case (WIC 280, 725, etc.). In WIC 602 cases this must include the youth's age, the circumstances and gravity of the offense, and the youth's previous delinquent history (WIC 725.5). Include and assess these factors in the probation report.

Based on information **included in** and evaluated in the probation report, submit a recommendation to the Court as to the proper disposition. Assure that the recommendation flows naturally from the evaluation into a differential treatment plan. Keep these factors in mind:

Care, treatment, and guidance consistent with the best interest of the youth and the protection of the community.

Preservation and strengthening of youth's family ties.

The rehabilitation potential of the youth.

Whether the welfare and safety of the youth is endangered by remaining in the home setting and whether benefits would accrue from a placement program.

Within this context, consider the issues of wardship, custody, limitation of parental controls, and terms and conditions of probation. Design the recommendation, specifically for the case at hand. It should also include a transition plan with the appropriate care, treatment, and guidance (to include sanctions) and reflect the significant factors in the youth's life which have led to an instance or pattern of misconduct that must now be resolved. Resolution may range from a short period of unsupervised probation to a lengthy facility commitment and will include conditions of probation that are relevant and realistic.

The following are dispositional alternatives that are available to the DPO and are being exercised by the Court. It is not an exhaustive listing. The DPO preparing the report shall consult with their assigned supervising probation officer (SPO) in unusual situations.

1. Informal Probation - WIC 654.2

With the consent of the youth and parents, the Court may continue the matter, without making findings, for a period not to exceed six (6) months, and order the DPO to supervise the youth pursuant to WIC 654.2.

2. Probation Without Wardship - WIC 725(a)

After findings without being declared a ward, the Court may order the youth placed on probation under the supervision of the DPO for a period not to exceed six (6) months. The Court may impose conditions of probation that are deemed appropriate except for fines, commitments, placement and work program. This option is appropriate in cases where the youth can likely complete the conditions of probation successfully within six (6) months and is considered unlikely to re-offend.

3. Probation Without Wardship - Deferred Entry of Judgment (DEJ) - WIC 790

After an admission without being declared a ward, the Court can order the youth placed on probation under the supervision of a DPO for a minimum period of twelve (12) months or as long as thirty-six (36) months from the date of the youth's referral to the program. This option is used in felony matters where the youth meets the program eligibility and suitability criteria. The Court may impose conditions of probation that are deemed appropriate except for fines, commitments, and placement. Search and seizure is a mandatory term, pursuant to California Rules of Court, Rule 5.800. Additionally, a mandatory continuation hearing date must be recommended for twelve (12) months from the date of the initial DEJ order.

4. Wardship - WIC 725(b)

After findings, the Court may declare the youth a ward of the Court or continue wardship, if the youth is already a ward. This option is generally used in the event of more serious offenses and/or the need for confinement or a period of supervision in excess of six (6) months. The following options exist when wardship has been declared:

a. Physical Confinement - Local - WICs 602, 726, and 730

The ward may be committed to a facility for a period of time not to exceed the maximum term of imprisonment which could be imposed upon an adult for the same offense. If the Court aggregates a time based upon multiple counts or petitions, maximum term of imprisonment is specified in accordance with PC 1170.1(a). The following should be kept in mind when formulating a recommendation:

- (1) The maximum allowable time as set by law; youth's age; circumstances and gravity of offense; prior record; depth and extent of anti-social attitudes; special problems in home, school, or community.
- (2) Any "lid" imposed by the Court is the maximum time the

youth can be incarcerated. Recommendations may exceed the "lid" if so indicated by the results of the probation investigation.

- (3) In most cases it should be recommended that after the commitment:
 - (a) The youth be released under the usual and/or specific terms and conditions of probation.
 - (b) Custody be vested in the **DPO** for suitable placement.
 - (c) The DPO be relieved of supervision except to monitor compliance with specific conditions.
 - (d) In some instances, wardship be terminated (refer to Section 4).
- (4) Recommendations are for a specified period of time.
- (5) When commitments are made, the specific facility is determined by the Assessment **Unit**.

- b. Physical Confinement – California Department of Corrections and Rehabilitation (CDCR)-Division of Juvenile Justice (DJJ) (See PMI 2-5-006 [Juvenile Commitments to the California Department of Corrections and Rehabilitation, Division of Juvenile Justice]) (WIC 602, WIC 731)

Youth can only be committed to DJJ if:

- (1) The sustained offense is described in WIC 707(b) and the Court determines that the youth will not be remanded, or by virtue of age cannot be remanded to the court of criminal jurisdiction.
- (2) Sex Offenses set forth is PC 290.008(c).

- c. Placement - WICs 602 and 727

The ward may be placed outside the family home with a goal of family reunification at the earliest possible time or emancipation if necessary. The Court orders the care, custody, and control of the youth to be under the supervision of the DPO who may place the youth in the home of a relative, a suitable licensed facility, a home finding agency, and certain others when the youth's needs cannot be met in any of these.

- (1) Refer to PMI 2-6-201 (Juvenile Placement Referral Process) for specifics. Criteria for placement have been established in order for the Court to determine whether the youth should be returned to the home or whether

reasonable efforts have been made to prevent or eliminate the need for removal of the youth from the home.

- (2) Placement can be recommended as a disposition in and of itself or can be combined with a county facility commitment and/or usual and special terms and conditions of probation. Accordingly, a youth may be committed with custody vested in the probation officer for suitable placement upon completion of the commitment and with the case continued for a 15-Day Review after the commitment terminates.

d. Fines - WICs 602 and 730.5

Per law, as it increases periodically, when a youth is adjudged a ward of the Court under WIC 602, the Court may levy a fine if it is determined that the youth has the financial ability to pay. PC 1464 regarding penalty assessment applies to juvenile fines. This, plus local assessments authorized by the Board of Supervisors, means that the youth should expect to pay the fine plus 390 % of fine; e.g., a fine of \$100 carries a penalty assessment of \$390 for a total of \$490.

- (1) The recommendation is for a fine in a specific amount, and if possible, for the terms of payment. The penalty assessment is addressed in the recommendation only in terms of... \$ xxx fine.

(2) Restitution Fine - Mandatory in all WIC 602 cases - WIC 730.6

This fine shall be in addition to any other disposition or fine imposed and shall be imposed regardless of the youth's inability to pay. This fine is deposited into the Restitution Fund (proceeds shall be distributed pursuant to Government Code (GC) 13967. Restitution fines are recommended as follows:

- (a) Misdemeanors – not to exceed \$50.
- (b) Felonies – not less than \$100 and not more than \$1,000.

e. Terms and Conditions - Optional - WICs 602, 727, and 730

For WIC 602 wards, the Court may make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of such a youth (WIC 727). For WIC 602 wards, the Court may impose and require any and all reasonable conditions that it may determine fitting and proper to the end that justice may be done and the reformation and rehabilitation of the ward enhanced (WIC 730).

- (1) Typical conditions revolve around those significant problem

areas that are contributing to the youth's misconduct. They may address needs such as counseling and school attendance or the control of such contributors as drug abuse and associates. An extensive listing of such conditions is incorporated into the attached conditions.

- (2) Usual terms and conditions Compliance with these is always recommended. The case carrying DPO then "has some discretion in modifying the terms and conditions of probation to fit the individual needs of each case" as indicated in PMI 2-6-001 (Terms and Conditions of Probation-Juvenile [Indoctrination]). Case law now precludes the unilateral addition of conditions by the DPO.

f. Terms and Conditions – Mandatory per PC

- (1) Pursuant to PC 296.1, any youth who has been declared a WIC 602 ward on a sustained felony charge, shall submit to DNA testing, or provide a DNA sample within five (5) calendar days of the Court's order as directed by the DPO.
- (2) Pursuant to PC 1202.1, all youth adjudicated pursuant to WICs 601 and 602, as provided in WIC 725, must submit to blood testing for AIDS, if the court finds that there is probable cause to believe that blood, semen, or any other bodily fluid capable of transmitting HIV has been transferred from the youth to the victim.

g. Terms and Conditions - Mandatory per WIC

For both WIC 725(a) non-wards and WIC 725(b) wards, the Court shall make the following orders, when applicable, except when the Court makes a specific finding that the order would be inappropriate. If the Court finds that the order would be inappropriate, it shall order the youth to complete specified community service (except in h (5) below) unless that is also found inappropriate, with reasons stated on the record.

- (1) Drugs at School - WIC 729.8

Perform no more than one hundred (100) hours of community service if found to be in unlawful possession, use, sale, or other furnishing of a controlled substance, an imitation controlled substance, or toluene or a toxic, upon the grounds of any school that house grades kindergarten through twelve, church/synagogue, playground, public or private youth center, child day care facility, or public pool during operating hours.

- (2) Public Transit Vehicle - WIC 729.1

Wash, paint, repair, or replace damage or otherwise make restitution. If no damage resulted from the crime committed

on the vehicle, then perform specified community service.

(3) Restitution - WIC 730.6

Make restitution to victim of crimes or to the restitution fund if the crime involved no victim. See PMI 2-1-207 (Juvenile Restitution and Other Financial Obligations).

(4) Restitution Fine - WICs 730.5 and 730.6

In addition to any other disposition authorized by law, the Court shall levy a restitution fine.

(5) School, Curfew, Counseling - WICs 729 and 729.2

If the youth is not removed from the custody of the parent/guardian, the Court shall require school attendance, curfew from 10:00 p.m. to 6:00 a.m., and counseling with parents included.

(6) School Violence - WIC 729 WIC and PC 243.5

Make restitution to the victim of the battery.

h. Terms and Conditions - Mandatory per California Vehicle Code (CVC)

The Court may restrict or suspend the youth's driving privilege. Revocation is an action taken in certain cases by the DMV upon receipt of notification of conviction. (CVC 13200-13210)

Whenever the DMV is required to suspend, or revoke a driving privilege because of a conviction, such suspension or revocation shall begin upon a plea, finding, or verdict of guilty. (CVC 13366)

Whenever any person is convicted of any offense for which the CVC makes mandatory the revocation or suspension by the DMV, the Court shall take the person's driver's license or temporary permit and forward it to the DMV along with the abstract (CVC 13550). The recommendation suggests this action.

(1) Drunk Driving - First DUI Violation

(a) Education Program. Whenever the Court finds that a youth has committed a first violation of CVC 23152 or CVC 23153, the youth shall be required to participate in and complete an alcohol or drug education program (CVC 23520). Explain the mandate to the youth and parents and then recommend participation in a Juvenile Drinking Driver Education Program approved by the Juvenile Court.

- (b) Youth Drug and Alcohol Deterrence Program. Current practice in the Orange County Juvenile Court is to order the youth, upon findings of CVC 23152 or CVC 23153, to participate in the entitled program. It is ordered upon consent of the youth and parents, and upon the recommendation of the DPO. If the youth and parent decline participation in the program or if the DPO believes it would not be appropriate, an alternative disposition is generally recommended in lieu thereof. An appropriate sample recommendation has been added to the attachment to this PMI. (CVC 23509)

(2) Alcohol and Controlled Substances

Upon conviction of any of the following law violations, the Court shall suspend or delay issuance of the youth's drivers' license (CVC 13202.5):

(a) Business and Professions (B&P) Code

25658	Sale of Alcohol to Minor
25658.5	Attempt to Purchase Alcohol
25661	False Evidence of Age
25662	Possession of Alcohol

(b) Health and Safety (H&S) Code

11000-11651	Inclusive
-------------	-----------

(c) PC

647(f)	Drunk in Public
191.5	Gross Vehicular Manslaughter While Intoxicated
192(c)(3)	Vehicular Manslaughter
192.5(c)(d)	Manslaughter with Boat

(d) CVC

23152	Driving Under the Influence
23153-23229.1	Inclusive
23220	Drinking While Driving
23222	Marijuana or Open Container
23224(a)	Alcohol in Vehicle

(3) Speed Contests (CVC 23109[a])

The DMV will suspend or revoke youth's driving privileges upon receipt of abstracts from courts. If courts do not suspend or revoke, DMV will do so upon receipt of abstract. (CVC 13352[a])

(4) Vehicle Theft

"Upon the recommendation of the Court the department (DMV) shall suspend or revoke the privilege to operate a motor vehicle of any person who has been found guilty of a violation of Section 10851." The DPO may recommend such action to the Court when deemed appropriate. (CVC 13357)

(5) Additional Mandatory Revocations (CVC 13350-13351)

- (a) Hit and run with death or injury
- (b) Vehicle used in commission of felony
- (c) Reckless driving causing injury
- (d) Manslaughter caused by vehicle operation
- (e) Other mandatory and optional actions

(6) Additional mandatory actions and optional actions to be taken by the Court or by the DMV are found in CVC 13200-13556.

5. Terminal Dispositions

Refer to PMIs 2-6-006 (Terminating Juvenile Supervision) and 2-6-013 (Juvenile Administrative Caseload.) A terminal disposition is usually recommended when a youth is approaching their 18th birthday and/or when continued supervision by the Probation Department would be unnecessary. It is used when wardship is to be dismissed upon completion of specified conditions of probation which can include a facility commitment, restitution, counseling, voluntary community service, or other differential programs.

C. Suitability Hearings

Refer to PMI 2-5-004 (Juvenile Court Suitability Investigation and Report Pursuant to WIC 707) for age restrictions, information and decision-making criteria concerning hearings pursuant to WIC 707(a), 707(b) and 707(c). Under specific criteria, the District Attorney or other appropriate prosecuting officer may make a motion to transfer the youth to a court of criminal jurisdiction.

1. The motion to transfer the youth from juvenile court to a court of criminal jurisdiction must be made prior to the attachment of jeopardy. In juvenile court, jeopardy generally begins when the court first hears evidence.
2. The burden of proof that there should be a transfer of jurisdiction to a court of criminal jurisdiction is on the petitioner (**e.g.**, district attorney), by a preponderance of evidence.
3. Upon such motion, the juvenile court shall order the DPO to submit a report on the behavioral patterns and social history of the youth. The report must

include information relevant to the determination of whether the youth should be retained under the jurisdiction of the juvenile court or transferred to the jurisdiction of the criminal court, including information regarding all of the criteria in section WIC 707(a)(2). The report must also include any written or oral statement offered by the victim.

D. Transfers In/Out

Procedures for transfer of cases into and out of Orange County are addressed in PMI 2-5-005 (Inter-County Transfers of Wardship Jurisdiction). Juvenile proceedings can be transferred between California counties but not between states. Interstate needs are generally met through the offices of the Interstate Compact as outlined in PMI 2-6-005 (Interstate Compact for Juveniles [Out-of-State Courtesy Supervision] Rules of Interstate Compact for Juveniles).

1. If no disposition has been made in the sending county, the receiving county may employ the recommendations listed in Section II.B. above, as appropriate.
2. If a disposition order has been made in the sending county, the receiving county may not impose another disposition or add to the existing disposition without filing an appropriate petition.
3. The receiving county always recommends that the Court accept the transfer of the case from the sending county. If the receiving county is not, in fact, the county of residence, it may then transfer the case to such county.

REFERENCES:

Procedures:	2-1-207	Juvenile Restitution and Other Financial Obligations	
	2-5-001	241.1 WIC Joint Assessment Procedure and Probation Officer's 241.1 WIC Report to the Juvenile Court	
	2-5-002	Probation Officer's Report to the Juvenile Court	
	2-5-004	Juvenile Court Suitability Investigation and Report Pursuant to WIC 707	
	2-5-005	Intercounty Transfers of Wardship Jurisdiction	
	2-5-006	Juvenile Commitments to the California Department of Corrections and Rehabilitation, Division of Juvenile Justice (DJJ)	
	2-6-001	Terms and Conditions of Probation-Juvenile (Indoctrination)	
	2-6-005	Interstate Compact for Juveniles (Out-of-State Courtesy Supervision) Rules of Interstate Compact for Juveniles	
	2-6-006	Terminating Juvenile Supervision	
	2-6-013	Juvenile Administrative Caseload	
	2-6-201	Juvenile Placement Referral Process	
	Policy:	E-7	Restitution

Attachment

C. Ronald

APPROVED BY:

November 2020

LEAD IN

1. Court Ordered WIC 654.2 - Informal Probation - Use if findings have not been made

In view of the foregoing, it is respectfully recommended that with the consent of the youth and (parents/mother/father/guardian), the youth be placed on a program of informal probation pursuant to the provisions WIC 654.2 for a period not to exceed six months. It is further recommended that the youth be directed to obey the usual terms and conditions of probation and to comply with the following additional specific program:

Optional Recommendations:

- a. Participate in a program of therapy or counseling and furnish proof of compliance as directed by the probation officer.
- b. Complete (_____) hours of community volunteer service and provide proof of compliance as directed by the probation officer.
- c. Contribute (\$_____) to a bona fide charity and provide proof to the probation officer of said contribution.
- d. Complete a (legal awareness/substance abuse) education program and provide verification thereof as directed by the probation officer.
- e. Pay restitution as determined by Court, subject to a restitution hearing if youth requests.

Mandatory Recommendation:

Mandatory as last paragraph of WIC 654 recommendation

- f. It is further recommended that the matter be continued to (date – 6 months from court date) and that all parties be ordered to return to court on that date.

2. Court Ordered WIC 725(a) - Informal Probation

In view of the foregoing, it is respectfully recommended that the youth be placed on a program of non ward probation pursuant to the provisions of WIC 725(a) for a period not to exceed six months. It is further recommended that the youth be directed to obey the usual terms and conditions of probation and to comply with the following additional specific program:

Optional Recommendations 13 to 43:

Please review the below Terms and Conditions 13 to 43 and select those optional recommendations that are relevant and applicable to the youth's case, the alleged offense, and WIC 725(a).

NOTE: You may recommend any other conditions consistent with the needs of the youth and the factors which led to their conduct. Commitments are not an option as they are reserved for wards only.

Mandatory Recommendation:

- a. Mandatory as last paragraph of WIC 725(a) recommendation It is further recommended that the matter be continued to (date – 6 months from court date) and that all parties be ordered to return to court on that date.

3. Court Ordered Deferred Entry of Judgment (DEJ) pursuant to WIC 790

In view of the foregoing, it is respectfully recommended that the youth be placed on a program of Deferred Entry of Judgment (DEJ) pursuant to WIC 790 for a minimum period of 12 months or as long as 36 months from the date of the youth's referral to the program. It is further recommended that the youth be directed to obey the usual terms and conditions of probation and to comply with the following additional specific program:

Mandatory Recommendation: (pursuant to California Rules of Court Rule 5.800 [Deferred entry of judgment])

- a. Submit your person, residence, and property to search and seizure by any peace/probation officer/school official any time of day or night, with or without a warrant, probable cause or reasonable suspicion.

Optional Recommendations 13 to 43:

- b. Please review the below Terms and Conditions 13 to 43 and select those optional recommendations that are relevant and applicable to the youth's case, the alleged offense, and WIC 790.

NOTE: You may recommend any other conditions consistent with the needs of the youth and the factors which led to their conduct. Commitments are not an option as they are reserved for wards only.

Mandatory as last paragraph of DEJ recommendation:

- c. It is further recommended that the matter be continued to (date – 12 months from court date) and that all parties be ordered to return to court on that date.

- d. DEJ Progress Review/Dismissal Hearing:

1. Favorable Progress Recommendation should read:

"In view of the foregoing, it is respectfully recommended that the Court find the youth has complied with the terms and conditions of Deferred Entry of Judgment. Further, that Petition _____ dated _____ be dismissed as to all counts, pursuant to WIC 790; and, pursuant to WIC 793, that the arrest be deemed never to have occurred and all records relative to the offense be sealed."

2. Poor Progress on DEJ/ further supervision – warranted.

In view of the foregoing, it is respectfully recommended that:

- i. the matter be continued to _____ for further Progress Review/ Dispositional hearing.
- ii. the youth be (declared/continued) a ward of the Court under WIC 602 and be released to and remain in the custody of the (parents/mother/father/guardian) under the (usual/prior) terms and conditions of probation. Further, that the youth
- iii. provide buccal swab, fingerprints, palm prints, blood specimen, or other biological samples pursuant to PC 296.
- iv. pay a restitution fine through the Probation Officer in the amount of _____, per WIC 730.6.

(NOTE: Include any additional terms and conditions as appropriate.)

Declare a Ward or Continued Ward

4. In view of the foregoing, it is respectfully recommended that ...
(Specify Number of Misdemeanors and Felonies Necessary for Clarity)
5. ... the youth be (declared/continued) a ward of the Court under WIC 602.
6. ... the matter be continued (a. an appropriate period of time) (b. to a specific date) for preparation of a (_____) report.
7. ... and be released to and remain in the custody of the (parents/mother/father/guardian) under the (usual/prior) terms and conditions of probation.
8. ... and be released on their own recognizance under the (usual/prior) terms and conditions of probation.

TRANSFER IN

9. a. ... the Court accept transfer of proceedings from (_____) County and the youth be (declared/continued) a ward of this Court under Welfare and Institutions Code 602 ...
b. ... and be released to and remain in the custody of the (parents/mother/father/guardian) under the (usual/prior) terms and conditions of probation.
c. ... the Court accept transfer of proceedings from (_____) County and find the youth's legal residence is not in Orange County and that proceedings be (returned/transferred) (_____) County.
10. DEJ (Deferred Entry of Judgment) on Acceptance of Transfer Matters
 - a. It is respectfully recommended that the Court accept transfer of proceedings from (____) County and the youth be ordered continued placed on a program of Deferred Entry of Judgment (DEJ) pursuant to Welfare and Institutions Code 790 for a minimum of 12 months or as long as 36 months from the date of the youth's

referral to the program.

- b. Mandatory as last paragraph for DEJ Acceptance of Transfer Matters

It is further recommended that the matter be continued to (date – 12 months from date of the initial DEJ order) and that all parties be ordered to return to court on that date.

TRANSFER OUT

11. a. ... the youth's legal residence be found to be (county of residence) County and (proceedings/wardship and proceedings) be transferred to that county (for disposition/for supervision/upon completion of _____) ...
- b. ... with the youth released to their (parents/mother/father/guardian) pending further hearing.
- c. ... with the youth detained at Juvenile Hall pending transportation, in custody, with a transportation review set for (date – 14 calendar days from date of hearing).

LOCAL COMMITMENTS

12. a. ... and that for the welfare of the youth, custody be taken from the (parents/mother/father/guardian) and the youth be committed to the care, custody, and control of the Orange County Probation Officer for commitment to an appropriate facility for (____) days; location to be determined after assessment of youth; youth to be detained at the Orange County Juvenile Hall pending delivery to said facility. At termination of commitment, youth to be released to and remain in the custody of (parents/mother/father/guardian) under the (usual/prior) terms and conditions of probation.
- b. Consecutive to present commitment - any number of days
- ... and that for the welfare of the youth, custody be taken from the (parents/mother/father/guardian) and the youth be committed to the care, custody, and control of the Orange County Probation Officer for commitment to an appropriate facility for (____) days, consecutive to present commitment, and that all prior orders of the Court remain in full force and effect.
- c. Youth Has Reached Age 18
- ... and that for the welfare of the youth, custody be taken from the (parents/mother/father/guardian) and the youth be committed to the care, custody, and control of the Orange County Probation Officer for commitment to an appropriate facility for (____) days; location to be determined after assessment of youth; youth to be detained at an appropriate facility and ordered to obey all institutional rules of conduct. At the termination of (their) commitment, youth to be released on (their) own recognizance under the usual/prior terms and conditions of probation.
- d. Youth has reached Age 18 with Terminal Dispo

...and that for the welfare of the youth, custody be taken from the (parents/mother/father/guardian) and the youth be committed to the care, custody, and control of the Orange County Probation Officer for commitment to an appropriate facility for (____) days; location to be determined after assessment of youth; youth to be detained at an appropriate facility and ordered to obey all **facility** rules of conduct. At the termination of (their) commitment youth to be released on their own recognizance.

Further, that wardship jurisdiction be terminated.

TERMS AND CONDITIONS

13. It is further recommended **that the Court note for the record whether the notice and appearance requirements set forth in WIC 730.7(b)(5) were met and** that the youth be ordered to abide by the following specific terms and conditions of probation:

- a. Obey all laws, orders of the Court, rules of Probation and any facility.
- b. Report to Probation as directed.

14. Restitution/Fines

Pursuant to WIC 730.7 (b)(5), in cases where the youth is ordered to make restitution to the victim(s) and parent is jointly and severally liable with the youth for the amount of restitution ordered in accordance with Civil Code 1714.1 and 1714.3 and given notice by the Court:

- a. Restitution Fine – mandatory in all 602 cases

Pay a restitution fine through the probation officer in the amount of (up to \$100 – misdemeanor/not less than \$100 and up to \$1,000 – felony), pursuant to WIC 730.6.

- b. Restitution - amount not verified (For DJJ cases, see **#50**)

Pay restitution as set by the Court and directed by Probation, subject to a restitution hearing.

- c. Restitution - amount/terms verified (For DJJ cases, see **#50**)

Pay restitution through the probation officer in the amount of (\$_____) to (victim's names:_____).

15. Alcohol and Drugs/Testing

- a. Do not knowingly use, possess, sell, or be under the influence of alcohol, illegal drugs, narcotics, or controlled substances. Do not knowingly possess controlled substance paraphernalia as defined in Health and Safety Code 11364.5
- b. Do not knowingly use, possess, sell, or be under the influence of alcohol, illegal drugs, narcotics, or controlled substances. Do not knowingly possess controlled substance paraphernalia as defined in Health and Safety Code 11364.5. Submit to alcohol/drug testing as directed by the Court/probation or peace officer. Failure

to test will be considered a positive test.

- c. Complete any class, program of counseling, or other drug program as directed by the Court through the probation officer concerning the following: _____ . Provide proof of compliance.

16. Associates

- a. Do not associate with anyone disapproved of by the Court, parent/guardian, or probation officer.
- b. Do not associate with anyone who is a member of a statutorily defined criminal street gang, who is a member of a tagging crew, and/or is on probation, parole, Mandatory Supervision, or Post Release Community Supervision except with prior approval of the probation officer.
- c. Do not associate with
- (1. any known gang members of _____ gang)
(2. Specific names: _____)
- d. Do not be in an area known, or informed by probation officer, that members of a statutorily defined criminal street gang congregate.
- e. Do not associate with anyone who is possessing, selling, using, or under the influence of illegal or illegally obtained alcohol, drugs, or narcotics.

17. Burglary Tools

- a. Possess no burglary tools of any type.
- b. Do not possess any device known to be an auto theft or burglary tool or remain in the presence of anyone known to possess said devices. This includes any master key, shaved key, lock pick, dent puller, slide hammer, or "slim jim." Further, do not possess any device which the probation officer advises is considered to be a burglary tool.

18. Checks/Credit Card Forgery/Fraud

Have no blank checks in possession, nor write any portion of any check, nor have a checking account, nor use or possess credit cards or open credit accounts unless approved by the probation officer.

19. Volunteer Community Service

Complete (_____) hours of volunteer community service and provide proof of compliance as directed by the probation officer.

20. Computer Crimes

When requesting a-g, ensure that there is a nexus to the offense for which they are being requested.

- a. Do not possess or access any modem or device allowing a computer to connect to another computer or network without permission of the probation officer.
- b. Do not have any encrypted files, including any steganographic, or otherwise secured files.
- c. Do not use a computer, unless supervised by a responsible adult over the age of 21.
- d. Do not use a computer for any purposes other than school related assignments, and only in the common area of their residence or in a supervised school setting.
- e. Do not subscribe to or have access to any form of on-line Internet services, without permission of the probation officer and in conjunction with any restriction(s) as determined by the probation officer.
- f. Do not password protect any file or computer the youth uses.
- g. Do not participate in any chat rooms, email, engage in instant messaging, ICQ, social media, or other similar communication programs.

(NOTE: Steganographic files are those described as hidden inside another. For example, a pedophile could hide a pornographic picture inside a picture of a sailboat.)

21. Counseling

- a. Participate in a class or program of therapy or counseling and furnish proof of compliance as directed by the probation officer.
- b. Participate in a program of
 - (1. drug)
 - (2. alcohol)
 - (3. drug and alcohol)
 - (4. anger management)
 - (5. family)
 - (6. Other – specify _____)therapy or counseling and furnish proof of compliance as directed by the probation officer.
- c. Parents to participate in anti-gang violence parenting class pursuant to WIC 727.7.
- d. Should it be determined the youth has been prescribed and is currently taking psychotropic medications, it is further recommended the Court order the youth to continue with their course of psychotropic medications until changed by medical personnel.

22. Curfew

Do not be out of your residence between the hours of 10:00 p.m. and 6:00 a.m., unless accompanied by a parent or guardian, or with prior approval from probation officer, seven days a week.

23. Domestic Violence

- a. Do not use force, threats, nor violence on any person defined in FC 6211, whether residing in the home or elsewhere.
- b. Participate in an approved domestic violence/batterer's treatment program or counseling as directed by the probation officer and furnish proof of compliance.

24. DNA Testing

Provide buccal swab, fingerprints, palm prints, blood specimen, or other biological samples pursuant to PC 296.

25. Driver's License Suspension

Mandatory for all findings of violations of B&P Code Sections 4211 to 4242, 25658, 25658.5, 25661, 25662; H&S Code Sections 11000 to 11651; PC 647(f), 191.5, 192(c)(3), 192.5(c)(d);

CVC 23103 when subject to 23103.5; 23140; 13351; and CVC 23152 through 23229.1, pursuant to Section 13202.5 CVC.

a. Unlicensed Driver – Under age 16

The Court order the Department of Motor Vehicles to delay issuing a driver's license to the youth for 365 days from the date the youth becomes legally eligible to drive, pursuant to **CVC** (_____). DPO - Please dictate Vehicle Code Section Number.

1. 13202.5 (WIC 11000 – 11651, inclusive)
2. 13202.4 (Offenses relating to the use of a weapon)
3. 13202.6 (Offenses relating to graffiti)
4. 13202.7 (Offenses relating to truancy)
5. 13350 (Offenses relating to hit & run – CVC 20001)
- " " (or a felony where a motor vehicle is used)
- " " (or reckless driving with bodily injury)
- " " (or speeding – CVC 23152 or 23153)
6. 13351.5 (Offenses relating to use of a vehicle as a deadly weapon)
7. 13352 (Offenses relating to being under the influence)
8. 13357 (Offenses relating to auto theft - includes CVC 10851)

b. Licensed Driver

Youth's driver's license is suspended for 365 days from the date of adjudication. Surrender all driver's licenses to the Court for forwarding, with an abstract, to the Department of Motor Vehicles, pursuant to **CVC** (_____). DPO - Please dictate **CVC** Section Number.

1. 13202.5 (11000 – 11651 WIC, inclusive)
2. 13202.4 (Offenses relating to the use of a weapon)
3. 13202.6 (Offenses relating to graffiti)
4. 13202.7 (Offenses relating to truancy)

5. 13350 (Offenses relating to hit & run – CVC 20001)
" " (or a felony where a motor vehicle is used)
" " (or reckless driving with bodily injury)
" " (or speeding – CVC 23152 or 23153)
6. 13351.5 (Offenses relating to the use of a vehicle as a deadly weapon)
7. 13352 (Offenses relating to being under the influence)
8. 13357 (Offenses relating to auto theft - includes CVC 10851)

26. DUI

- a. Youth Drug and Alcohol Deterrence Program

Pursuant to CVC 23520, participate in the Youth Drug and Alcohol Deterrence Program and provide proof of completion to the probation officer within 120 days. Do not drink any alcoholic beverage at all before reaching the age of 21 years.

- b. First DUI Offense

Since this is the youth's first violation of Section (CVC 23152/CVC 23153), youth to successfully complete a Court-approved Juvenile First Offender Drinking Driving Education program within 90 days; costs to be paid by youth's parents.

27. Employment

Seek and maintain suitable employment or vocational training and provide proof of employment/enrollment and attendance, as directed by the probation officer.

28. Essay/Letter of Apology

- a. Write a (_____) word essay on (_____) or letter of apology as directed by the probation officer.
- b. **Write a letter of apology as directed by the probation officer.**

29. Gang Terms

- a. Obey all gang terms and conditions of probation.
- b. Do not be in any area known, or that probation officer informs, is a gang gathering area of the (_____) gang.
- c. Do not to be in the area of (_____- streets, area, or boundaries of gang territory).
- d. Do not associate with any person known to be a member of the (_____) gang. Further, do not associate with anyone who the probation officer informs is a member of that gang.
- e. Do not associate with the following individual(s): (_____).
- f. Do not be in any vehicle known to contain illegal, dangerous or deadly weapon(s), replica weapon(s), or ammunition. Further, do not be in any vehicle where an occupant is known to be in possession of an illegal, dangerous or deadly weapon, replica weapon, or ammunition.

- g. Do not remain in any vehicle, either as a passenger or driver, that is known to be stolen.
- h. Do not possess any device known to be an auto theft or burglary tool or remain in the presence of anyone known to possess said devices. This includes any master key, shaved key, lock pick, dent puller, slide hammer, or "slim jim." Further, do not possess any device which the probation officer advises is considered to be a burglary tool.
- i. Do not be present at any court proceeding or at any courthouse building, including the lobby, hallway, courtroom, or parking lot that is known or should be reasonably known to involve either criminal street gang charges or a person associated with a criminal street gang (as defined in PC 186.22) as a member or witness, unless scheduled for a court hearing as a party, defendant, or subpoenaed as a witness to a court proceeding, or with the express permission of probation officer, or have other lawful business with the court or county administration.
- j. Do not be on any school campus where not enrolled without the permission of the school administrator or probation officer.
- k. Do not wear, display, use, or possess any graffiti, insignia, emblem, button, badge, cap, hat, scarf, bandana, footwear, jewelry, or any other article of clothing, or clothing accessories known or should be reasonably known is evidence of affiliation with or membership in the (_____) criminal street gang (as defined by PC 186.22) or affiliation with any negative subculture.
- l. Do not knowingly possess any item known to indicate membership in or affiliation with a criminal street gang (as defined by PC 186.22).
- m. m. Register with the chief of police in the city of residence, or the sheriff of the county of residence in an unincorporated area, within 10 days of imposition of term or 10 days of release from custody, whichever comes first, pursuant to PC 186.30. Submit a copy of terms and conditions of probation at the time of registration. Submit to any photographing and/or fingerprinting if requested to do so by the police agency.

30. Graffiti

Do not knowingly use or possess any item for the purpose of defacing any property (including aerosol container, spray paint, felt tip marker/pen, inscribing devices, or any other implement that is capable of defacing property, unless under the direct supervision of a parent/guardian, employer, or school official. **Do not assist others in application of graffiti or knowingly associate with others while engaging in graffiti.**

31. Incendiaries

Neither use nor possess any incendiary devices.

32. Legal Awareness Program

Complete a legal awareness education program and provide proof of compliance as directed by the probation officer.

33. Psychological Testing/CEGU

It is further recommended the Court authorize the Clinical Evaluation and Guidance Unit to provide the youth with counseling as needed.

34. Residence

- a. Maintain a residence approved by the probation officer.
- b. Notify the probation officer of current address and telephone number; report any changes within 48 hours.
- c. Do not leave the state of California without prior permission from the probation officer.
- d. Do not abscond wardship.
- e. Do not remain away from home overnight without permission of parent/guardian or probation officer.
- f. Do not live with anyone disapproved of by your probation officer or parents or guardian.

35. School

- a. Attend a school/program approved by Probation without unexcused absence. Report any absence to Probation by 10:00 a.m. same day or within 30 minutes of any class not attended.
- b. Participate in any educational program as directed by the probation officer.
- c. Obey all school rules.
- d. Do not to be on any school campus where not enrolled without permission of the school administration.
- e. SCHOOL NOTICE – Mandatory, if enrolled in school, for all WIC 707(b) offenses and serious drug offenses

"It is further recommended that the Court direct the probation officer to give written notice to the Superintendent of (_____) School District, pursuant to **WIC** 827(b)(2), that the youth has committed the offense of (_____)."

36. Search and Seizure

Submit person, residence, and property to search and seizure by any peace officer/probation officer/authorized school official at any time of day or night, with or without a warrant, probable cause, or reasonable suspicion.

37. SEX OFFENDER/AIDS TESTING

NOTE: Recommendation 50a. testing condition is mandatory for all **youth** adjudicated

pursuant to WIC 601 and WIC 602 as provided in WIC 725 for violation of a sexual offense listed in **WIC** 1202.1 (e) as listed below:

- Rape in violation of PC 261 or PC 264.1.
- Unlawful intercourse with a person under 18 years of age in violation of PC 261.5 or PC 266c.
- Rape of a spouse in violation of PC 262 or PC 264.1.
- Sodomy in violation of PC 266c or PC 286.
- Oral copulation in violation of PC 266c or PC 287, of former PC 288a.

Any of the following offenses if the Court finds there is probable cause to believe that blood, semen, or any other bodily fluid capable of transmitting HIV has been transferred from the youth to the victim:

- Sexual penetration in violation of PC 264.1, PC 266c, or PC 289.
- Aggravated sexual assault of a child in violation of PC 288.
- Lewd or lascivious conduct with a child in violation of PC 288
- Continuous sexual abuse of a child in violation of PC 288.5.
- The attempt to commit any offense described in the four above bullets, inclusive.

- a. Submit to blood testing for AIDS within 180 days of adjudication pursuant to PC 1202.1 if the Court finds there is probable cause to believe blood, semen, or any other bodily fluid capable of transmitting HIV has been transferred from the youth to the victim and provide proof of testing to the probation officer as directed.

In addition to other terms and conditions of probation, the following specific conditions may be recommended if they are relevant to the case:

- b. Residence is subject to approval by the probation officer. Roommates are also subject to the approval of the probation officer.
- c. Not to reside in the home with the victim unless the **youth** has written approval of their therapist, the victim's therapist, the Court, and the probation officer.
- d. Have no contact with the victim without the written approval of their therapist, the victim's therapist, the probation officer, and consent of the Court.
- e. Enroll in and complete a sex offender program as directed and approved by the probation officer; cooperate with said treatment program and obey all guidelines as directed by the program provider/therapist, including all assessment or testing, regular attendance, and active participation in any group or individual therapy sessions.
- f. Do not change treatment programs or therapists, without prior approval of the probation officer.
- g. Do not contact or attempt to contact the victim(s) in any manner whatsoever, including but not limited to any written correspondence, telephone contact, communication through a third party, or any face-to-face contact. You are not to enter onto the premises, travel past or loiter near where the victim(s) resides, attends school, or is employed.

- h. Do not associate with any youth under the age of (____) years, without prior approval of the probation officer, or frequent any place where such youths congregate, including but not limited to: schoolyards, amusement parks, playgrounds, arcades, concerts, public swimming pools, movie theaters, sport leagues, or scouting programs, unless in the company of a responsible adult who is approved of by the probation officer.
- i. Do not access, use, or possess any sexually explicit material, including but not limited to CDs, DVDs, videocassettes, digital, on-line sites, internet, magazines, pictures, letters, or drawings, which depict or describe any sexual act or nudity.
- j. Do not engage in any volunteer work or employment without prior approval of the probation officer.
- k. Not be on any school grounds, unless enrolled as a student and during regular school hours, unless authorized by the probation officer.
- l. Do not use force, threats, or violence on another person.
- m. Enroll in and complete an AIDS Education Program as directed by the probation officer.
- n. The youth is prohibited from accessing sexually explicit phone services or subscribers, and parents may be required to provide Probation with copies of phone bills.

SEX OFFENDER COMPUTER CONDITIONS:

- o. Do not use a computer, unless supervised by a responsible adult over the age of 21.
- p. Not use a computer for any purposes other than school related assignments, and only in the common area of their residence or in a supervised school setting.

Do not subscribe to or have access to any form of on-line Internet service, without permission of the probation officer and in conjunction with any restriction(s) as determined by the probation officer.
- q. Not to password protect any file or computer the youth uses.
- r. Do not participate in any chat rooms, email, engage in instant messaging, social media or other similar communication programs.
- s. Do not possess any pornographic material, including computer files and disks, nor frequent any area of pornographic activity.
- t. Do not access any adult sexually explicit website.
- u. Do not frequent any establishment where sexually explicit movies, videos, materials, or devices are viewed or sold.
- v. Do not possess or access any modem or device allowing a computer to connect to another computer or network without permission of the probation officer.

- w. Do not have any encrypted files, including any steganographic, hidden/encrypted, or otherwise secured files.

(Note: Steganographic files are when someone hides one file inside another. For example, a pedophile could hide a pornographic picture inside a picture of a sailboat.)

38. Terminations

"In view of the foregoing, it is respectfully recommended that wardship and all proceedings be terminated.....

- a. forthwith."
- b. upon (a. completion of _____) (b. on _____)."

39. Vehicle Theft

Do not occupy any vehicle known or suspected to be stolen.

40. Victim

- a. Do not contact directly or through others the victims and witnesses of any of the offenses that are the subject of this disposition.
- b. Stay away from the victim and any member of their family; have no contact by any means or manner or through any third party. Stay 100 yards away from the victim's home, place of business, and school.
- c. Stay away from _____.
- d. Have only peaceful contact with victims and/or witnesses, which means not threatening, injuring, intimidating, attacking, battering, assaulting, stalking, damaging, or destroying the personal property, or blocking the movements of the victims and/or witnesses.

41. Violent offenses

Do not use force, threats, or violence on another person.

42. Weapons

- a. For other appropriate cases not involving WIC 707(b) offenses:
Neither use nor possess any firearms, weapons, or weapon replicas.
- b. Do not knowingly be in the possession of any weapon that is illegal or dangerous or deadly, or knowingly be in the presence of any illegally armed person.
- c. Mandatory when wardship is recommended for any person committing a WIC 707(b) offense:

Not have in their possession or under their custody or control, any firearm, pursuant to PC 12021(e), nor use or possess any other weapons or weapon replicas.

43. Prior Terms

All prior terms/conditions of probation not in conflict with these terms and conditions to remain in full force and effect.

44. INTERSTATE COMPACT

It is further recommended that the youth be authorized to travel to _____ (state) to reside and supervision of the youth be provided by _____ (state) via Interstate Compact.

- DO NOT recommend a Relief of Supervision.
- Forms to be signed by **youth** and parents prior to hearing whenever possible.

45. TERMINAL DISPO/NO SUPERVISION

- a. It is further recommended that the probation officer be relieved of supervision of the youth per WIC 727(a), except to monitor compliance with Court orders, and that upon compliance with Court orders, wardship jurisdiction be terminated.
- b. It is further recommended that the probation officer be relieved of supervision of the youth per WIC 727(a), except to monitor compliance with Court orders, and that wardship terminate on (date) if there are no intervening violations of the law or of the terms of probation.

46. AMEND PETITION/RECORD

It is further recommended that the (petition/record) be amended to reflect (_____).

SUITABILITY HEARINGS PER WIC 707

47. Suitable

In view of the foregoing, it is respectfully recommended that the Court find the youth to be a fit and proper subject for Juvenile Court proceedings.

NOTE: RECOMMENDATION NO. 61 TO DETAIN YOUTH AT ORANGE COUNTY JAIL CANNOT BE MADE ON WIC 707(A) CASES NOR ANY FITNESS HEARING REGARDING A FEMALE YOUTH. A JUVENILE HALL ADJUSTMENT SECTION MUST BE INCLUDED.

(Use 51b or c. when youth is 18 years old or older on scheduled date of WIC 707 Hearing.)

48. Not Suitable

In view of the foregoing, it is respectfully recommended that the Court find the youth not to be a suitable and proper subject to be dealt with under the Juvenile Court law, that the

District Attorney be requested to file an accusatory pleading against the youth in a court of criminal jurisdiction per WIC 707, and that the youth be ordered detained at an appropriate facility.

49. DIVISION OF JUVENILE JUSTICE (DJJ)

a. New Case

Further, that pursuant to **WIC 734**, the Court find that the youth's mental and physical condition and qualifications render it probable the youth will benefit from the reformatory, educational, disciplinary, or other treatment resources provided by the Division of Juvenile Justice, Further, that for the welfare of the youth, custody be taken from the (parents/mother/father/guardian) and the youth be committed to the Division of Juvenile Justice and detained at an appropriate facility pending delivery to the Division of Juvenile Justice, said youth's physical confinement is not to exceed the maximum period of imprisonment which could be imposed upon an adult convicted of the offense which brings the youth under the jurisdiction of the Juvenile Court. Further, that pursuant to **WIC 797(b)**, the matter be calendared for review on (date – 14 days).

b. Active Case

Further, that pursuant to **WIC 734**, the Court find that the youth's mental and physical condition and qualifications render it probable the youth will benefit from the reformatory, educational, disciplinary, or other treatment resources provided by the Division of Juvenile Justice. Further, that said youth has been tried on probation in the custody of the (parents/mother/father/guardian) and failed to reform and that custody be taken from the (parents/mother/father/guardian) and the youth be committed to the Division of Juvenile Justice and detained at an appropriate facility pending delivery to the Division of Juvenile Justice, said youth's physical confinement is not to exceed the maximum period of imprisonment which could be imposed upon an adult convicted of the offense which continues the youth under the jurisdiction of the Juvenile Court. Further, that pursuant to **WIC 737(b)**, the matter be calendared for review on (date – 14 days)

50. RESTITUTION – DJJ CASES

(When a youth is committed to DJJ, order restitution to be paid directly to a victim for an economic loss. Note: Record the mailing address of each victim on a sheet marked "Confidential" and place in an envelope marked "Confidential" (one for the Court and one for the Probation file) for transmittal with commitment documents.)

- a. Restitution Fine – mandatory in all 602 cases.
Pay a restitution fine in the amount of (up to \$100 – misdemeanor/not less than \$100 and up to \$1,000 – felony), per WIC 730.6.

Per WIC 730.6,

- b. The youth pay (\$_____) restitution to victim (victim's name), to be collected by the Division of Juvenile Justice as provided by law.
- c. The youth pay all restitution/fine(s) previously ordered by the Court, to be collected by the Division of Juvenile Justice as provided by law.

- d. The youth pay (\$_____) restitution to victim (*victim's name*) and pay all restitution /fine(s) previously ordered by the Court, to be collected by the Division of Juvenile Justice as provided by law.

51. Individual Education Program (IEP) - mandatory with any recommendation for DJJ

Further, that pursuant to WIC 1742, the Court find that the:

- a. The youth has been identified as or may be an individual with exceptional educational needs.
- b. The youth has not been identified as an individual with exceptional educational needs.
- c. The youth's educational records do not indicate that a determination has been made that this is an individual with exceptional educational needs.

52. Psychotropic Medication: Mandatory when youth is prescribed psychotropic medication, include with recommendation for DJJ.

Further, should it be determined the youth has been prescribed and is currently taking psychotropic medication(s), that the medication(s) continue for 60 days or until changed by medical personnel at the facility.

JUVENILE PLACEMENT

I. PLACEMENT

Choose P1 or P2 in cases which do not involve a **facility** commitment prior to placement.

Use if Findings Pending
(Specify Number of Misdemeanors and Felonies Necessary for Clarity)

- P1. In view of the foregoing, if the allegations of the petition are sustained and the Court finds the matter to be a (*misdemeanor/felony*) it is respectfully recommended that the youth be (*declared/continued*) a ward of the Juvenile Court under **WIC** 602; and that:

Use if Findings Made
(Specify Number of Misdemeanors and Felonies Necessary for Clarity)

- P2. In view of the foregoing and in that the allegations of the petition have been sustained and the Court has found the matter to be a (*misdemeanor/felony*), it is respectfully recommended that the youth be (*declared/continued*) a ward of the Juvenile Court under **WIC** 602; and that:

In view of the foregoing and in that the probation violation is found to be true, it is respectfully recommended that the youth be continued a ward of the Juvenile Court under **WIC** 602; and that:

Use in All Placement Orders if Using P1 or P2

- P3. THE COURT FINDS:

Remaining in the home of parent/relative/guardian would be contrary to the welfare of the youth;

Reasonable efforts have been made to prevent or eliminate the need for the removal of the youth from the home, and to make it possible for the **youth** to return home.

THE COURT ORDERS:

Custody (be/remain) taken from the (parents/mother/father/guardian);

Custody (be/remain) vested in the probation officer for suitable placement;

County of Orange pay the prevailing rate for the youth's support and maintenance while in placement;

Probation officer be authorized to sign medical consent on **youth's** behalf, bill and accept funds from (parents/mother/father/guardian) for all expenditures incurred;

The youth be authorized to travel out of state with caretakers and further authorizes caretakers to sign medical consents on youth's behalf during such travel; (Parents/mother/father/guardian) advised that if youth is not placed back in home of (parents/mother/father/guardian) within one year, Court may consider terminating parental rights;

The youth remain in residence where placed and comply with the reasonable and proper rules of the placement resource until directed otherwise by the probation officer or the Court;

(Parents/mother/father/guardian) cooperate with probation officer and placement personnel to develop a family reunification plan;

The youth be detained pending placement, and per **WIC 737(b)**, the matter be calendared for review on (15 days from court date) and for six-month placement review on (6 months from the detention hearing date which led to suitable placement order).

Optional as Appropriate:

P4. Further, that the Court order the youth to abide by the following terms and conditions of probation:

II. PLACEMENT FOLLOWING FACILITY COMMITMENT

Commitments:

Use P6a. if the petition has been sustained

Use P6b. for preplea, petition not sustained yet

(Specify Number of Misdemeanors and Felonies Necessary for Clarity)

P5. In view of the foregoing (a. and in that the allegations of the petition have been sustained and the Court has found) or (b. if the petition is sustained and the Court finds) the matter to be a misdemeanor/felony, or (c. the probation violation is found to be true) it is respectfully recommended that the youth be (declared/continued) a ward of the Court under **WIC 602** and for the welfare of the youth custody be taken from the

(parents/mother/father/guardian) and the youth be committed to the care, custody, and control of the Orange County probation officer for commitment to an appropriate facility for () days; location to be determined after assessment of youth; youth to be detained at the Orange County Juvenile Hall pending delivery to said facility; and that:

Use P7 in All Placement Cases After P6a or P6b

- P6. The Court order that, at the termination of commitment, custody be vested in the probation officer for suitable placement.

THE COURT FINDS:

Remaining in the home of parent/relative/guardian would be contrary to the welfare of the youth

Reasonable efforts have been made to prevent or eliminate the need for the removal of the youth from the home, and to make it possible for the youth to return home.

THE COURT ORDERS:

Custody (be/remain) taken from the (parents/mother/father/guardian);

Custody (be/remain) vested in the probation officer for suitable placement;

County of Orange pay the prevailing rate for the youth's support and maintenance while in placement;

Probation officer be authorized to sign medical consent on youth's behalf, bill and accept funds from (parents/mother/father/guardian) for all expenditures incurred;

The youth be authorized to travel out of state with caretakers and further authorizes caretakers to sign medical consents on youth's behalf during such travel;

(Parents/mother/father/guardian) advised that if youth is not placed back in home of (parents/mother/father/guardian) within one year, Court may consider terminating parental rights;

The youth remain in residence where placed and comply with the reasonable and proper rules of the placement resource until directed otherwise by the probation officer or the Court;

(Parents/mother/father/guardian) cooperate with probation officer and placement personnel to develop a family reunification plan;

The youth be detained pending placement, and per **WIC 737(b)**, the matter be calendared for review on (15 days from the date of commitment) and for six-month placement review on (6 months from the detention hearing date which led to suitable placement order).

Optional as Appropriate

Use P7. as appropriate. PO to refer to terms and conditions starting at #20

- P7. Further, that the Court note for the record whether the notice and appearance

requirements set forth in **WIC 730.7(b)(5)** were met and that the youth be ordered to abide by the following terms and conditions of probation:

III. RECOMMENDATIONS FOR CASES WITH CURRENT PLACEMENT ORDERS

Use if Findings Pending

(Specify Number of Misdemeanors and Felonies Necessary for Clarity)

- P8. In view of the foregoing, if the allegations of the petition are sustained and the Court finds the matter to be a (misdemeanor/felony), it is respectfully recommended that the youth be continued a ward of the Juvenile Court under **WIC 602**.

Use If Findings Made

(Specify Number of Misdemeanors and Felonies Necessary for Clarity)

- P9. In view of the foregoing and in that the allegations of the petition have been sustained and the Court has found the matter to be a (misdemeanor/felony), it is respectfully recommended that the youth be continued a ward of the Juvenile Court under **WIC 602**.
- P10. Commitments

The Court order that for the welfare of the youth custody be taken from the (parents/mother/father/guardian) and the youth be committed to the care, custody, and control of the Orange County Probation Officer for commitment to an appropriate facility for (_____) days; location to be determined after assessment of youth; youth to be detained at the Orange County Juvenile Hall pending delivery to said facility. At termination of commitment, for the welfare of the youth custody remain vested in the probation officer for suitable placement.

- P11. It is further recommended that all prior terms and conditions of probation remain in full force and effect, including all placement orders.

Use P12. as appropriate. DPO to refer to terms and conditions starting at #20

- P12. Further, that the Court note for the record whether the notice and appearance requirements set forth in **WIC 730.7(b)(5)** were met and that the youth be ordered to abide by the following terms and conditions of probation:

- a) Obey all laws, orders of the Court, rules of Probation and any facility.
- b) Report to Probation as directed.

- P13. Further, it is recommended that the Suitable Placement order dated (_____) be vacated and the youth be released to the custody of the (parents/mother/father/guardian).