

TERMINATING JUVENILE SUPERVISION

- AUTHORITY:** Sections 602, 607, 638, 654, 681, 725(a), 755, 776, and 778, Welfare and Institutions Code (WIC)
Departmental Policy
Internal Memo dated 6/11/20 re: Field Monitored Caseload (Attachment)
- RESCINDS:** Procedure Manual Item 2-6-006, dated 11/23/2021
- FORMS:**
- | | |
|--|----------------------|
| Notice of Your Statutory Rights | (F0182-558) |
| 654/NCID Report | (Automated Word Doc) |
| Petition for Modification – Nonappearance | (Automated Word Doc) |
| Notification of Termination of Proceedings | (Automated Word Doc) |
| Information for Court Officer | (Automated Word Doc) |
| Record Check Request – Juvenile | (Automated/ICMS) |
| Risk/Needs Termination Chrono | (Automated/ICMS) |
| NCID Termination Chrono | (Automated Word Doc) |
- PURPOSE:** To standardize the case factors to be considered before recommending termination of supervision and to provide uniform procedures for terminating the various types of juvenile supervision cases.

I. GENERAL INFORMATION

- A. The primary consideration for termination is that neither the youth nor the community **would benefit** from the continuation of probation supervision services. This denotes:
1. That positive progress has been made, over a significant/acceptable period of time.
 2. There is a certain predictability the future conduct of the youth will not require the services of any juvenile probation supervision program.
- B. **Recommendations for termination of juvenile supervision can be made in Wardship Status Review reports, Progress Review reports, or Petitions for Modification.**
- C. **The plan for termination of supervision** should begin when a case plan is established and continue throughout the **period of** supervision.
1. The intent is to terminate supervision when services no longer provide benefit for the youth, family, or community and when court requirements have been fulfilled.
 2. Neither the Court nor the Probation Department has established official minimum or maximum periods of supervision and must rely heavily on completion of court orders, **reaching case plan goals**, Risk/Need assessments, case dynamics, and the Deputy Probation Officer's (DPO's)

professional judgment for termination of a particular case. Generally, if a youth has not incurred any new law or probation violations within two assessment periods, the case should be evaluated for a request for **wardship** termination or transfer to the Field Monitored DPO or **Administrative Unit** for reduced supervision.

3. When active supervision **is** no longer necessary, the DPO may recommend the Court terminate probation based on the youth's satisfactory completion of supervision or the court may relieve the DPO of supervision.

Wardship supervision should generally last a minimum of six months to one year, with serious felony cases lasting approximately one or more years. However, it is within the DPO's discretion to request termination before these timeframes based on case dynamics or Risk/Needs **assessment** scores.

Relief of supervision cases will be transferred to the Juvenile Administrative Unit. **This** still provides for the extension of wardship should future violations demand a return to court for probation violation proceedings.

Transferring youth to the Field Monitored DPO is an effective method of stepping youth down in their level and intensity of supervision while preparing them for wardship termination. Staff should routinely evaluate the youth on their caseload for eligibility (see attachment 3 for full requirements).

4. When wards of the Juvenile Court are arrested for new law violations after their 18th birthday and the District Attorney determines prosecution is appropriate, these individuals are processed in adult court. If there are no outstanding obligations related to juvenile court orders, termination of wardship should be considered via a petition for modification.
5. A ward placed on formal probation through an Adult Court, who remains on juvenile probation may have substantial commitment time available for dispositional purposes related to probation violations. This category of case should be staffed with the unit supervisor.
6. Wards of the Juvenile Court placed on formal probation by an Adult Court, who have outstanding obligations related to a Juvenile Court order, can have oversight of their cases provided by the Field Monitored (FM) DPO. Specific concerns to be addressed by the assigned FM officer include the following:
 - a. Wards who have an order to complete community service hours, specific counseling programs, etc. will be given reasonable but specific deadlines for meeting those obligations.
 - b. In the absence of extenuating circumstances, wards failing to meet established deadlines for compliance will be returned to Juvenile Court by the FM officer for a Probation Violation Hearing.

- c. In most instances, a recommendation for terminal disposition involving a sanction for noncompliance and termination of wardship will be submitted to the Court.
- D. The factors listed below must be considered before requesting **termination from juvenile** supervision and should be addressed in the Petition for Modification, Progress Review report, or Wardship Status Review report that is submitted to Juvenile Court.
1. Original offense of youth – particularly if involving narcotics, violence, weapons, gang involvement, child molestation, etc.
 2. Compliance with court orders.
 3. **Length** of time since any formal or informal violations as shown by negative CJI, local police department and DMV traffic checks, Probation Department records or officer knowledge.
 4. Input of parents, schools, local police agency and other agencies involved in the youth's supervision program.
 5. **Victim's response and Marcy's Law compliance.**
 6. Financial status – **review the youth's victim** restitution, court ordered **finest/fees**, and other outstanding financial obligations.
 - a. Regardless of the type of case, or the reasons for termination, the Petition for Modification must document any outstanding balance of restitution, restitution fines, fines and any other financial obligations owed by the ward/parent/guardian at the time the Petition for Modification is submitted.
 - b. If recommending termination on a case with an unpaid financial obligation, an Abstract of Judgment is recommended naming the ward as the judgment debtor.
- E. Once the youth's probation **supervision** has been terminated, the assigned DPO will complete a termination **assessment**. The following factors should be considered and/or **noted** in **the** termination **assessment**:
1. Home adjustment
 2. Social adjustment
 3. Personal adjustment
 4. Age
 5. Prognosis
 6. Attitude
 7. Location (out-of-state, out-of-county)

8. Involvement in constructive activity or program, school or employment
 9. Services the youth and/or family was referred to, any that were utilized, and outcome.
- F. Both the DPO and the Juvenile Court have legal discretion in making dispositional decisions for youth supervised by this department. While the categories listed below are the most common, unusual cases may require modification and special handling by the DPO, if appropriate.
- G. With reference to termination procedures, cases can be categorized as follows:
1. Ward
 2. Non-ward supervision (725(a) WIC)
 3. Terminal disposition
 4. Court-ordered supervision (under Section 654 WIC)
 5. Courtesy supervision (interstate and intercounty)
 6. Interested party
 7. District Attorney's Continuance
- H. Generally, supervision of a case should exist in only one category. Therefore, when a change is made in the status of a youth (e.g., 725 to 602 WIC), the prior category should be terminated.

II. CASE CATEGORIES FOR TERMINATION

A. TERMINATION PROCEDURE-WARD

1. Termination Planning
 - a. It is imperative the **assigned** DPO:
 - (1) **Check the** [REDACTED] **screen** to see if any new referrals are pending.
 - (2) Submit an automated Record Check Request and review for information pertaining to the Department of Motor Vehicles, Central Juvenile Index, local police records and the Bureau of Criminal Identification.
 - (3) **Check the youth's** [REDACTED] **screen for any outstanding balances.**
 - (4) **Confirm the completion** of court orders (e.g., DNA collection, VCS **hours**, **DUI programs**, etc.).

- (5) The DPO will confer with the family and the youth regarding the projected timeframes and impact of termination of probation supervision. **The DPO will offer suggestions for resources to be used in the future if additional problems develop in the family.**
- (6) **If there is a victim, the DPO will contact the victim and comply with Marcy's Law.**

2. Petition for Modification and Case Review

a. The DPO will:

- (1) Present the case file and the completed Petition for Modification to the unit supervisor.
- (2) **The Petition for Modification must include** sufficient documentation to support the recommendation for termination of wardship, **a determination that the youth satisfactorily or unsatisfactorily completed probation supervision pursuant to 786 WIC, and compliance with Marcy's Law.**

b. The supervisor will:

- (1) Review the Petition for Modification for accuracy, **content, compliance with Marcy's Law, and soundness of recommendation.**
- (2) Forward the signed/approved Petition for Modification to the Juvenile Clerical Unit's disposition clerk, who will forward it to the Juvenile Court via the designated court officer.

3. Termination of Supervision

a. In addition to the mechanical aspects of case termination, the officer should make a pre-termination contact with the youth and parents.

- (1) Arrange a closing interview and give special thought to resolving any existing problems.
- (2) Offer suggestions for resources to be used in the future if additional problems develop in the family.

b. If wardship is terminated by the Court, a copy of the minute order will be routed back to the assigned DPO, who will:

- (1) Complete an automated Risk/Needs Termination **assessment.**
- (2) **Enter the effective date of termination and the type of termination ordered.**

(3) Under the “Reports” tab in the “History” section enter information regarding the youth’s overall progress while on supervision, completed court orders, referrals given to the youth and family, outstanding financial obligations, pending adult matters (if applicable), and the date the court terminated probation. Also note if sealing of records was ordered by the court.

c. After the Risk/Needs Termination **assessment** has been completed **and submitted**, the DPO will give the case file to the supervisor for review. The file is then routed to the unit clerk, who will:

(1) Make all necessary entries into ECR in **ICMS**.

(2) Initiate notification procedures per Section II.

(3) Route the file to the file room **if sealing of records was not ordered**.

(4) Route the file to the sealing of records desk if **the court ordered the youth’s records to be sealed**.

B. TERMINATION PROCEDURE-NON-WARD (725(a) WIC)

1. Termination Planning

a. Generally, these cases have been adjudicated by placing the youth under the supervision of a DPO for a period not to exceed six months.

b. The matter is continued on the court calendar for a Progress Review Hearing, six months from the 725(a) WIC order.

2. Petition for Modification

a. A Petition for Modification will not be used, unless in some unusual circumstance, a deputy is considering early termination of jurisdiction.

b. Such a plan should be discussed with the supervisor.

3. Termination of Supervision

a. **The** Juvenile Court Officer clerk will route the file to Juvenile Aftercourt.

b. The Juvenile Aftercourt clerk will create a Chronological History entry and forward the file to the assigned DPO via the unit clerk.

c. The assigned DPO will:

(1) Prepare an NCID Termination Chrono.

- (2) File all documents in proper order pursuant to unit and division practices.
- (3) Submit the file and chrono to the unit SPO for approval.
- d. The Unit SPO will review the file for content and accuracy, sign off on the termination chrono, and forward the file to the unit clerk.
- e. The unit clerk will terminate the case in ICMS and process the necessary statistical changes. If record sealing was not ordered, the file will be routed to the supervisor of the Records Unit. The Records Unit will note the termination in ICMS and return the file to the records room. If the court ordered the records be sealed, the file will be forwarded to the DPO in charge of sealing of records.

C. TERMINATION PROCEDURE-TERMINAL DISPOSITION

1. Termination Planning

- a. The purpose of a terminal disposition is to provide for the fulfillment of specific conditions set by the Juvenile Court not requiring long-term supervision.

These cases often will not require any ongoing deputy decision-making or action and can be transferred to and monitored by the Juvenile Administrative **DPO** rather than retained in field supervision units. The transfer of such cases to the Juvenile Administrative Unit does not require a Relief of Supervision (ROS) order.

- b. If the supervisor of the Juvenile Administrative **DPO** believes that the terminal disposition case has specific conditions that require more direct supervision, the file can be returned to the field for supervision, following consultation with the supervisor of the related field supervision unit.

2. Petition for Modification

The matter is not normally continued on the court calendar but will not terminate automatically when the specific conditions are met. Despite having a terminal disposition, a Petition for Modification is required upon completion of the termination condition(s).

3. Termination of Supervision

- a. If a case is being supervised by the Juvenile Administrative **DPO**, direct contact with the youth and family is not necessary but a Petition for Modification is necessary to terminate the case.
- b. Upon receipt of the court's order for termination, the assigned DPO will:

- (1) Submit a brief automated Juvenile Admin Termination **assessment** indicating that conditions have been met.
 - (2) Submit the file to the unit supervisor for review and approval.
- c. The supervisor will:
- (1) Review the file for content and accuracy.
 - (2) Return the file to the unit clerk, who will close the case in ICMS and route it to the file room.

D. TERMINATION PROCEDURE-COURT-ORDERED SUPERVISION (654 WIC)

1. Termination Planning

- a. The provisions of Section 654 WIC are generally interpreted to allow the Probation Department the prerogative of instituting a six-month informal supervision program in lieu of formal Juvenile Court action.
- b. However, the court may also place a youth under the supervision of the Probation Department, pursuant to Section 654 WIC, and set the matter for 6-Month Progress Review.
 - (1) In this case, the pending petition is dismissed by the Court upon successful completion of 654 WIC supervision.
 - (2) The youth is ordered to cooperate in the 654 WIC supervision program specified by the Court.
 - (3) The assigned DPO should treat these cases in the same manner as a Probation-Department-initiated 654 WIC matter and make appropriate recommendations at the 6-Month Progress Review Hearing.
 - (4) Although it is customary to continue the supervision program initiated by the Court or the intake officer for the full six-month period, the assigned DPO may exercise discretion in termination.

2. Petition for Modification

As this is a case that is normally continued on the court calendar, no Petition for Modification is required. In some circumstances, the assigned DPO may recommend early termination of 654 WIC supervision by way of Petition for Modification.

3. Termination of Supervision

- a. Upon termination of supervision, the Juvenile Court Officer clerk will route the file to Juvenile Aftercourt.

- b. The Juvenile Aftercourt clerk will create a Chronological History entry and forward the file to the assigned DPO via the unit clerk.
- c. The assigned DPO will:
 - (1) Prepare a NCID Termination Chrono.
 - (2) File all documents in proper order pursuant to unit and division practices.
 - (3) Submit the file and chrono to the unit SPO for approval.
- d. The Unit SPO will review the file for content and accuracy, sign off on the termination chrono, and forward the file to the unit clerk.
- e. The unit clerk will terminate the case in [REDACTED], process the necessary statistical changes, and route the file to the supervisor of the Records Unit.
- f. The Records Unit will note the termination in [REDACTED] and return the file to the records room.

Notification of termination of proceedings is not completed in these cases.

E. TERMINATION PROCEDURE- COURTESY SUPERVISION

1. Termination Planning

Courtesy supervision is initiated with the approval of this department at the request of another probation department in California when a youth has moved to this county from another county, which retains court jurisdiction (PMI 2-6-019). The assigned DPO will:

- a. Verify the youth's residence in Orange County.
- b. Provide written progress reports to sending county as requested.
- c. Enter all appropriate notes in ECR, as necessary.

2. Termination of Supervision

- a. **When probation supervision or wardship has terminated in the sending county, the assigned DPO will:**
 - (1) File all letters/court orders regarding the termination that are received in this department's case file and advise the youth and family of the change in case status.
 - (2) Complete an automated Risk/Needs **Termination Assessment**.
- b. The DPO will then submit the file to the unit supervisor for approval.

- c. The supervisor will:
 - (1) Review the file for content and accuracy.
 - (2) Route the file to the unit clerk, who will make the corresponding entries into [REDACTED] and send it to the File Room for routine processing.
 - (3) Notification of termination of proceedings is not completed in these cases.

F. TERMINATION PROCEDURE – INTERESTED PARTY (776 WIC and 778 WIC)

1. Termination Planning

- a. Section 778 of the Welfare and Institutions Code provides that "any parent or other person having an interest in a child who is a ward or dependent child of the Juvenile Court or the child himself through a properly appointed guardian may, upon grounds of change of circumstances or new evidence, petition the court in the same action in which the child was found to be a ward or dependent child of the Juvenile Court for a hearing to change, modify, or set aside any order of the court previously made or to terminate the jurisdiction of the court."
- b. If it appears that it is in the best interests of the child, the Court shall:
 - (1) Order a hearing be held and a verified petition be filed.
 - (2) Set the matter on the appearance calendar.
- c. At the hearing, the youth will appear with his/her parent or the petitioner.
- d. At that time, the court will determine whether or not the youth's wardship will be terminated or any orders should be modified.
- e. It should be noted such proceedings are rare although provided for by law.
- f. It is the DPO's responsibility to:
 - (1) Prepare the family and the youth for continued growth in the absence of probation supervision.
 - (2) Advise appropriate agencies which have been working with the family of the termination of wardship, if so ordered by the court.

2. Petition for Modification

- a. As stated above, the matter is handled on the appearance calendar.

- b. The DPO will submit a written report to the court, which will address the following:
 - (1) Compliance with orders.
 - (2) Restitution.
 - (3) School attendance.
 - (4) Curfew, etc.
 - (5) Checks with CJI, DMV, and local police department for arrests.
 - (6) **Victim response and compliance with Marsy's Law.**
 - (7) A recommendation regarding the appropriateness of termination **and whether the youth satisfactorily or unsatisfactorily completed probation supervision**, should be included.

G. TERMINATION PROCEDURE-DISTRICT ATTORNEY'S CONTINUANCE (639 WIC and 681 WIC)

1. Termination Planning

- a. In the case of a District Attorney's Continuance, findings are not made.
 - (1) The youth is not a ward of the court.
 - (2) Although the matter is continued to a specific court date (usually six months), the deputy does not terminate the case or have the court date removed from the calendar.
- b. Cases that do not require supervision and have no specific orders are retained in the file room.
 - (1) Cases that do not require supervision but contain directives for restitution will be assigned to the Juvenile Administrative **DPO**.
 - (2) If other conditions exist which indicate supervision may be needed or if such is specifically ordered by the court, the case will be forwarded to the supervisor of the appropriate Juvenile Field Supervision Unit for officer assignment.

2. Petition for Modification

- a. A petition for modification is not submitted on these cases, as the continuance is not considered a court disposition.
- b. The assigned DPO will retain supervision.

c. On the date of the calendared hearing, the DPO will submit an Information for Court Officer report outlining:

- (1) The youth's compliance or lack of compliance with court orders.
- (2) Record check information.

3. Termination of Supervision

Notification of Termination Proceedings is not completed on these cases.

III. NOTIFICATION PROCEDURE OF TERMINATION

A. Once the order for termination has been made, the Petition for Modification is received by staff at Aftercourt. Aftercourt staff update ICMS to show termination has been ordered. The document(s) will be scanned to the [REDACTED] and a copy is forwarded to the Financial Unit. Financial Unit staff will update the [REDACTED].

B. Notify youth and parents when wardship is terminated.

1. Include a copy of the Notice of Your Statutory Rights (F0182-558) with the youth's copy of the notification.
2. Upon termination of wardship via court order, Petition for Modification, or terminal disposition, the unit's clerk completes the Notification of Termination of Proceedings form (F057-9078AF)
3. Upon completion of the notification proceedings, two copies of the form are sent to the youth and his/her parents, along with the Notice of Statutory Rights form. An additional copy of the Notification of Termination is then sent, with the file, to Records/Fileroom for processing and storage.

C. Termination of Courtesy Supervision, 725a or 654 WIC Supervision:

1. No Notification of Termination of Proceedings is required.
2. Send the file to Record/Fileroom for processing and storage.

REFERENCES:

Procedures:	1-4-104	Juvenile Victim Services
	2-5-010	Sealing/Release/Destruction of Juvenile Records Pursuant to Welfare and Institutions Codes 786 and 786.5
	2-6-005	Interstate Compact for Juveniles (Out-of-State Courtesy Supervision) Rules of Interstate Compact for Juveniles
	2-6-013	Juvenile Administrative Caseload
	2-6-015	Juvenile Chronological History Sheet Entries

2-6-019 Inter-County Courtesy Supervision (Juvenile)
2-6-104 Petition to Change, Modify or Set Aside Order or
Terminate Jurisdiction of the Court

Policy: E-4 Clients with Legal Residence Outside of Orange
County

M. Etheridge

APPROVED BY:

DATE: June 11, 2020
TO: Assistant Division Director, Jennifer Duffy
CC:
FROM: Meredith A. Etheridge, SPO
SUBJECT: Field Monitored Caseload Criteria

The below criteria were developed to bring consistency and clarification to the process of reducing the level of probation supervision for juvenile cases. The process is intended to lower the level of supervision for cases not demonstrating a high risk of re-offense and to streamline the supervision reduction process. The process allows for limited supervision of low and medium cases consistent with evidence-based practices, which encourages focusing on high-risk offenders and lower caseloads.

These criteria will be applied to the newly created Field Monitored juvenile supervision caseload in Unit 234 at the West County Field Services Office. The Field Monitored caseload will accept juvenile supervision cases from all area offices that meet the established Field Monitored criteria.

Field Monitored Criteria:

- The youth has been actively supervised for a minimum of six months (post custody commitment).
- There are no less than 3 months of probation supervision remaining.
- The youth scores medium or low on the current reassessment.
- The youth has outstanding court orders to monitor.
- The youth has no outstanding probation violations.
- All interventions have been closed out/completed.
- The youth has no pending new law violations.
- There are no court reports due within 45 days of transfer to FM.
- A home visit was completed within 60 days of transfer to FM.
- The youth is enrolled/participating in all court ordered programs (VCS, DUI classes, individual and/or substance use counseling, legal awareness, anger management, etc.).
- Victim information is up-to-date and victim letters have been mailed.
- DNA has been collected (if DNA collection has been ordered).
- "No informal sanctions" orders will be considered on a case-by-case basis.
- Cases that do not appear qualified based on the established criteria, but may be appropriate for Field Monitored supervision, can be staffed with the Unit 234 SPO.

Requirements Prior to Transferring Cases to Field Monitored:

- Review the case for suitability based on the above noted criteria.
- Submit a record check request and place the completed record check in the file.
- Confirm the youth/parent/guardian contact information is updated in ICMS.
- Confirm the school information is updated in ICMS.
- Confirm the photo capture process is completed.
- Confirm DNA has been collected and recorded in ICMS.