

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

AUTHORITY:	Sections 297, 775, 776, 778 Welfare and Institutions Code California Rules of Court, Rules 5.560 (d), 5.570 and 5.610		
RESCINDS:	Procedure Manual Item 2-6-104, dated 01/06/22		
FORMS:	Petition for Modification (JMP 01-23) Modification of Petition Cover Sheet	F057-5120.1 Automated Automated	
PURPOSE:	To standardize the procedure for filing Petitions for Modification and explain the process by which they will be considered by the courts.		

I. GENERAL INFORMATION

- A. A petition for modification hearing must be used if there is a change of circumstances or new evidence that may require the court to:
 - 1. Change, modify or set aside an order previously made; or
 - 2. Terminate the jurisdiction of the court over the youth
- B. Reasons for submitting a modification petition include but are not limited to:
 - 1. Adding a condition of probation
 - 2. Transfer of Wardship pursuant to California Rules of the Court 5.610
 - 3. Recall a warrant which was erroneously left active following a youth's warrant arraignment
 - 4. Termination of probation
 - 5. Request Interstate Compact Supervision
 - 6. Correcting court record, true name, DOB, or both
 - 7. Requesting a temporary release from juvenile hall
 - 8. Calendar a contested restitution hearing**
- C. Resources

Refer to Word Templates:

- 1. **JMP00 – Basic Template**
- 2. JMP01 – Modification of a Court Order
- 3. JMP02 – **Calendaring** of Custodial Status Hearing **per WIC 208.5**

4. JMP03 – Correction of Court record – true date of birth
5. JMP04 – Correction of Court record – true name and date of birth
6. JMP05 – Correction of Court record – true name
7. JMP06 – Administration of INH
8. JMP07 – Consent for Psychotropic medication in Juvenile Hall
9. JMP08 – Consent for Psychotropic medication in group home/foster home
10. JMP09 – Temporary release from Juvenile Hall
11. JMP10 – Modification of Court Order
12. JMP12 – Relief of Supervision
13. JMP13 – Relief of Supervision-Termination upon complete payment of restitution
14. JMP14 – Calendaring of Contested Restitution Hearing
15. JMP16 – Setting of Restitution
16. JMP17 – Request for zero restitution order
17. JMP18 – Termination of wardship – adult jurisdiction
18. JMP19 – Termination of wardship – **new jurisdiction**
19. JMP20 – Termination of wardship – youth turned ____ years
20. JMP21 – Termination of wardship – **satisfactory adjustment**
21. JMP22 – **Termination of wardship – transfer to another county**
22. **JMP23 – Termination of wardship, 18+ years old, and convert restitution to a civil judgement**
23. **JMP24 – Wardship termination at age 18**
24. **Modification of Petition Cover Sheet**

II. PROCEDURE

A. Deputy Probation Officer (DPO)

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

B. Supervising Probation Officer (SPO)

1. Reviews the petition for accuracy and ensures that compelling information supporting the recommendation is included.

2. If probation termination is recommended, ensures that a record check has been received, **confirms** there are no pending applications for petition and that all court orders have been met.

C. Unit Clerk

██████████ Will process the approved petition, print it on the four-part **No Carbon Required (NCR)** paper (white, gold, yellow, and pink), **fill out and attach the Modification of Petition Cover Sheet**, and forward the petition **with cover sheet** to Juvenile Contested Office Clerk, ██████████
██████████

2. If the matter is deemed by the DPO and SPO to be an emergency, the unit clerk will provide the completed packet to the DPO, who will deliver it directly to the court officer assigned to the courtroom. It will be submitted to the Court for review.

D. Juvenile Contested Office Clerk

Juvenile Contested Office Clerk will distribute the petition **with cover sheet attached** to the appropriate court officer for delivery to the correct courtroom.

E. Process for Juvenile Court Staff

1. Modification Conference

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

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

2. Contested Modification Hearing

- a. If the Court orders the matter set for a Contested Modification Hearing, the courtroom clerk shall set the matter for a Contested Modification Hearing.
- b. The Notice and a copy of the Petition for Modification shall be sent to:
 - (1) Youth;
 - (2) Youth's parent(s) or guardian(s);
 - (3) Probation Department;
 - (4) Youth's attorney and

(5) Prosecuting attorney

3. Minute Order

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

REFERENCES:

Procedures:	2-1-205	Warrants of Arrest for Juveniles
	2-1-207	Juvenile Restitution and Other Financial Obligations
	2-5-005	Intercounty Transfers of Wardship
	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
	2-6-019	Inter-County Courtesy Supervision (Juvenile)
	2-6-214	JV 220 Application for Psychotropic Medication
Policy:	A-1	Policy, Procedure and the Law
	B-1	Case Confidentiality-Client's Right to Privacy
	E-4	Clients with Legal Residence Outside of Orange County
	E-7	Restitution

R. Staniorski

APPROVED BY: