

CONTESTED CASES
PETITION FILING AND PRETRIAL FUNCTIONS

AUTHORITY: Welfare and Institutions Code (WIC) Sections 602, 653.5, and 725

RESCINDS: Procedure Manual Item 2-1-212, dated **09/03/21**

FORMS:	Information to Court Officer	(F057-9099)
	Modification Petition (Computer Generated)	(F057-5120AF)
	Application for Petition Intake and Transmittal Sheet	(F057-4024)
	Juvenile Intake Assessment	(F0574001A)
	Worksheet (Computer Generated)	

PURPOSE: To describe the process by which an Application for Petition is referred by the Probation Department to the District Attorney for filing pursuant to WIC 602 and to describe the post-filing procedures prior to pretrial or trial hearing.

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I. PROCEDURE

A. Petition Application

1. Non-custody - Refer to Procedure Manual Item (PMI) 2-4-001 (Non-Custody Intake/Diversion) for details on the Non-Custody Intake procedures.

a. Mail-in Applications for Petition are sent by the referring agency and then referred to the Non-Custody Intake/Diversion (NCID) Unit Screener.

b. WIC 653.5-Mail-in applications referred pursuant to WIC 653.5 are routed directly from NCID to Contested Cases. [REDACTED] The referral packet consists of:

(1) Probation

(a) Original-Application for Petition (green copy)

(b) Original-Police reports and supporting materials

(2) District Attorney

(a) Copy-Application for Petition (goldenrod copy)

(b) Copy-Police reports and supporting materials

(3) Defense Counsel

(a) Copy-Application for Petition (white whole sheet)

- (b) Copy-Police reports and supporting materials
- (4) The District Attorney and defense packet are referred immediately to the District Attorney's office for review. All other copies are retained by Contested, pending the District Attorney's decision about filing.
- c. Non-WIC 653.5: Mail-in Applications for Petition referred, minus the WIC 653.5 designation, are routed by the NCID Screener to the deputy probation officer (DPO) if it is an active case. It remains in NCID if it is not an active case. If review by the District Attorney is deemed appropriate, after interview and assessment, three packets are compiled, labeled, and sent to Contested Cases. [REDACTED]. The referral packets consist of:
 - (1) Probation
 - (a) Original – Application for Petition (green copy)
 - (b) Original – police reports and supporting materials
 - (2) District Attorney
 - (a) Copy – Application for Petition (goldenrod copy)
 - (b) Copy – police reports and supporting materials
 - (3) Defense Counsel
 - (a) Copy – Application for Petition (white whole sheet)
 - (b) Copy – police reports and supporting materials
 - (4) Contested forwards the District Attorney and defense packet to the District Attorney's office and retains the probation packet.
 - (5) If the District Attorney rejects the application all packets will be returned to the field officer or NCID. If at a later time the matter is resubmitted to the District Attorney the same process is repeated except the word "Resubmit" is noted on the Applications for Petition.
- d. Probation Violations (PVs)

The assigned DPO will assemble information for the court, the District Attorney, defense counsel, and the probation file for out-of-custody PVs.

 - (1) Court
 - (a) Original-Notice of Hearing

- (b) Original-PV Memo
- (2) District Attorney
 - (a) Copy-Notice of Hearing
 - (b) Copy-PV Memo
- (3) Defense Counsel
 - (a) Copy-Notice of Hearing
 - (b) Copy-PV Memo
- (4) Probation
 - (a) Copy-Notice of Hearing
 - (b) Copy-Probation Violation Memo
- (5) All PV Packets are [REDACTED] processed by the Contested Clerks. The probation file should be sent to Contested Cases. [REDACTED] The Notice of Hearing is **uploaded to e-file** to the Court Clerk's Office and the District Attorney copies are routed to the District Attorney's office. The defense copies, as well as the probation file and copies are retained by Contested Cases pending the setting of the pretrial date by the clerk's office.
- (6) **If a Request for Discovery is received for an in-Custody PV, the request is sent to the Custodian of Records at prob-records@prob.ocgov.com.** [REDACTED]
[REDACTED]
[REDACTED]
- (7) When a warrant of arrest is requested, the packet is forwarded to and processed by the Probation Warrant Unit Clerk located at Juvenile Hall. It is not processed by Contested.

2. Custody Intake-Refer to PMI 2-4-101 (Custody Intake Referrals) for details on Custody Intake procedures.

- a. Applications from Custody Intake are referred directly to the District Attorney and Contested will not be involved unless:
 - (1) The youth is released prior to the case being referred to the

District Attorney.

- (2) The youth is released prior to the detention hearing because the process was not completed within appropriate filing timelines.
- b. The packet, consisting of the same documents as an NCID referral, is submitted to Contested and the routing process is the same.
- c. Cases that the District Attorney rejects are returned to Contested with a white rejection form attached.
 - (1) If the youth has an assigned DPO and is not going to court on other matters, the packet is sent to the assigned DPO.
 - (2) If the youth has an assigned DPO and is going to court on other matters, the packet is sent to the assigned DPO and the file is retained in Contested, pending the other matters.
 - (3) If the youth does not have an assigned DPO, the rejection and packet are forwarded to the Custody Intake **DPO who was assigned to the case.**
 - (4) If the rejection can be remedied by additional investigation, and needs to be resubmitted to the District Attorney, the submission is the same except the word "Resubmit" is printed on the application.

B. Petition Filing

- 1. When the District Attorney files a petition, the petition and a Notice of Hearing are received by Contested Cases from the Court Clerk's Office. The Notice of Hearing gives the date of the first court hearing for that petition.
 - a. The petitions are reviewed to discern if the charges filed are felonies or misdemeanors, if the subject is an active ward of the Orange County Juvenile Court and if the subject is a resident of Orange County.
 - (1) Misdemeanor petitions on active wards are returned to the field DPO for preparation of a pretrial report. The field DPO will prepare the Pretrial Report and return the report, (original and three copies), the petition, the probation packet for the pending charges and the file to Contested Cases.
[REDACTED]
 - (2) Misdemeanor petitions for Orange County residents, who are not active wards, are routed to the Contested Clerk with a Juvenile Intake Assessment System (JIAS) Pre-trial Report, which has been generated by an NCID or Custody Intake DPO.

- (3) Felony petitions, and those for out-of-county residents, are filed in Contested Cases, pending the pretrial date. No Pretrial Report is prepared but the assigned DPO is notified by the Contested clerks of the charges and the hearing date.
- b. All files are reviewed by the Contested DPO to identify the victims described in the petition and send them letters advising them of their rights per Marsy's Law and providing them with additional victim resources.
- c. PVs on out-of-custody wards are returned from the Court Clerk's Office and file stamped with a Notice of Hearing attached. Their Notice of Hearing gives the pretrial date. The Court DPO will distribute the defense copy of the PV packet to the Public Defender's office the day before the Pretrial Hearing. The District Attorney's copy is sent to their office at the same time that the court's copy is delivered to the Court Clerk's Office. The PV packet includes the PV Report. They will also receive a Notice of Hearing from the Court Clerk's Office, notifying them of the pretrial date. The assigned DPO and the unit clerk are advised of the court date by email and the file is requested, if not already sent.

C. Court Process

1. Calendarizing

- a. Contested receives the court calendars three days before the court date. Probation files are pulled according to the calendar. Loose papers and late reports are added to the files.
- b. The Court DPOs retrieve the files the day before the court hearing and distribute defense and prosecution paperwork. Refer to PMI 2-5-007 (Juvenile Court Officer) for details on the Juvenile Court Officer function.

2. Aftercourt

- a. All files and paperwork are brought from the courtroom to the Juvenile Court Officer Clerk (JCOC). The JCOC is responsible for routing of all case materials to the appropriate destination.
 - (1) All packets are routed to the Intake Desk. [REDACTED]
 - (2) All files go to Aftercourt.
 - (3) If a case is concluded, the file is then routed to the field.
 - (4) If there are additional court dates, no report has been ordered, and no Requests for Discovery have been received, the file is retained by Contested Cases for the next court date.

(5) If a Request for Discovery is received for an In-Custody PV, the request is sent to the Custodian of Records at prob-records@prob.ocgov.com. [REDACTED]

(6) If the court orders the preparation of a report, the file is routed as follows:

- (a) Information to Court Officer Reports-with a field DPO, route to that DPO. With no assigned DPO, refer to the assigned court officer. (These reports are usually ordered to verify information regarding court orders or something specific the judge, DA, or youth's counsel want to know.)
- (b) Pretrial Reports-On new cases, Custody Intake and NCID provide the court with Pretrial Reports on all misdemeanor cases. If a pretrial report is ordered on an active ward, the file is routed to the assigned DPO who will prepare the report.
- (c) Probation and Sentencing (Disposition) Report-with an assigned field DPO, route to that DPO. All non-wards are referred to Juvenile Investigations Unit, MOB/5.
- (d) Fitness Reports pursuant to WIC 707-all are referred to Juvenile Investigations Unit.
- (e) Placement Suitability Reports-with an assigned field DPO, route to that DPO. With no assigned DPO, refer to the Juvenile Investigations Unit.
- (f) Acceptance of Transfer Reports-with an assigned field DPO, route to that DPO. With no assigned DPO, refer to the Juvenile Investigations Unit.
- (g) Preplea Reports for WIC 654.2 consideration-route to the Juvenile Investigations Unit.
- (h) Preplea Reports-with an assigned field DPO, route to that DPO. With no assigned DPO, refer to the Juvenile Investigations Unit.
- (i) WIC 241.1 Reports-with an assigned field DPO, route to that DPO. With no assigned DPO, refer to the Juvenile Investigations Unit.

(7) Detention cases requiring reports, the routing is as listed above.

- (8) Cases requiring additional information or investigation from the field, the field DPO and the unit clerk are notified by JCOC email.
- (9) Files sent from JCOC are logged out. [REDACTED]
- (10) Files with orders for commitment are routed if the commitment is longer than eleven (11) or more days.
- (11) Files with court ordered WIC 654.2 are routed to the Non-Ward Supervision/NCID Unit Supervising Probation Officer (SPO).
- (12) Declarations of Wardship are routed to the appropriate field office.
- (13) Orders for Deferred Entry of Judgment are routed to the **Non-Ward Supervision/NCID** Unit SPO unless it is a sex offender case. Sex Offender cases are routed to the appropriate field office.
- (14) Warrant cases are routed the same as others if the warrant was out less than ninety (90) days. Warrants out more than ninety (90) days are handled as new cases.

D. Petitions for Modification

1. Petitions for Modification are first given to the district attorney and the defense attorney to sign off. Then they are forwarded to Contested where they are distributed to the appropriate courtroom by the Juvenile Court Officers.
 - a. The Court will review them to assure that a change in circumstance has been shown. If no change in circumstance has been shown, the Petition for Modification will be denied and returned to the initiating DPO.
 - b. If a change of circumstance has been shown, the Court Clerk's Office will set a date for a Modification Conference and will notice the Probation Department, the District Attorney, and defense counsel. The petition will be retained in Contested pending the conference date.
 - c. If the petition results in a modification, the petition will be returned to the court officer. The Contested clerk will then route the Petition for Modification through the regular channels.
 - d. If the court requires additional evidence, a Contested Modification Hearing will be set. Contested will retain the petition and will request the file for the hearing date. At the completion of the proceeding(s),

Contested will return the petition and the file to the initiating DPO and the Minute Order will be routed through the normal channels.

E. Position Summary

1. Contested Clerks

In summary, the Contested clerks maintain the following responsibilities:

- a. Examine and route the packet (detailed above) and send to the District Attorney's office.
- b. Receive filed petitions, match with file, route through Log, Statistics, and the Aftercourt Typing Unit at the appropriate time.
- c. Provide police reports to the Public Defender's Office or to private counsel representing the youth, upon request.
- d. Maintain filing systems for cases going to court and cases referred to the District Attorney for petition filing.
- e. Input information into computer reflecting cases sent to the District Attorney and those returned, either filed or rejected.
- f. Route Notice of Hearing and petition to the assigned field DPO on Own Recognizance (OR) cases.
- g. Route rejected Applications for Petition to the initiating DPO.
- h. Pull both pretrial and trial calendars.

2. Contested Officers

In summary, the Contested DPOs are responsible for the following:

a. Court Assistance

Respond to court requests for further investigation on non-ward cases and report to the court via Information to Court Officer (ICO), Modification Petition, or court officer.

b. Field Assistance

Assist the assigned field DPO in obtaining file information to allow that DPO to respond to casework dimensions or inquiries concerning the assigned case.

c. Inquiries

Respond to inquiries made by youth, parents, relatives, attorney, victims, juvenile hall staff, law enforcement, schools, and community resources/agencies on non-wards pending court.

d. Transportation

Work with transportation officers in arranging court ordered transportation of in-custody youth to or from other jurisdictions, including interstate compact cases.

e. Backup

Serve as back-up court officer, as needed.

f. Victim Services

Prepare and send victim letters on cases with victims as identified by the court.

REFERENCES:

Procedures:	2-4-001	Non-Custody Intake/Diversion
	2-4-101	Custody Intake Referrals
	2-4-102	Consular Notification and ICE Referrals/Detainers
	2-4-105	Transportation of Youth Detained at Juvenile Hall
	2-5-007	Juvenile Court Officer
	2-6-005	Interstate Compact for Juveniles (Out-of-State Courtesy Supervision) Rules of Interstate Compact on Juveniles
Policies:	D-6	Transportation of Probationers and Custody Transportation
	E-5	Advisement of Rights
	F-4	Visits With Minors in Juvenile Institutions; Placements

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APPROVED BY: