

Placer County Juvenile Court Handbook

This handbook is designed to answer frequently asked questions from minors and parents involved in Juvenile Court proceedings. It is intended as a general overview and is not intended to replace the advice of an attorney.

What are the Major Components of the Juvenile Justice System?

The juvenile justice system is made up of a number of agencies that deal with persons under age 18 who have committed crimes or who have been the victims of abuse or neglect. The Juvenile Court, which is part of Superior Court, is charged with hearing most juvenile matters. Other County departments within the system include the Probation Department, Department of Social Services, District Attorney, County Counsel, Public Defenders and police agencies. Other agencies that may assist in juvenile cases include the Mental Health Department, school systems and Court Appointed Special Advocates (CASA).

How are the Juvenile Cases Divided up in the System?

There are three broad categories of juvenile cases, each defined in the Juvenile Court Law, which is contained in the Welfare and Institutions code of California. Children who have committed crime come under section 602, and are handled by the Probation Department. These cases are also handled by the Probation Department. Children who have been the subject of abuse or neglect come within section 300. These cases are handled by the Department of Social Services.

DELINQUENCY/602 PROCEEDINGS

1) *Arrest/Citation Issued by Police*

The juvenile criminal case almost always starts with either an arrest by the police or a citation issued by the police. When the police come in contact with a minor suspected of committing a crime, the officer is given the discretion either to arrest the child or to release the child to his/her parents with a citation, much like a traffic ticket. The citation will require the minor to meet with the Probation Department at a time to be set by the probation officer assigned to the case. The citation procedure is the most common method of starting a juvenile criminal case. If the crime is too serious to release the minor, however, or if the officer has other reasons not to release the minor, the officer is given discretion to take the minor into custody and book him/her into the Placer County Juvenile Detention facility.

The Juvenile Detention Facility is a place for temporary housing of minors. There must be a specific reason for detaining a minor. The reasons can include committing an act, which is a crime, or violating a term of probation. Once taken to the detention facility, the minor is fingerprinted, photographed, and the parents are notified of the arrest. After the detention facility's intake officer reviews the minor's record, considers the circumstances of the crime and discusses the situation with the parents, the intake officer has the discretion to release the minor to his/her parents for later appearance at the Probation Department or Juvenile Court, or to continue his/her custody status in the Juvenile Detention facility.

2) *Review of the Case by Probation and District Attorney*

Whether a case against a minor starts with a citation or an actual arrest, the report prepared by the police in connection with the crime comes first to the Probation Department for review. The probation officer responsible for the intake of cases must make an initial determination of where the case will go next. The options include some form of informal handling or a referral of the case to the District Attorney for Juvenile Court handling.

a) *Informal Handling*

If the charge is considered relatively minor and it is a first offense, the probation officer can require the minor to participate in some form of low level supervision by the Probation Department. Alternatives at this point may include a brief counseling session and closure of the file; informal probation without court action; First Offender Program; or Peer Court.

I) *Informal Probation*

Under this approach the minor is required to observe good behavior for a period of 6 months, make restitution to the victim for any damages and, if deemed necessary, participate in a counseling program.

II) *First Offender Program*

This program requires the minor and at least one of the parents participate in a series of classes that meet one night for six to seven successive weeks. Sessions will include discussion of the parent's rights, a minor's rights, tour of the Jail, tour of the Juvenile Detention Facility, and meeting with a Juvenile Court judicial officer. When the minor completes the six week program, he/she must then observe good conduct for 6 months.

III) *Peer Court*

A minor who does not contest a citation and with the parent's consent, may participate in Peer Court. The Peer Court will conduct a trial to determine what punishment should be given for the offense. The prosecuting attorney, the defense attorney, and the jury are all composed of teens. Discipline can include a fine, restitution, work project, and community service. The minor also will be required to serve as a Peer Court juror in a minimum of two other cases. Upon successfully completing all the assigned tasks, the case is dismissed.

b) *Formal Proceedings*

Certain cases are unsuitable for informal handling and require referral to the District Attorney for further prosecution in Juvenile Court. Crimes such as burglary or robbery are rarely handled informally regardless of the age of the minor. If the charge is a felony (the most serious category of crimes) and the minor is 16 or older, the case must be referred to the District Attorney.

Mandatory referral is also required when the minor has had a prior crime handled informally. When cases are referred to the district Attorney for further prosecution,

the deputy district attorney assigned to Juvenile Court will review the police reports to determine whether a crime was committed, or if the case cannot be proved, it is declined by the office for further action, and the case is closed. If it is determined that the minor has committed a crime, the District Attorney prepares a petition to declare the minor a ward of the Juvenile Court. The petition will include a statement of the charges against the minor.

c) *Juvenile Court*

The Juvenile Court process is divided into three main stages:

I) Arraignment hearing at which time the minor is advised of the charges and counsel is appointed if requested. If the minor is detained in the Juvenile Detention Facility, the arraignment hearing will also include a detention hearing at which the court will determine if the minor stays in custody during the Juvenile Court process.

II) Jurisdiction hearing at which time the court determines if the minor committed the crimes charged. If the minor admits the charges, the court takes the admission at this time. If the minor requests a trial, a Juvenile Court judicial officer will conduct the hearing. Juveniles are not entitled to a jury trial. If at the trial, the court finds that the District Attorney has proved the case beyond a reasonable doubt, the Court will sustain the petition, which means the court will find the charges to be true.

III) Disposition hearing at which time the court determines the consequences for the minor's behavior. In adult court this would be called a sentencing hearing.

d) *Detention Hearings*

If the minor has been arrested and the police and the Probation Department determined that it would not be proper to release the minor to his/her parents, the law requires that within 48 hours of the minor's arrest (excluding weekends and holidays), the minor must be brought to Juvenile Court for a detention hearing. The judge will determine whether the child should be continued in custody or released to his/her parents. The District Attorney, a probation officer and the minor's parents will also appear at this hearing.

The detention hearing starts with the judge advising the minor of his/her rights. A minor has the right to an attorney, and if he/she cannot afford his/her own attorney, one will be provided; the right to a trial to determine if he/she committed the crime charged; the right to see all witnesses called to testify against him/her at trial; the right to bring to the trial any witnesses or evidence the minor thinks will help his/her case; and the right to remain silent. The Judge explains the three main steps in the Juvenile Court process and advises the minor of the specific charge filed against him/her.

In those cases in which the minor and his/her family are unable to hire an attorney, the court appoints a Public Defender or some other attorney to represent the minor. Since the Public Defender has a regularly assigned attorney for Juvenile Court, the minor will receive immediate representation at the detention hearing. The court may order reimbursement of the attorney fees at the disposition hearing.

The next part of the hearing relates to the detention status of the minor. The probation officer will give a brief history of the minor including any prior record with the department and information regarding what should happen to the minor. The District Attorney will give a brief statement of the circumstances of the crime, based on a review of the police reports. Before making a decision, the court will ask the parents their opinion regarding release of the minor and then will ask the minor's attorney. After hearing all points of view the judge must then decide if the circumstances warrant continued detention or if the minor can be returned home.

e) Jurisdiction Hearings

Jurisdiction hearings have three phases; an initial arraignment, a pre-trial conference, and the trial. If the minor has not previously been detained, but the District Attorney has determined to proceed with the prosecution, the minor will be mailed a notice of hearing setting the matter for the first appearance in Juvenile Court. At the arraignment hearing, the court advises the minor of his/her rights, explains the charges pending against him/her, and appoints an attorney.

The court also sets the matter for a pre-trial conference. The pre-trial conference is held approximately 1-2 weeks after the arraignment hearing. The conference is attended by the minor's attorney, the District Attorney, a probation officer and the Juvenile Court judge. The minor is required to appear at the court, but does not initially participate in the conference. The minor's case is discussed in terms of the evidence the prosecution has in support of the charges, the defense evidence of innocence or mitigating circumstances, and the past record of the minor. In the vast majority of cases, all of the parties agree as to a particular charge the minor is to admit. If the minor admits an offense, the case is set for the disposition hearing. If the minor chooses not to admit any violation, the case is set for trial.

The trial in Juvenile Court is conducted in very much the same manner as adult trials, with a few important exceptions. First, the trial in a juvenile case is conducted by the court without a jury. The judge alone determines whether the minor has or has not committed the crime. As with adults, the minor is presumed innocent until the contrary is proved. Second, unlike adult trials, which are always open to the public, juvenile cases are normally closed to the public for the protection of the minor.

f) Disposition Hearings

The final stage of the juvenile process is the disposition hearing, held only if the minor has admitted a crime or a crime is proven at the trial. The hearing is approximately 2-4 weeks after the trial or pre-trial conference. The hearing is designed to determine the most appropriate way of holding the minor accountable for his/her conduct and to prevent future violations of the law. To assist the court in the process, the probation officer

prepares a written report. The report will contain a brief statement of the offense; the minor's record, a report from the school; a social history of the family; a section with comments from the victim, the minor, and the minor's parents, and anyone else with relative information such as an employer or relative. The court is required to adopt a disposition that is the least restrictive or intrusive into the family that will result in the prevention of further criminal activity. The court has a variety of options to choose from depending on the nature of the crimes and the rehabilitative need of the minor.

I) Informal Probation

The lowest level of intervention is informal probation. Under this approach, the court refers the minor back to the Probation Department for informal handling. The probationary period is six months. If the minor re-offends during the period of informal probation, not only will he/she stand trial on the violation, but the case that was referred for informal handling will be reactivated in court.

II) Wardship/Placed on Probation at Home

The majority of cases result in the minor being declared a ward of the court but returned to the home on terms of probation. The terms of probation are tailored to meet the needs of the minor and his/her family and to hold him/her accountable for his/her actions. Standard conditions of probation include mandatory school attendance, a curfew, obey the directives of probation, obey all laws, and obey parents. Special conditions often include: testing for drugs and alcohol, search and seizure, counseling, restitution, and short term Juvenile Detention Facility placements.

III) Wardship/Minor Placed Outside of the Home

In certain instances the court determines that the minor has problems that cannot be effectively treated while the minor is at home. If the minor has severe psychological problems, or an extensive history of substance abuse, or in need of sexual abuse treatment, a group home specializing in these programs can be ordered. The amount of time the minor remains in the placement depends on the progress of the minor in the program. Most programs last from six months to eighteen months. Parents of minor's placed in out of home placements are responsible for the cost of placement in accordance with their income. Group home placements usually cost between \$3,000 and \$4,000 per month.

g) Certification to Adult Court

Under certain circumstances the law allows the District Attorney to request the Juvenile Court to transfer a case to the adult criminal justice system, even though the crime was committed by a minor. Welfare and Institutions Code 707 sets forth the types of cases, which can go to adult court. The decision to transfer a case will depend on such factors as the age of the minor, the nature of the crime committed, the degree of criminal sophistication, and the degree to which the minor is suitable for handling by the juvenile justice system. If the minor is certified as an adult, the case is transferred to the adult criminal system. All the proceedings are open to the public. The minor is entitled to a

jury trial. If convicted, the minor can receive an adult sentence, including three strikes, and may be sent to jail or prison along with other adult offenders.

JUVENILE DRUG COURT

Juvenile Drug Court is an intensive outpatient program designed to intervene with out of control, criminal and substance dependent minors who are on probation. Minors are monitored through intensified probation services and drug and alcohol recovery groups as well as individual sessions.

Minors are referred by probation officers and court officials who determine that these youthful offenders need a higher level of supervision and treatment. When they enter the program they are required to come to court every two weeks and are accountable to the court for their progress. The participant is required to attend one group, one individual treatment and two 12-step groups each week. As the minor's program progresses they are required to come to court less often and their treatment and testing is reduced.

Sanctions are ordered for minors who fail to test, get positive tests and miss treatment sessions. When this pattern is repeated, the minor may be deemed suitable for a residential treatment.

After successful completion of the program each participant will receive a graduation certificate, and, in most cases, are terminated from probation. Graduations are held as needed and minors are monitored in aftercare as needed.

1) Eligibility

- a) History of drug and/or alcohol abuse
- b) Adjudicated for offense pursuant to W&I, Section 602
- c) At risk for out of home placement due to substance abuse
- d) No persons with sex offenses
- e) No prior pending or violent felony
- f) No dangerous anti-social behavior
- g) No significant mental health disorder, which would interfere with treatment

Other Questions

What is the Length of the Juvenile Court Jurisdiction?

The Juvenile Court has jurisdiction over a minor until the age of 21, or in certain cases, until the minor is 25. If a minor performs well on probation, the Probation Department may request the court to end jurisdiction earlier.

What if I miss a Court Appearance?

If you miss a court appearance without the permission of the court, a warrant will be issued for your arrest. If you have an emergency or believe you have a legitimate reason for missing a court appearance, you must contact the Court Clerk before your court appearance at (530) 886-4813.

What is Restitution?

Any victim of a crime who incurs any economic loss as a result of the minor’s conduct is entitled to restitution directly from the minor. The restitution order is an amount sufficient to fully reimburse a victim for damaged or stolen property, medical expenses, and lost wages or profit due to injury, court appearances, or assisting the police in the investigation. If the minor is placed on probation, the court must order restitution. A parent who has joint or sole custody of a minor is presumed to be jointly and severally liable for restitution orders imposed on the child.

When can Juvenile Records be Sealed?

The law provides a means by which most juvenile records can be ordered sealed by the Juvenile Court. A minor who has gone through the Probation Department or the Juvenile Court in connection with an offense may request the Juvenile Court seal his/her record after the minor has reached the age 18 or has been off probation for at least 5 years. The sealing is not automatic. The case cannot be sealed if the minor has subsequently been convicted of any felony offense or any misdemeanor offense involving moral turpitude. The Probation Department can assist persons in making application to the Juvenile Court.

Helpful Telephone Numbers

Placer County Juvenile Court	(530) 745-2100
Placer County Probation Department	(530) 889-7900
Placer County District Attorney	(530) 889-7000
Placer County Juvenile Detention Facility	(530) 886-4850
Placer County Peer Court	(916) 663-9227
Children’s System of Care	(530) 889-6700

The information in this handbook is from the Superior Courts of Placer County at www.placercourts.org.