

Chapter XXII

JUVENILE COURT LAW

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Problem Not Alleged in Previous
Petition.

(ff) [§397] Previous Failure To Reunify in
Another State.

(12) [§398] Conviction of Violent Felony.

(13) [§399] Drug or Alcohol Abuse.

(14) [§400] Parent or Guardian Has Waived Services.

(15) [§401] Abduction of Child.

(16) [§402] Crime Requiring Sex Offender
Registration.

(17) [§403] Sexual Exploitation of Child.

(h) [§404] Determination Whether To Order Services.

M. Periodic Reviews.

1. [§405] In General.

2. [§406] Review Hearings Just Before and After Minor Attains
Age 18.

3. Notice of Hearing.

(a) [§407] In General.

(b) [§408] Time and Manner of Service.

(c) [§409] Failure To Comply With Notice Requirements.

4. Supplemental Report.

(a) [§410] In General.

(b) [§411] Last Hearing Before Child Reaches 18.

(c) [§412] Child in Foster Care.

(d) [§413] Time for Service of Report.

5. Child in Custody of Parent or Guardian.

(a) [§414] In General.

(b) [§415] Determination Whether To Continue
Jurisdiction.

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6. Child in Foster Care.
 - (a) [§416] In General.
 - (b) [§417] Planned Permanent Living Arrangement.
 - (c) [§418] Required Determinations.
 - (d) [§419] Educational and Developmental Services Decisions.
 - (e) [§420] Selection and Implementation Hearing.
 - (f) [§421] Placement Outside California.
 - (g) [§422] Application of Provisions Affecting Older Foster Children.

7. Issues Common to Review Hearings.
 - (a) Return of Child.
 - (1) [§423] In General.
 - (2) Determination of Detriment.
 - (aa) [§424] In General.
 - (bb) [§425] Illustrations: Finding of Detriment Affirmed.
 - (cc) [§426] Illustrations: Finding of Detriment Reversed.
 - (b) Reunification Services.
 - (1) [§427] In General.
 - (2) [§428] Illustrations: Services Were Reasonable.
 - (3) [§429] Illustrations: Services Were Not Reasonable.
 - (c) [§430] Setting Selection and Implementation Hearing.

8. Six-Month Review.
 - (a) [§431] In General.
 - (b) [§432] Substantial Probability of Return.
 - (c) [§433] Setting Selection and Implementation Hearing.

9. Twelve-Month Review.
 - (a) [§434] In General.

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(b) Placement Options.

- (1) [§435] In General.
- (2) [§436] Continuation Based on Substantial Probability of Return.
- (3) [§437] Continuation Due to Immigration Complications.
- (4) [§438] Selection and Implementation Hearing.
- (5) [§439] Retention in Foster Care.

10. Eighteen-Month Review.

(a) [§440] In General.

(b) Placement Options.

- (1) [§441] In General.
- (2) [§442] Continuation.
- (3) [§443] Selection and Implementation Hearing.
- (4) [§444] Retention in Foster Care.

11. Twenty-Four Month Review.

(a) [§445] In General.

(b) [§446] Placement Options.

N. Selection and Implementation Hearing.

1. [§447] Statutory Procedure Is Exclusive.

2. Hearing Procedure.

(a) Notice.

- (1) [§448] In General.
- (2) [§449] Content of Notice.
- (3) [§450] Service of Notice.
- (4) [§451] Notice Where Hearing Is Continued.
- (5) [§452] Effect of Failure To Give Notice.

(b) [§453] Preliminary Assessment.

(c) [§454] Appointment of Counsel.

(d) [§455] Testimony and Wishes of Child.

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- (e) [§456] Hearing.
- 3. Development of Plan.
 - (a) Alternative Dispositions.
 - (1) [§457] In General.
 - (2) [§458] Selection of Alternative.
 - (3) [§459] Limitations on Disposition.
 - (b) Termination of Parental Rights To Free Child for Adoption.
 - (1) [§460] In General.
 - (2) Likelihood of Adoption.
 - (aa) [§461] In General.
 - (bb) [§462] Sufficiency of Evidence.
 - (c) [§463] Tribal Customary Adoption.
 - (d) [§464] Adoption as Permanent Placement Goal.
 - (e) Legal Guardianship or Foster Care.
 - (1) [§465] Consideration of Legal Guardianship.
 - (2) [§466] Where Child Remains in Foster Care.
 - (3) [§467] Visitation.
 - (4) [§468] Special Immigrant Juvenile Status.
 - (f) Limitations on Termination of Parental Rights.
 - (1) [§469] In General.
 - (2) [§470] Requirements Applicable to Indian Child.
 - (3) [§471] Where Relative Is Willing To Be Legal Guardian.
 - (4) Termination Would Be Detrimental to Child.
 - (aa) [§472] In General.
 - (bb) [§473] Circumstances Establishing Detriment.
 - (cc) [§474] Benefit to Child.
 - (dd) [§475] Sibling Exception.
 - (ee) [§476] Illustrations.

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- (g) Constitutionality of Termination Procedure.
 - (1) [§477] In General.
 - (2) [§478] Parental Unfitness and Detriment to Child.
 - (3) [§479] Inability of Parent To Provide Housing.
 - (4) [§480] Concealment of Child From Parent.
- 4. Orders.
 - (a) [§481] In General.
 - (b) [§482] Roles of Agency and Court in Interim Custody and Placement.
 - (c) [§483] Visitation Orders.
 - (d) Termination of Parental Rights.
 - (1) [§484] In General.
 - (2) [§485] Effect of Postjudgment Developments on Appeal From Order.
 - (e) Prospective Adoptive Parent.
 - (1) [§486] In General.
 - (2) [§487] Designation of Prospective Adoptive Parent.
 - (3) [§488] Nonemergency Removal From Prospective Adoptive Parent.
 - (4) [§489] Emergency Removal From Prospective Adoptive Parent.
 - (f) [§490] Reinstatement of Parental Rights.
- 5. Adoption Proceeding.
 - (a) [§491] In General.
 - (b) [§492] Preference for Caretaker.
 - (c) [§493] Tribal Customary Adoption.
- 6. [§494] Legal Guardianship.
- 7. Posthearing Procedure.
 - (a) Continuing Jurisdiction.
 - (1) [§495] In General.

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- (2) [§496] Effect of Establishment of Legal Guardianship.
- (b) Status Review Hearings.
 - (1) [§497] In General.
 - (2) [§498] Final Hearing Before Minor Attains Age 18.
 - (3) [§499] Participation by Parents.
- (c) Other Procedures.
 - (1) [§500] In General.
 - (2) [§501] Child Placed in Foster Care.
 - (3) Modification or Termination of Guardianship.
 - (aa) [§502] In General.
 - (bb) [§503] Effect of Modifying or Terminating Guardianship.
- (d) [§504] Notice.

O. Nonminor Dependents.

- 1. [§505] In General.
- 2. [§506] Placement Agreement.
- 3. [§507] Reunification Services.
- 4. [§508] Hearing Procedure.
- 5. [§509] Request for Resumption of Jurisdiction.
- 6. [§510] Status Review Hearings.

P. Modification of Orders and Judgments.

- 1. [§511] Power To Modify or Correct.
- 2. Supplemental Petition.
 - (a) [§512] Nature and Purpose.
 - (b) [§513] Form and Content.
 - (c) [§514] Filing, Setting for Hearing, and Notice.
 - (d) [§515] Hearing.

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- (e) [§516] Sufficiency of Evidence.
 - (f) [§517] Appeal.
 - (g) [§518] Hearing After Supplemental Petition Is Sustained.
3. Petition for Modification.
- (a) Nature and Purpose.
 - (1) [§519] In General.
 - (2) [§520] Change of Circumstances or New Evidence.
 - (3) [§521] Consideration of Petition on Remand.
 - (4) [§522] Petition To Assert Sibling Relationship.
 - (5) [§523] Petition To Terminate Reunification Services.
 - (6) [§524] Petition To Resume Jurisdiction.
 - (b) [§525] Form, Content, and Filing.
 - (c) [§526] Ex Parte Denial.
 - (d) [§527] Grounds for Granting.
 - (e) Right to Hearing.
 - (1) [§528] In General.
 - (2) [§529] Prima Facie Showing Was Made.
 - (3) [§530] Prima Facie Showing Was Not Made.
 - (f) Hearing.
 - (1) [§531] Setting of Hearing.
 - (2) [§532] Notice of Hearing and Citation.
 - (3) [§533] Proof.
 - (4) [§534] Nature of Hearing.
 - (5) [§535] Time of Hearing.
 - (6) [§536] Sufficiency of Evidence.
 - (7) [§537] Scope of Hearing.
 - (g) [§538] Due Process Attack on Decree.
 - (h) [§539] Appeal.

4. [§540] Subsequent Petition.

Q. Appeal.

1. Right To Appeal.

- (a) [§541] In General.
- (b) [§542] Grant or Denial of De Facto Parent Status.
- (c) [§543] Dismissal of Dependency Petition.
- (d) Standing of Parent To Appeal.
 - (1) [§544] In General.
 - (2) [§545] Where Jurisdiction Is Based on Conduct of Only One Parent.
- (e) [§546] Standing of Nonparent To Appeal.
- (f) [§547] Forfeiture of Right To Appeal.

2. Appealable Judgments and Orders.

- (a) [§548] In General.
- (b) [§549] Selection and Implementation Hearing.
- (c) [§550] Appeal From Order of Dismissal.
- (d) [§551] Appeal After Termination of Dependency Jurisdiction.
- (e) [§552] Appeal From Finding That Reasonable Reunification Services Have Been Provided.
- (f) [§553] Appeal From Restraining Order.
- (g) [§554] Miscellaneous Orders.

3. Nonappealable Orders.

- (a) [§555] In General.
- (b) [§556] Waiver of Appellate Review.
- (c) [§557] Treatment of Appeal as Writ Petition.

4. [§558] Counsel on Appeal.

5. Procedure.

- (a) [§559] In General.

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- (b) [§560] Confidentiality.
 - (c) [§561] Modification of Custody Order Pending Appeal.
 - (d) [§562] Dismissal of Moot Appeal.
 - (e) [§563] Dismissal of Appeal Based on Best Interests of Child.
 - (f) [§564] No Wende Review.
 - (g) [§565] Expedited Appeal.
 - (h) [§566] Notice of Appeal.
 - (i) [§567] Time for Appeal.
6. Record.
- (a) [§568] In General.
 - (b) [§569] Preparing and Sending Record.
7. [§570] Briefs.
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R. Review by Extraordinary Writ.

- 1. [§572] In General.
- 2. Order Setting Selection and Implementation Hearing and Related Orders.
 - (a) [§573] In General.
 - (b) [§574] Notice of Filing Requirement.
 - (c) [§575] Prior Orders.
 - (d) [§576] Related Orders.
 - (e) [§577] Notice of Intent.
 - (f) [§578] Record.
 - (g) [§579] Writ Petition and Response.
 - (h) [§580] Hearing and Decision.
- 3. Posttermination Placement Orders.
 - (a) [§581] In General.
 - (b) [§582] Notice of Intent.

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- (c) [§583] Record.
- (d) [§584] Writ Petition and Response.
- (e) [§585] Hearing and Decision.

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A. In General.

- 1. [§586] Nature of Delinquency Proceedings.
- 2. [§587] Statutory Framework.
- 3. Status Offenses Under Welf.C. 601.
 - (a) [§588] In General.
 - (b) [§589] Truancy.
- 4. Criminal Offenses Under Welf.C. 602.
 - (a) [§590] In General.
 - (b) [§591] Serious Habitual Offenders.
 - (c) [§592] Offense Reduction and Reclassification.
 - (d) [§593] Criminal Intent and Capacity.
 - (e) Defense of Insanity or Mental Incapacity.
 - (1) [§594] Test.
 - (2) [§595] Procedure on Insanity Plea.
 - (f) [§596] Defense of Statute of Limitations.
 - (g) [§597] Prosecution in Criminal Court.
 - (h) Certification of Minor Charged With Crime.
 - (1) [§598] Limitation on Jurisdiction of Criminal Court.
 - (2) [§599] Duty To Suspend Proceedings and Certify to Juvenile Court.
 - (3) [§600] Effect of Certification.
- 5. Contempt for Violation of Order.
 - (a) [§601] In General.
 - (b) [§602] Conditions.

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- (c) [§603] Limitations.
- 6. Detention and Commitment Facilities.
 - (a) [§604] Juvenile Halls.
 - (b) [§605] Juvenile Ranches and Camps.
 - (c) [§606] Regional Youth Educational Facilities.
 - (d) Segregation of Minors.
 - (1) [§607] Segregation of Classes of Minors.
 - (2) [§608] Segregation of Minors and Adults.
 - (e) Prison, Jail, or Lockup.
 - (1) [§609] In General.
 - (2) [§610] Minor Transferred to Adult Criminal Court.
 - (3) [§611] Minor in Temporary Custody.
 - (4) [§612] Administration of Evaluation or Test.
 - (f) [§613] Secure Detention of Status Offender.
 - (g) [§614] Inspection of Facilities.

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- 1. [§615] In General.
- 2. [§616] Voluntary Chemical Testing.
- 3. Alternative Procedures After Taking Custody.
 - (a) [§617] In General.
 - (b) [§618] Detention for Specific Violations.
 - (c) [§619] Rights of Minor.
- 4. Procedure After Delivery to Probation Officer.
 - (a) [§620] Notice and Telephone Contact.
 - (b) [§621] Investigation.
 - (c) [§622] Release.
 - (d) [§623] Retention of Custody.

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2. [§625] Investigation by Probation Officer.
3. Program of Supervision (Informal Probation).
 - (a) In General.
 - (1) [§626] Elements of Program.
 - (2) [§627] Supervision by Probation Officer.
 - (3) [§628] Supervision by Court.
 - (4) [§629] Where Offense Involves Controlled Substances or Intoxication.
 - (5) [§630] No Imposition of Fourth Amendment Waiver.
 - (b) [§631] Eligibility.
 - (c) [§632] Factors in Authorizing Program.
 - (d) [§633] Time for Filing Delinquency Petition.
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 - (a) [§634] In General.
 - (b) [§635] Discretion of Probation Officer and Prosecutor.
 - (c) [§636] Form and Content.
 - (d) Variance and Amendment.
 - (1) [§637] In General.
 - (2) [§638] Where Petition Is Based on Criminal Offense.
 - (e) [§639] Setting Petition for Hearing.
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 - (a) [§640] Persons Entitled to Notice.
 - (b) [§641] Form and Content of Notice.
 - (c) [§642] Service of Notice.
 - (d) [§643] Citation.
 - (e) [§644] Arrest Warrant.

- (f) [§645] Subpenas to Witnesses.

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 - (a) [§646] Statutory Rights.
 - (b) Constitutional Rights.
 - (1) [§647] Gault Case.
 - (2) [§648] Right to Trial.
 - (3) [§649] Use of Shackles.
 - (4) [§650] Taking DNA Samples.
 - (5) [§651] Discrepancy Between Ordinance and Its Codification.
 - (c) [§652] No Right to Bail.
 - (d) [§653] No Right to Jury Trial.
 - (e) [§654] No Right To Exclude Codefendant's Extrajudicial Statement.
2. Right to Counsel.
 - (a) [§655] In General.
 - (b) [§656] Duty To Provide Counsel.
 - (c) [§657] Counsel's Right To Argue.
 - (d) [§658] Counsel on Appeal.
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 - (a) [§659] Right to Interpreter.
 - (b) [§660] Miranda Rights.
 - (c) [§661] Involuntary Confession or Admission.
 - (d) [§662] Recordation of Interrogation of Minor Suspected of Murder.
 - (e) [§663] Self-Incrimination Privilege.
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 - (a) Former Jeopardy.
 - (1) [§664] Doctrine Applies in Juvenile Court.

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- (2) [§665] Successive Juvenile Court Proceedings.
- (3) [§666] Juvenile Court Proceedings and Criminal Prosecution.
- (b) [§667] Multiple Prosecutions Are Prohibited.
- (c) [§668] Crime Not Charged in Petition.
- (d) Competency To Stand Trial.
 - (1) [§669] In General.
 - (2) [§670] Competency Hearing.
- 5. Waiver of Rights.
 - (a) [§671] Miranda Rights.
 - (b) [§672] Request for Probation Officer or Parent.
 - (c) [§673] Right to Counsel.
 - (d) [§674] Admission of Guilt.
 - (e) [§675] Presence at Trial.

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- 1. [§677] In General.
- 2. Attendance.
 - (a) [§678] In General.
 - (b) [§679] Victims and Support Persons.
 - (c) [§680] Interested Persons.
 - (d) [§681] Members of the Public.
 - (e) [§682] Publication of Information From Hearing.
- 3. [§683] Informality and Control by Court.
- 4. [§684] Reporter and Transcript.
- 5. [§685] Participation by District Attorney.
- 6. [§686] Impartial Judge or Referee.
- 7. [§687] Discretionary Continuance.

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1. In General.
 - (a) [§689] Time of Hearing.
 - (b) [§690] Petition and Setting for Hearing.
 - (c) [§691] Probation Officer's Report and Recommendation.
 - (d) [§692] Case Plan.
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 - (a) [§693] Explanation and Information.
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 - (a) [§695] In General.
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 - (a) [§697] In General.
 - (b) [§698] Statutory Grounds.
 - (c) [§699] Violation of Order.
 - (d) [§700] Escape From Confinement.
 - (e) [§701] Minor Likely To Flee.
 - (f) [§702] Protection of Minor.
 - (g) [§703] Protection of Another.
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 - (a) [§704] In General.
 - (b) [§705] Order for Mental Health Treatment and Evaluation.

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 - (a) [§706] Former Fitness Hearing.

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- (b) [§707] Nature of Hearing.
 - (c) [§708] Criteria To Determine Transfer.
 - (d) [§709] Designated Crimes.
 - (e) [§710] Accused Who Has Reached Adulthood.
 - (f) [§711] Determination of Present Competency.
- 2. Procedure.
 - (a) [§712] In General.
 - (b) [§713] Probation Officer's Report.
 - (c) [§714] Conduct of Hearing.
 - (d) [§715] Proof of Prima Facie Case.
 - 3. Transfer to Criminal Court.
 - (a) [§716] In General.
 - (b) [§717] Effect of Transfer on Earlier Petition.
 - (c) [§718] Effect of Transfer on Later Petition.
 - (d) [§719] Effect of Transfer on Prior Adjudication of Wardship.
 - 4. [§720] Retention of Jurisdiction in Juvenile Court.
 - 5. [§721] Review of Order.
 - 6. Proceedings Where Minor Is Transferred to Criminal Court.
 - (a) [§722] Criminal Charge and Proceeding.
 - (b) [§723] Detention of Minor.
 - (c) [§724] Conviction and Sentence or Commitment.
 - 7. [§725] Proceedings Where Minor Is Not Convicted.

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- 1. [§726] In General.
- 2. Time of Hearing.
 - (a) [§727] In General.
 - (b) [§728] Dismissal for Delay in Commencement.

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- (c) [§729] Refiling After Dismissal.
- (d) [§730] Continuance.
- 3. Discovery.
 - (a) [§731] Nature and Purpose of Rule.
 - (b) [§732] Duty To Disclose.
 - (c) [§733] Restrictions on Duty To Disclose.
 - (d) [§734] Motion To Compel Disclosure.
- 4. [§735] Commencement of Proceeding.
- 5. Minor's Admission of Allegations.
 - (a) [§736] Personal Admission.
 - (b) [§737] Conditions for Acceptance.
 - (c) [§738] Withdrawal of Admission.
 - (d) [§739] Findings.
 - (e) [§740] Admissions Based on Agreement.
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- 6. Contested Hearing.
 - (a) [§742] In General.
 - (b) [§743] Time for Consideration of Probation Report and Social Study.
 - (c) Admissibility of Evidence.
 - (1) [§744] In General.
 - (2) [§745] Privileges.
 - (3) [§746] Uncorroborated Testimony of Accomplice.
 - (4) [§747] Consent to Search.
 - (5) [§748] Exclusion of Illegally Obtained Evidence.
 - (6) [§749] Motion To Suppress Illegally Obtained Evidence.
 - (d) [§750] Sufficiency of Evidence.
 - (e) Immunity of Witnesses.
 - (1) [§751] In General.

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- (2) [§752] Immunity in Welf.C. 601 Proceeding.
- (3) [§753] Immunity in Welf.C. 602 Proceeding.
- (f) [§754] Findings.

7. [§755] Continuance Pending Disposition Hearing.

J. Disposition Hearing.

1. [§756] Social Study.

2. Case Plan.

(a) [§757] In General.

(b) [§758] Where Minor Is or May Be Placed in Foster Care.

(c) [§759] Plan for Permanency Hearing.

3. [§760] Minor With Mental or Emotional Disorder or Developmental Disability.

4. [§761] Conduct of Hearing.

5. Evidence.

(a) [§762] In General.

(b) [§763] Minor's Right To Present Evidence.

6. Judgment and Orders.

(a) [§764] Dismissal in Interests of Justice.

(b) [§765] Probation Without Wardship.

(c) Deferred Entry of Judgment.

(1) [§766] In General.

(2) [§767] Eligibility.

(3) [§768] Suitability.

(4) [§769] Citation.

(5) [§770] Hearing.

(6) [§771] Probation Conditions.

(7) [§772] Termination.

(8) [§773] Appeal.

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(d) Adjudication of Wardship.

- (1) [§774] In General.
- (2) [§775] Order for Care of Minor.
- (3) [§776] Order to Parent or Guardian.
- (4) [§777] Orders for Parentage, Custody, and Visitation.
- (5) [§778] Placement by Probation Officer.
- (6) [§779] Placement Outside State.
- (7) Limitations on Parental Control.
 - (aa) [§780] In General.
 - (bb) [§781] Educational and Developmental Services Decisions.
 - (cc) [§782] Psychotropic Medication Decisions.
- (8) [§783] Degree of Offense.
- (9) [§784] Offense Punishable as Felony or Misdemeanor.

(e) Placement in Foster Care.

- (1) [§785] Nature of Placement.
- (2) [§786] Notice Requirements.
- (3) [§787] Social Study and Other Reports.
- (4) [§788] Applicability of Indian Child Welfare Act.
- (5) [§789] Reunification Services.
- (6) Court Supervision of Child.
 - (aa) [§790] In General.
 - (bb) [§791] Status Review Hearing.
 - (cc) [§792] Permanency Planning Hearing.
- (7) [§793] Termination of Parental Rights.
- (8) [§794] Termination of Jurisdiction.

(f) Restitution.

- (1) [§795] In General.
- (2) [§796] Restitution Fine.

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- (3) Restitution to Victim.
 - (aa) [§797] In General.
 - (bb) [§798] Amount of Restitution.
 - (cc) [§799] Restitution for Vandalism or Graffiti.
 - (dd) [§800] Restitution Order.
- (4) [§801] Liability of Parent or Guardian for Restitution.

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- 1. In General.
 - (a) [§803] Nature of Juvenile Probation.
 - (b) [§804] Conditions of Supervised Probation.
 - (c) [§805] Conditions of Unsupervised Probation.
 - (d) [§806] Conditions After Commitment to Division of Juvenile Facilities.
 - (e) [§807] Failure To Object to Probation Condition in Trial Court.
 - (f) [§808] Minor's Perjury at Hearing.
- 2. Particular Conditions.
 - (a) [§809] Tests for Valid Conditions.
 - (b) [§810] Restitution.
 - (c) [§811] Community Service.
 - (d) [§812] Alcohol or Drugs.
 - (e) [§813] Warrantless Search of Person.
 - (f) [§814] Warrantless Search of Portable Electronic Devices or Computers.
 - (g) [§815] Restrictions on Possession or Use of Portable Electronic Devices or Computers.
 - (h) [§816] School Attendance and Performance.
 - (i) [§817] Body Piercings and Markings.
 - (j) [§818] Restricted Association With Others.

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- (k) [§819] Geographical Restrictions.
 - (l) [§820] Electronic Monitoring.
 - (m) [§821] Identification of Coparticipants.
 - (n) [§822] Driving Restrictions.
 - (o) [§823] Access to Medical and Psychological Records.
 - (p) [§824] Weapons Restrictions.
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- 3. [§826] Revocation of Probation.
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