

CHAPTER 8 - JUVENILE DELINQUENCY COURT

8.00 General Provisions.

(A) Scope of Rules. These rules set forth matters of general applicability to the public in dealing with the court. The rules do not include matters concerning the internal operations of the court or matters relating solely to the operations of any single agency.

(B) Forms. Forms prescribed for use by these rules are available on the court's website at <https://www.saccourt.ca.gov> and at the appropriate Juvenile Court filing counter.

(C) Statutory References. Unless otherwise indicated, statutory references herein are to the Welfare and Institutions Code.

(D) Home and Sister Courts. The department assignments of home courts and sister courts are available on the court's website at <https://www.saccourt.ca.gov>.

(Adopted 1/1/2013)

8.01 Orders.

The Presiding Judge of the Juvenile Court may issue orders for the administration of the juvenile court as the court deems appropriate. The court shall determine whether the content of any order shall be incorporated into these rules at the next revision of these rules. Orders will be filed with the clerk of the juvenile court. The clerk shall distribute such orders in a manner directed by the court and shall post them on the court's website at <https://www.saccourt.ca.gov>. The clerk of the court shall keep and provide to the general public copies of any such order and these rules. The clerk may charge for the cost of providing such copies.

(Adopted 1/1/2013)

8.02 Charging Documents.

(A) General Nomenclature. The following documents may be filed with the court to commence or resume an action:

(1) Original Petition: A petition concerning a minor not currently on probation in this county or having a delinquency matter pending in this court.

(2) Subsequent Petition: A petition alleging new offenses concerning a minor currently on probation in this county or having a delinquency matter pending in this court.

(3) Supplemental Petition: A petition that:

(a) alleges a violation of probation and seeks a change or modification of a previous order concerning a ward of the court by removing the ward from the custody of a parent, guardian, relative or friend and directing placement in an institution for more than 30 days because the previous order was ineffective in the rehabilitation or protection of the minor (section 777(a)); or

(b) alleges a violation of probation and seeks a commitment of the minor to a county institution for a period of 30 days or less or a less restrictive disposition (section 777(b)); or

(c) otherwise alleges a change of circumstance and seeks to change, modify, or set aside an order of the court, or to terminate the jurisdiction of the court (section 778).

(4) 725(a) Notice: A notice of alleged violation of probation imposed under section 725(a) which may also give notice of the reinstatement of wardship proceedings.

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(5) 654.2 Notice: A notice of alleged violation of informal supervision conditions imposed under section 654.2 which seeks to have informal supervision extended or the petition sustained or extended.

(B) All documents shall be filed at the reception counter located on the 1st floor of the Juvenile Courthouse, 9605 Kiefer Boulevard, Sacramento, CA 95827.

(Adopted 1/1/2013)

8.03 Ex Parte Applications and Orders.

(A) Ex parte applications shall include the following information:

(1) The date and time that a hearing is requested to obtain the order;

(2) A description of the efforts made to obtain the consent of, or to give notice to the parties, the parents or legal guardians of the minor, and their attorneys of record or a statement indicating the reasons why said consent or notice should not be required;

(3) A statement whether any person who is described in paragraph (2) refuses to agree to the ex parte request, including the ground for the person's refusal, if known; and

(4) Full disclosure of any prior requests and the court's action thereon whenever a request for an ex parte order of the same character or for the same relief has been made to the court.

(B) (1) Applications and supporting documents shall be submitted to the clerk of the department in which the matter is pending, by appointment only. An ex parte application that does not contain a statement concerning notice may be summarily denied. Ex parte applications shall set forth by affidavit or declaration the following:

- (a) that within the time prescribed in subparagraph (2) below, the applicant has informed other interested parties when and where the application would be made; or
- (b) that the applicant attempted to inform an interested party or the party's attorney but was unable to do so, specifying the efforts made to inform the party; or
- (c) that for reasons specified, the applicant should not be required to inform the interested party or the party's attorney.

(2) An applicant for an ex parte order shall give a minimum of 24 hours' notice to interested parties, absent a showing of exceptional circumstances. Notice shall include a specific statement of the nature of the order sought. Notice of the ex parte application may be excused if the giving of such notice would frustrate the purpose of the order, or cause the minor or the public to suffer immediate and irreparable physical or emotional harm. Notice may also be excused if, following a good faith attempt, the giving of notice is not possible.

(C) If an order issues after an ex parte application, then the applicant shall provide an endorsed filed copy of the ex parte application and order to all parties and their counsel. Any party disagreeing with the order may request that the matter be placed on calendar for further consideration.

(D) Ex Parte Requests for Medical Authorization. Requests for authorization for medical, dental or other remedial care may be presented to the court on an ex parte basis only in the following circumstances:

(1) The minor is not a ward of the court and a parent, guardian, or person standing in loco parentis has been contacted and objects to, or is unwilling to authorize, the provision of care found to be medically necessary and the person objecting to the care has been given notice of the ex parte request and the date and time that a hearing is requested to obtain the order;

(2) The minor is a ward of the court.

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(E) Medical Authorization Order Form. An order for medical authorization shall be submitted on the Court Order for Medical Authorization (local form JC\E-670), a copy of which is available on the court's website at <https://www.saccourt.ca.gov> and at the appropriate Juvenile Court filing counter.

As used in this rule, "interested party" means the minor, the minor's parent or guardian, the minor's attorney, the district attorney, the probation officer, or a county social worker assigned to a dependency matter involving the minor. (Adopted 1/1/2013; revised 1/1/2018; revised 1/1/2020)

8.04 Access to Courtroom by Non-Parties.

Unless otherwise provided by law or order of the court:

(A) Request by Party. A party who wishes to have a non-party admitted to the courtroom for any hearing must orally move the court for such admission prior to or during the hearing. If the motion is granted, the court shall admonish the non-party that the proceedings are confidential.

(B) Request by Non-Party. A person who is not a party to a matter being heard before the court and who desires to be admitted to the hearing must request an order granting admission, by use of the Request to Attend Juvenile Court Proceedings (local form JC\E-006), a copy of which is available on the court's website at <https://www.saccourt.ca.gov> and at the appropriate Juvenile Court filing counter. The form shall be filed at the Juvenile Courthouse reception counter located on the 1st floor of the Juvenile Courthouse located at 9605 Kiefer Blvd, Sacramento, CA 95827, at least two court days prior to the hearing for which admission is requested, unless good cause is shown. The bench officer assigned to the proceeding shall rule on the request. If no bench officer has been assigned, the request shall be submitted to the presiding judge, and thereafter be ruled upon by the bench officer assigned to the proceeding. The clerk shall promptly notify the parties that a request has been filed. The court may hold a hearing on the request or rule on the request without a hearing. If the request is granted, the court shall admonish the non-party that the proceedings are confidential.

(C) This rule does not apply to hearings concerning offenses listed in section 676(a). (Adopted 1/1/2013; revised 1/1/2018)

8.05 Continuances.

(A) Juvenile Court Priority. Dates calendared for juvenile proceedings shall be regarded by counsel as priority appearances. Counsel appearing in other courts on the same date for which a juvenile case is set shall advise the other courts of the precedence of juvenile matters over other matters so that the juvenile matter may proceed as scheduled. No matter shall be continued except with approval of the juvenile court for good cause shown.

(B) Continuance Motions. Motions for continuances shall be made as follows:

(1) For arraignments and other hearings in which no witnesses are to testify:

(a) by oral motion in open court after prior notice to the opposing party; or

(b) by written stipulation by use of Stipulated Request and Order (local form JC\E-601).

(2) For trials and other hearings in which witnesses are to testify:

(a) by written stipulation by use of local form JC\E-601; or

(b) by written motion filed and served at least two days prior to the hearing, unless the moving party shows good cause for not complying with this rule.

(3) Continuance of Settlement Conference hearing. A Settlement Conference hearing may be continued as follows:

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(a) by oral motion in open court after prior notice to the opposing party; or

(b) by written stipulation by use of local form JC\E-601.

(Adopted 1/1/2013; revised 1/1/2020)

8.06 Motions.

(A) Form and Content. All motions raising issues of law or fact or requiring the testimony of witnesses (e.g., motions to suppress evidence, discovery motions, Pitchess motions) shall be in writing and shall designate with specificity the issues to be litigated or the evidence sought to be suppressed. A motion shall state with specificity the theory of law, factual basis and legal authority which support the motion. Failure to specify the issue to be litigated or the evidence to be suppressed, theory of law, factual basis, or legal authority in support of a motion may be grounds for denial of the motion. A motion described herein shall be comprised of a notice of motion, a declaration in support of the motion where necessary to establish facts of consequence to the determination of the motion, and a memorandum of points and authorities in support of the motion.

(B) Oral Motions. Motions not raising issues of law or fact or not requiring the testimony of witnesses (e.g., motions to amend a petition or to join co-minors) need not be in writing and require no advance notice, unless otherwise stated in these rules.

(C) Notice. If a date for a jurisdiction hearing has been set, motions requiring notice shall be filed and served in accordance with California Rules of Court, rule 5.544.

(1) For motions required by California Rules of Court, rule 5.544 to be filed and served at least five court days in advance of the trial date (minor detained or motion to suppress), responses shall be filed and served at least two court days before the trial date.

(2) For motions required by California Rules of Court, rule 5.544 to be filed and served 10 days in advance of the trial date (minor not detained and any pretrial motion other than motion to suppress), responses shall be filed and served at least five court days in advance of the trial date.

(3) If no date for a jurisdiction hearing has been set, motions requiring notice shall be filed and served at least five court days prior to the date set for hearing the motion. Responses shall be filed and served at least two court days prior to the hearing date.

(D) Shortening Time. The court may prescribe a shorter time for the service and filing of a notice of motion and supporting papers only if the party seeking to shorten the time files an Application for Ex Parte Order Shortening Time with the Court. A party filing an Application for Ex Parte Order Shortening Time must give at least four hours notice of the nature of the application to each party, together with the proposed time and place of the hearing. Notice may be given by telephone. The Application shall be accompanied by an affidavit or declaration setting forth facts showing good cause for the order and any attempts made to notify each party of the ex parte hearing. The Application shall also be accompanied by a proposed order, as well as by the notice of motion and supporting papers.

(E) Motions raising issues of law or fact or requiring the testimony of witnesses shall be calendared on the trial assignment calendar unless otherwise ordered by the court.

(F) Hearing Dates. If a trial date has been set prior to the filing of the motion, the motion may be heard on the trial date. If no trial date has been set, the motion may be heard on a date approved by the court. The date for the motion to be heard shall be approved by the court (through the clerk) prior to filing and serving the motion.

(G) Proof of Service. The clerk shall not accept a motion for filing without a proof of service. Proof of service from an office located at the Juvenile Center on another office located at the Juvenile Center may consist of a date/time stamp or other notation indicating service or receipt.

(Adopted 1/1/2013)

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8.07 Post-Detention Hearing Modifications.

The following procedure shall apply to determine the continuing custody status of the minor in each delinquency case where the minor is detained in the Youth Detention Facility prior to a detention hearing:

(A) At the detention hearing, the attorneys for each party shall be given the opportunity to be heard on whether it is appropriate for the minor to be released from custody pending further court proceedings to the care and custody of a parent/guardian without restriction, on home supervision, electronic monitoring, or to an interim group home.

(B) If, after hearing the positions of both parties on the appropriateness of any conditional release, the judicial officer at the detention hearing orders the minor to be detained in the Youth Detention Facility, the minor shall remain detained in that facility subject to the following possible modification procedure:

(1) If the probation officer elects to initiate an evaluation of the suitability for conditional release and determines to recommend a modification to the court's prior order, the probation officer shall not make an *ex parte* presentation of an application or proposed modification order to the judicial officer.

(2) In order to afford an appropriate opportunity for both parties to be heard on the matter, specific notice of the probation officer's application must be served on the attorneys for each party prior to presentation of the proposed modification order to the judicial officer.

(3) The application to the judicial officer shall consist of a recitation of relevant facts and a recommendation that a conditional release should be granted. The application shall be accompanied by a copy of the Probation Department Intake Sheet.

(4) When serving a copy of the application and proposed modification order on the attorneys for both parties, the probation officer shall ascertain in writing whether each party (a) requests a hearing before the judicial officer, (b) objects to the proposed modification of custody status, but does not request a hearing, or (c) agrees with the proposed modification order without a hearing, and shall include that information from the attorneys in the application to the judicial officer.

(C) After presentation of the probation officer's application to the court, if either attorney has requested a hearing pursuant to paragraph (B) above, the clerk of the court shall schedule a hearing on an expedited basis at 4:00 p.m. on the same day that the application was presented to the attorneys. Unless otherwise requested by either attorney, an informal hearing will be held in chambers, out of the presence of the minor or court reporter. The court shall file a written minute order or modification order detailing the result of the informal hearing.

(D) Applications and proposed modification orders for conditional release from custody shall be presented to the judicial officer designated below:

(1) Except as specified in subparagraphs (2) or (3) below, such applications and proposed Modification Orders shall be presented to the judicial officer who presided over the detention hearing.

(2) In any case where a Detention Early Resolution (DER) hearing or Serious Case Resolution (SCR) hearing has been held, the application and proposed modification order shall be presented to the judicial officer who presided over that hearing.

(3) In any case where an admission has taken place, trial has been conducted, or disposition was ordered, the application and proposed modification order shall be presented to the judicial officer who presided over the admission, trial, or disposition.

(4) In the absence of the judicial officer designated above, the application and proposed modification order shall be presented to the Presiding Judge of the Juvenile Court.

(Adopted 1/1/2013; revised 1/1/2018)

8.08 Discovery.

In addition to the provisions of California Rules of Court, rule 5.546:

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(A) Disclosure of Materials to the Minor. The attorney for petitioner shall disclose to the minor or his or her attorney all of the following materials and information, if it is in the possession of the attorney for petitioner or if the attorney for petitioner knows it to be in the possession of the investigating agencies:

(1) The names and addresses of persons petitioner's attorney intends to call as witnesses at trial.

(2) Statements of the minor and all co-participants in the commission of the same alleged offense.

(3) All relevant real evidence seized or obtained as a part of the investigation of the offenses charged, including photographs or physical evidence.

(4) The existence of any act of moral turpitude that resulted in a felony or misdemeanor conviction or Sacramento County Juvenile Court adjudication for any witness petitioner intends to call. Such revealed information shall remain confidential pursuant to section 827 and shall not be revealed by minor's counsel except during Juvenile Court proceedings.

(5) Any exculpatory evidence.

(6) Relevant written or recorded statements of witnesses or reports of the statements of witnesses whom petitioner's attorney intends to call at the trial.

(7) Any reports or statements of experts made in conjunction with the case, including the results of physical or mental examinations, scientific tests, experiments, or comparisons which petitioner's attorney intends to offer in evidence at the trial.

(8) Records of statements, admissions, or conversations by the parent or guardian of the minor.

(9) Names, addresses and records of statements or conversations of witnesses or other persons interviewed by an investigating authority in connection with the pending matter.

(B) Disclosure of Address or Telephone Number of Alleged Victim or Witness.

(1) Except as provided in California Rules of Court, rule 5.546(b), no attorney may disclose or permit to be disclosed to a minor, members of the minor's family, or anyone else, the address or telephone number of an alleged victim or witness whose name is disclosed to the attorney pursuant to paragraph (A)(1) above unless specifically permitted to do so by the court after a hearing and a showing of good cause.

(2) Notwithstanding paragraph (B)(1) above, an attorney may disclose or permit to be disclosed the address or telephone number of an alleged victim or witness to persons employed by the attorney or to persons appointed by the court to assist in the preparation of a minor's case if that disclosure is required for that preparation. Persons provided this information by an attorney shall be informed by the attorney that further dissemination of the information, except as provided by this rule, is prohibited.

(3) Willful violation of this rule by an attorney, persons employed by the attorney, or persons appointed by the court may be punished by contempt.

(C) Disclosure of Information to Petitioner. The minor and his or her attorney shall disclose to the attorney for petitioner:

(1) The names and addresses of persons, other than the minor, he or she intends to call as witnesses at trial.

(2) Any relevant written or recorded statements of those persons, or reports of the statements of those persons.

(3) Any reports or statements of experts made in connection with the case whom he or she intends to call as witnesses at trial.

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(4) The results of physical or mental examinations, scientific tests, experiments, or comparisons which the minor intends to offer in evidence at the trial.

(5) Any real evidence which the minor intends to offer in evidence at the trial.

(6) The existence of any known felony conviction of any witness minor's counsel intends to call.

(D) Nontestimonial Evidence. Nothing in this rule shall be construed as limiting the obtaining of nontestimonial evidence to the extent permitted by law.

(E) Discovery Orders.

(1) The provisions of this rule shall be in effect immediately upon the filing of an original, subsequent or supplemental petition pursuant to section 602. No further order of the court or informal request by a party shall be required to effectuate the provisions of this order.

(2) Before a party may seek a court order imposing sanctions pursuant to California Rules of Court, rule 5.546(c) for violations of this discovery order, the party shall make an informal request of opposing counsel for the desired materials and information. If, within a reasonable time of making such an informal request, the opposing counsel fails to provide the materials and information requested, the party may seek a court order pursuant to paragraph (E)(3) below.

(3) Upon a showing that a party has not complied with paragraphs (A) or (B) of this rule and upon a showing that the moving party complied with the informal discovery procedure provided in paragraph (E)(2), a court may make any order necessary to enforce the provisions of this order, including, but not limited to, immediate disclosure, contempt proceedings, delaying or prohibiting the testimony of a witness or the presentation of real evidence, continuance of the matter, dismissal of the petition or any other lawful order.

(F) Work Product Privilege. Neither the minor nor the attorney for petitioner is required to disclose any materials or information which are work product as defined in Code of Civil Procedure section 2018.030(a) or which are privileged pursuant to an express statutory provision, or are privileged as provided by the Constitution of the United States.

(G) Disclosure of Information; Time Limitations.

(1) The disclosures required under this order shall be made at least five days prior to the trial, unless good cause is shown why a disclosure should be denied, restricted or deferred. If the material and information becomes known to, or comes into the possession of, a party within five days of trial, disclosure shall be made immediately, unless good cause is shown why a disclosure should be denied, restricted or deferred. "Good cause" is limited to threats or possible danger to the safety of an alleged victim or witness, possible loss or destruction of evidence, or possible compromise of other investigations by law enforcement.

(2) Upon the request of any party, the court may permit a showing of good cause for the denial or regulation of disclosures, or any portion of that showing, to be made in camera. A verbatim record shall be made of any such proceeding. If the court enters an order granting relief following a showing in camera, the entire record of the showing shall be sealed and preserved in the records of the court, and shall be made available to an appellate court in the event of an appeal or writ. In its discretion, the trial court may after trial, unseal any previously sealed matter.

(H) Written Witness Statements.

(1) Material information obtained from a witness prior to calling the witness to testify, whether obtained by an investigator or attorney, which will be presented during the trial on direct or re-direct testimony, must be reduced to writing, whether in typewritten or handwritten form, and presented to opposing counsel.

(2) Applicable portions of an investigator's report, including the recorded statement of another witness who is to be impeached by prior inconsistent statements, must be discovered to the opposing counsel prior to the testimony of the investigator.

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(3) Information obtained prior to a trial from or about a witness who is called by opposing counsel need not be revealed in discovery.

(I) **Written Witness Statements.**

(1) Counsel for the petitioner and counsel for the minor shall each cause a distinguishing number or other designation to be placed on each page or item of discovery given to opposing counsel.

(2) Counsel for the petitioner and counsel for the minor shall each cause a record or receipt to be generated and maintained in the case file that reflects the date that discovery of each numbered or other designated page or item of discovery was made available to opposing counsel.

(Adopted 1/1/2013; 1/1/2018)

8.09 Appointment of Counsel.

(A) **Public Defender Appointments Prior to Arraignment or Detention Hearing.**

(1) At 8:00 a.m. on the scheduled date of the arraignment or detention hearing, in the absence of a determination of conflict or overload, the Public Defender shall be deemed to be appointed to represent the minor in all proceedings thereafter on that petition, until relieved by the court.

(2) Upon such automatic appointment, the Public Defender shall examine the circumstances of the case and determine whether that office has a legal conflict or work overload that would prevent that office from accepting the appointment.

(3) Upon the determination of such a conflict or overload, the Public Defender shall prepare an informal memorandum notice of that fact and file it with the delinquency unit of the court prior to the detention hearing or arraignment of the minor. Upon the filing of such informal notice, the Public Defender shall automatically be relieved as counsel for the minor.

(B) **Conflict Criminal Defenders Appointments Prior to Arraignment or Detention Hearing.**

(1) In the event that the Public Defender declines to accept appointment as counsel for the minor under the circumstances described above, the Conflict Criminal Defenders (CCD) shall be deemed to be appointed to represent the minor in all proceedings thereafter, until relieved by the court, and shall be so informed by the delinquency unit of the court.

(2) The CCD Administrator shall thereafter exercise his or her sound discretion and select a qualified attorney from the panel of attorneys certified as available for appointment to Juvenile Court cases and inform that attorney of the court's automatic appointment of the CCD and the CCD's assignment of that counsel.

(C) **Acceptance of Appointment by Public Defender.** The Assistant Public Defender assigned pursuant to the automatic appointment process described above shall appear at the arraignment or detention hearing for the minor and orally announce acceptance of the appointment.

(D) **Acceptance of Appointment by CCD Attorney.** Counsel assigned by the CCD pursuant to the automatic appointment process described above shall appear at the arraignment or detention hearing for the minor and orally announce acceptance of the appointment on behalf of the CCD.

(E) **Retained Counsel.** The automatic appointment described above of the Public Defender or CCD shall be deemed to be vacated in any case where retained counsel appears at the arraignment or detention hearing.

(F) **Relieving Public Defender and Appointment of CCD After Arraignment or Detention Hearing.**

(1) In any case where the Public Defender is appointed to represent a minor and initially accepts the appointment, but determines after the date of arraignment or detention hearing that his office has a legal conflict of interest and can no longer represent the minor, the Public Defender shall file an ex parte informal notice with the

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delinquency unit of the court and request to be relieved. A copy of the notice shall be provided by the Public Defender to the District Attorney's office.

(2) Upon the filing of the notice, the Public Defender shall be deemed relieved as counsel of record and the CCD shall immediately be deemed appointed to represent the minor in all proceedings thereafter, until relieved by the court, and shall be so informed by the delinquency unit of the court.

(3) The CCD administrator shall thereafter exercise his or her sound discretion and select a qualified attorney from the panel of attorneys certified as available for appointment to Juvenile Court cases and inform that attorney of the court's automatic appointment of the CCD and the CCD's assignment of that counsel.

(4) Counsel selected by the CCD pursuant to the automatic substitution process described above shall appear at the next scheduled appearance for the minor and orally announce acceptance of the appointment.

(5) Counsel assigned by the CCD pursuant to the automatic appointment process described above shall appear at the arraignment or detention hearing for the minor and orally announce acceptance of the appointment on behalf of the CCD.

(6) When the Public Defender has declared a conflict and the CCD has been appointed, the Public Defender thereafter shall be appointed to subsequent matters involving the minor as to which no conflict exists.

(G) Relieving Assigned CCD Attorney. Except as provided in paragraph (H) below, an assigned CCD attorney may be relieved as counsel of record only upon order of the court. Upon the issuing of such an order, the court shall inform the CCD administrator to select and assign a qualified replacement attorney from the panel of attorneys available for appointment to Juvenile Court cases.

(H) Relieving Public Defender and CCD Attorneys After Disposition. The Public Defender or CCD attorney appointed to a delinquency matter will be relieved after disposition as follows:

(1) Final Disposition. Except as hereinafter provided, the attorney of record is relieved 60 days after the disposition hearing if no restitution is to be ordered in the case or if the amount of restitution is fixed at the disposition hearing. If restitution is to be determined at a later date, the attorney of record is relieved 60 days after the restitution determination is made by the court.

(2) Informal Supervision Cases. The attorney of record is not relieved pursuant to subparagraph (1) above if findings on the petition are deferred for six months pursuant to section 654.2. The attorney shall remain attorney of record for the six-month period of informal supervision and is not relieved until 60 days after final disposition of the petition, unless otherwise ordered by the court.

(3) Placement Cases. The attorney of record is not relieved pursuant to subparagraph (1) above in any case in which the minor is committed to the care and custody of the Probation officer for suitable placement.
(Adopted 1/1/2013; revised 1/1/2018; revised 1/1/2020)

8.10 (Deleted effective 1/1/2018)

8.11 (Deleted effective 1/1/2018)

8.12 Calendars.

(A) Nomenclature. The following hearings are calendared as applicable for juveniles against whom a petition is filed:

- (1) Detention / Arraignment,
- (2) Settlement Conference,

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- (3) Trial Readiness Conference,
- (4) Jurisdiction (trial), and
- (5) Disposition.

(B) Detention Hearings. All detention hearings are conducted in the department designated by the Presiding Judge of the Juvenile Court.

(C) Arraignment Hearings. Arraignment hearings on non-detaining petitions shall be conducted in the department designated by the Presiding Judge of the Juvenile Court.

(D) Appearances After Detention Hearing. At the detention hearing, regardless of whether the minor is detained, the judge or referee shall set the matter for a Settlement Conference.

(E) Hearings on violations of probation pursuant to sections 725(a) or 725(b) shall be scheduled in accordance with these rules.

(F) Settlement Conference hearing. A Settlement Conference shall be set in accordance with these rules.

(G) Trial Readiness Conference Hearings. A Trial Readiness Conference hearing may be set at the request of the parties following a Settlement Conference hearing and in advance of a Jurisdiction hearing.

(H) Jurisdiction Hearing / Evidentiary Hearing. An uncontested Jurisdiction Hearing will be set in the home court. A contested Jurisdiction Hearing / Evidentiary Hearing will be set with the trial department to be assigned at a later date (see Trial Assignment) or as ordered by the court.

(I) Disposition Hearing. An uncontested Disposition Hearing will be set in the home court. A contested Disposition Hearing will be set with the trial department to be assigned at a later date (see Trial Assignment) or as ordered by the court.

(J) Hearings on failures of informal supervision under section 654.2 are disposition hearings and shall be calendared in the home court's sister court.

(Adopted 1/1/2013; revised 1/1/2016; revised 1/1/2018; revised 1/1/2020)

8.13 Restitution Determination Procedures.

In any juvenile delinquency disposition where the Probation Department does not have sufficient information at the time of disposition to make a specific recommendation as to the amount of restitution to the victim that may be ordered pursuant to section 730.6(a)(2)(B), the following procedure will apply:

(A) A restitution determination hearing will be held within 60 days of the disposition hearing. The hearing will be calendared for an 8:30 a.m. appearance in the court presiding over the disposition hearing or contested proceeding. The court clerk will notice the minor and his or her parents or guardians of the restitution hearing date.

(B) The Probation Department shall investigate the matter and prepare a restitution recommendation report that addresses:

- (1) The value of stolen or damaged property;
- (2) Medical expenses;
- (3) Lost wages or profits due to injury;
- (4) Lost wages or profits due to time spent as a witness or assisting the police or District Attorney; and
- (5) The names of any co-responsible persons.

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(C) The restitution report shall be submitted to the court and both counsel no later than 45 days after the disposition hearing. The court will monitor the receipt of the report. If a report is not submitted by Probation by the time of the initial restitution hearing, the court will set restitution at \$0.00.

(D) The documentation upon which the Probation officer relies in making the restitution recommendation shall be forwarded with the recommendation report to the District Attorney and minor's counsel, but not to the court.

(E) On the date set for the restitution hearing, the matter will be called on the record in the presence of counsel for both parties. The minor and the minor's parent/guardian must be present at the restitution hearing. The court will not entertain waivers of appearance at the hearing, except for those minors who have been committed to the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities or are placed in a distant placement facility or home.

(1) If a party disputes the amount of restitution recommended by the Probation Department and is prepared to set the matter for an evidentiary hearing, a hearing will be set in the court which presided over the jurisdiction/disposition or contested proceeding. The burden of presenting evidence and the burden of proof shall be on the party disputing the recommended amount of restitution. Except in unusual circumstances, the court will not continue the evidentiary hearing.

(2) If a party disputes the amount of restitution recommended by the Probation Department but is not prepared to set the matter for an evidentiary hearing, the court will determine an amount. The amount set will be recognized as a tentative figure, subject to the modification policies and procedures set forth in paragraph (I), below.

(F) The initial restitution hearing shall be a non-evidentiary hearing. No witnesses may be called. The court will make every reasonable effort to set a restitution amount at this hearing. However, the amount set will be recognized as a tentative figure, subject to modification, in accordance with paragraph (I), below.

(G) After a restitution order is issued by the court, pursuant to section 730.7(b), the court clerk shall notify the victim within 60 days of the following:

(1) The name and address of the minor;

(2) The amount and terms of restitution ordered;

(3) The offenses that were sustained;

(4) The name and address of the parent/guardian of the minor;

(5) The applicability of Civil Code section 1714.1 and section 1714.3 regarding joint and several liability of the parent/guardian;

(6) Whether the minor's parents received proper notice of the proceedings and potential liability;

(7) The victim's right to a certified copy of the order reflecting items 1-6, above;

(8) The victim's right to enforce the restitution order as a civil judgment pursuant to section 730.6(r) and Penal Code section 1214.

(H) Thereafter, prior to hearing any motion to modify the restitution order, all parties and the victim shall be notified at least 10 days prior to the hearing date, as required by section 730.6(h).

(I) The Probation Department and counsel will be given liberal permission to seek to modify the amount of restitution set at the initial non-evidentiary restitution hearing, in accordance with the following:

(1) The Probation Department or counsel may file a written or oral modification motion to increase or decrease the amount of restitution. A written section 778 motion will not be required.

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(2) Written documentation generated by the Probation Department in support of the modification shall be delivered to the attorneys of record as soon as possible. Written documentation generated by either counsel in support of the modification shall be delivered to opposing counsel as soon as possible.

(3) The court will not calendar the modification motion until the attorneys believe the matter is “ready” for litigation. The courtroom clerk will set the matter for hearing upon an oral or written request by an attorney.

(4) The court will not deny a request for hearing on a modification motion once the matter is determined “ready” for litigation. The clerk will set the matter for non-evidentiary hearing. The hearing shall be in the home court’s sister court.

(5) The defense attorney shall notify the minor and his/her parents of the scheduled date and time for the modification hearing. The minor and his or her parent must be present at any hearing where the modification motion seeks to increase the amount of restitution previously ordered.

(6) The District Attorney’s office shall notify the victim of the scheduled date and time for any modification hearing wherein the petition for modification is to decrease the amount of restitution previously ordered.

(7) Every effort will be made to resolve the modification motion at the first hearing. If the matter cannot be resolved at the first hearing, the court will set the matter for a 1:30 p.m. hearing, whether or not an evidentiary hearing is likely to occur. Except in unusual circumstances, the court will not continue the hearing on the modification motion beyond the second hearing date.

(Adopted 1/1/2013; revised 1/1/2018)

8.14 Placement.

Unless otherwise ordered by the court, upon a minor being adjudged a ward of the court pursuant to section 602 and ordered committed to the care and custody of the Probation Department for suitable placement, the probation officer shall arrange for appropriate housing for the minor as follows:

(A) Level A Placement (In-State Placement)

(1) Unless otherwise specified by the court at the time of disposition, all orders for suitable placement shall be at this level. Level A placement does not include any out-of-state facility.

(2) Level A placement includes, and is limited to, placement in any of the following homes or facilities, located in the state of California:

- (a) The home of a relative or friend of the minor;
- (b) A licensed foster home;
- (c) A licensed group home; or
- (d) A licensed residential treatment center.

(3) In each case in which the court orders Level A placement, the probation officer shall use his/her discretion to initially select an appropriate home or facility in which to place the minor.

(4) The selection of a particular Level A home or facility in which to initially place the minor does not require specific approval by the court.

(B) Level B Placement (Out-of-State Placement)

(1) The probation officer may only place a minor at this level if specifically ordered by the court at time of disposition. Level B placement excludes any in-state home or residential treatment facility.

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(2) In cases wherein the court orders Level B placement, the probation officer may place a minor only at the specific out-of-state facility identified in the court's order.

(C) Modifications of Placement Location

(1) Level A Placement

- (a) During the period of Level A placement, the probation officer shall use his/her discretion to determine whether suitable placement requires that the minor be moved from a home or facility to a more appropriate Level A home or facility.
- (b) The selection of a particular Level A home or facility to which the minor should be moved does not require specific approval by the court.
- (c) The probation officer may not modify placement to a Level B facility of a minor who was ordered placed in a Level A home or facility, as described above, without a specific order of the court after a sustained petition to modify the court's prior order pursuant to section 778, or a motion to violate probation granted pursuant to section 777.

(2) Level B Placement

- (a) The selection of a particular Level B facility to which to the minor should be moved requires specific approval by the court.
- (b) The probation officer may not modify the placement of a minor who was ordered placed in a particular Level B facility to a Level A home or facility or to a different Level B facility, as described above, without a specific order of the court after a sustained petition to modify the court's prior order pursuant to section 778, or a motion to violate probation granted pursuant to section 777.

(3) Return to Custody (Level A and Level B Placements); Urgency Basis

- (a) The probation officer may return the minor to the Youth Detention Facility after placement in a Level A or Level B home or facility if:
 - (i) The minor is arrested for a criminal offense;
 - (ii) On an urgency basis, the person in charge of that home or facility informs the Probation Department that the minor is excluded therefrom, and there is not sufficient time or opportunity for the probation officer to locate another suitable placement location; or
 - (iii) On an urgency basis, that home or facility becomes legally ineligible to house wards of the court. An "urgency basis" means less than 15 days notice to the probation officer.
- (b) Upon the return of a minor to the Youth Detention Facility, the probation officer shall file:
 - (i) A petition to modify the court's prior order pursuant to section 778, if the probation officer seeks to change a prior Level A or Level B placement to any other care and custody order, except a commitment to the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities.
 - (ii) A motion to violate probation pursuant to section 777 if the probation officer seeks to change a prior Level A or Level B placement to the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities; or
 - (iii) A Motion to Modify Custody Status (MMCS) if the probation officer seeks to maintain the same Level A or Level B placement order as previously ordered by the court, but

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needs further time to arrange for returning the minor to the appropriate home or facility.

- (c) Upon returning the minor to the Youth Detention Facility on either a petition to modify the court's prior order pursuant to section 778, a motion to violate probation pursuant to section 777, or a Motion to Modify Custody Status, the matter shall be calendared for a detention hearing.
- (4) Return to Custody (Level A and Level B Placements); Non-Urgency Basis
 - (a) In any case wherein the probation officer has 15 or more days notice of a need to remove a minor from a Level A or Level B home or facility, he/she may not return a minor to the Youth Detention Facility without advance approval of the court.
 - (b) The probation officer must file a non-detention petition or motion and calendar the matter for an out-of-custody arraignment, at which time the court may determine whether the minor shall be detained thereafter in the Youth Detention Facility.

(D) Return Home

Except as described below, after the court orders placement in a Level A or Level B home or facility, the minor may not be permanently returned to the home of the minor's parent or guardian without prior approval of the court.

- (1) Routine Home Visits
 - (a) The probation officer may authorize routine visits by the minor to the home of the minor's parent or guardian without specific approval by the court.
 - (b) A "routine visit" is limited to not more than 21 days during any consecutive 60-day period.
- (2) Extended Home Visits
 - (a) After the court orders a Permanent Plan of "return home," the probation officer may authorize an extended visit by the minor to the home of the minor's parent or guardian without specific approval by the court.
 - (b) An "extended visit" is limited to not more than 30 days during any consecutive 90-day period.

(Adopted 1/1/2013)

8.15 Rehearings.

Applications for Rehearing of Decision of Referee.

(1) Applications for rehearing of a decision by a referee pursuant to section 252 shall be filed in typewritten form and shall include a statement of reasons the rehearing is requested. Except for good cause shown, the court will not accept for filing an application that is submitted in handwritten form. The "good cause" requirement may be satisfied where an unrepresented litigant submits handwritten documents in legible form.

(2) If represented by counsel, the application must be filed by the attorney of record and not by the minor or parent/guardian personally.

(3) The applicant shall utilize an Application for Rehearing and Statement (local form JC\E-001), a copy of which is available on the court's website at <https://www.saccourt.ca.gov> and at the appropriate juvenile court filing counter. Other documents may be attached to local form JC\E-001 and incorporated by reference therein, but the court will not accept for filing an application that does not utilize the form as the first page of the application.

(Adopted 1/1/2013; revised 1/1/2018)

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8.16 Trial Assignment.

Unless otherwise ordered by the court, attorneys representing a party in an evidentiary hearing shall comply with the following procedure:

(A) Counsel is to provide valid contact information and the estimated length of time for the hearing at the Trial Readiness Conference or counsel must contact the Master Calendar Coordinator by 11:30 a.m. on all cases set for an evidentiary hearing the following day. Contact may be made in person at the office of the Presiding Judge of the Juvenile Court, by telephone ((916) 875-5200), or by e-mail (DelMasterCalendar@saccourt.ca.gov).

(B) Absent good cause, the Coordinator shall inform counsel of the department to which the matter has been assigned and the time for appearance by 12:00 p.m. the day prior to assignment.

(C) Absent good cause, an attorney who files an affidavit of prejudice against the assigned judge or who declines to stipulate to a temporary judge shall so inform the Coordinator and opposing counsel by 1:30 p.m. that same day the assignment is announced.

(Adopted 1/1/2013; revised 1/1/2020)

8.17 Emergency Removal of Minor from Youth Detention Facility.

(A) Emergency Removal of Minor

Absent further order of the court, any previous court order that a minor shall be detained in the Sacramento County Youth Detention Facility is suspended, and the minor shall be immediately removed from such facility by the probation officer and transported to the Sacramento County Mental Health Treatment Center (SCMHTC), upon the filing of a declaration with the Juvenile Court containing all of the following:

(1) The declarant is a mental health clinician assigned to the Youth Detention Facility (designated by the Sacramento County Department of Health and Human Services, Mental Health Division pursuant to section 5585.50) or is a probation officer assigned to the Youth Detention Facility;

(2) The declarant conducted an evaluation of the minor and as a result believes that the minor has a mental disorder which renders the minor a danger to himself/herself, a danger to others, or gravely disabled;

(3) The person conducting the evaluation believes sufficient medical and psychiatric services do not exist within the Youth Detention Facility to serve the minor's needs; and

(4) The person conducting the evaluation believes that an emergency situation exists which requires that the minor be temporarily removed as soon as possible from the Youth Detention Facility to be evaluated pursuant to section 5585.50.

Upon the filing of such a declaration and upon delivery of the Minor to SCMHTC, the minor shall no longer be detained by order of the juvenile court.

(B) Notice to Counsel

Before noon of the next judicial day after the minor is removed from the Youth Detention Facility pursuant to this rule, the probation officer shall notify the District Attorney and minor's last counsel of record of the removal. Upon the request of either counsel, the matter shall be calendared forthwith by the probation officer for a hearing before the court to modify the removal order.

(C) Return of Minor to Juvenile Hall within 72 Hours

Consistent with the provisions of section 5585.50, SCMHTC or its designee treatment facility may detain the minor for treatment and evaluation.

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Notwithstanding any other provision of law, if the professional person in charge of SCMHTC, or its designee treatment facility, determines within a period not to exceed 72 hours that the minor's mental health needs can properly be served without being detained in the mental health treatment facility, the minor shall not be released unconditionally from the facility. At such time, the treatment facility shall instead notify the probation officer that the minor is ready for discharge from that facility.

The probation officer shall immediately transport the minor to the Youth Detention Facility. Upon delivery of the minor to the probation officer, the suspension imposed in paragraph (A) above shall be lifted and the previous court order that the minor shall be detained in the Youth Detention Facility shall be reinstated.

(D) Return of Minor after 72 Hours; Intensive Treatment

The authority to remove the minor from the Youth Detention Facility shall not extend beyond 72 hours unless the provisions of section 5585.53 are invoked in order to provide intensive treatment related to the minor's mental disorder.

Upon the expiration of the intensive treatment period, the minor shall not be unconditionally released. At such time, the facility where the minor received intensive treatment shall instead notify the probation officer that the minor is ready for discharge from that facility.

The probation officer shall immediately transport the minor to the Youth Detention Facility. Upon delivery of the minor to the probation officer, the suspension imposed in paragraph (A) above shall be lifted and the previous court order that a minor shall be detained in the Youth Detention Facility shall be reinstated.

(Adopted 1/1/2013; revised 1/1/2018)

8.18 Psychotropic Medication Authorization.

Any request for an order authorizing the administration of psychotropic medications for minors declared wards of the court shall comply with California Rules of Courts, rule 5.640. Applications must be completed and presented by the Probation Department to the court using the following forms: Application for Psychotropic Medication (Judicial Council form JV-220), Physician's Statement—Attachment (Judicial Council form JV-220A), Proof of Notice: Application (Judicial Council form JV-221), Physician's Request to Continue Medication-Attachment (Judicial Council form JV-220(B)) if the request is for the continuation of medication, and the County Report on Psychotropic Medication (Judicial Council form JV-224).

(Adopted 1/1/2013; revised 1/1/2018)

8.19 Access to and Disclosure of Juvenile Court Records.

Request for inspection and/or disclosure of juvenile court records is governed by Sacramento County Juvenile Court Standing Order SSC-JV-99-021 available on the court's website at <https://www.saccourt.ca.gov>.

(Adopted 1/1/2013)