

Superior Court of California, County of Sacramento

CHAPTER 8 – JUVENILE JUSTICE 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) Calendaring. For information about courtroom calendars, see the Court's website at <https://www.saccourt.ca.gov/juvenile/delinquency/general.aspx>.

(E) Filings. Unless otherwise noted in these rules or permitted by law or the court, all motions and documents shall be filed directly with the filing counter located on the 1st floor of the Juvenile Courthouse located at 9605 Kiefer Boulevard, Sacramento CA 95827. Documents filed on the day a matter is set for hearing shall be filed directly in the courtroom where the matter is being heard.

(F) Terminology. These rules will use the term "juvenile justice," which is to be read as synonymous with the term "juvenile delinquency" in the Welfare and Institutions Code and the California Rules of Court.
(Adopted 1/1/2013; revised 1/1/2022)

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/juvenile/delinquency/orders/standing-orders.aspx>. 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; revised 1/1/2022)

8.02 (Deleted effective 1/1/2022)

8.03 Ex Parte Applications and Orders.

(A) Ex parte applications may be submitted on Juvenile Ex Parte Application and Declaration Re Notice (local form JC/E-335), a copy of which is available on the court's website at <https://www.saccourt.ca.gov/forms/forms.aspx>.

(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

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- (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.

(Adopted 1/1/2013; revised 1/1/2018; revised 1/1/2020; revised 1/1/2022)

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.

(Adopted 1/1/2013; revised 1/1/2018; revised 1/1/2022)

8.05 Appearances and 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) By oral motion in open court after prior notice to the opposing party; or

(2) By submitting a Stipulated Request and Order (local form JC-E-601).

(Adopted 1/1/2013; revised 1/1/2020; revised 1/1/2022)

8.06 (Delted effective 1/1/2022)

8.07 Post-Detention Hearing Modifications.

A) 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, 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. 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. The court will process the request. After ruling, the court shall file a written minute order or modification order detailing the result of the request.

B) 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.

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C) Applications and proposed modification orders for conditional release from custody shall be presented to the judicial officer in the home court. If a hearing is requested, the court will schedule the matter on an expedited bases in the home court.

(Adopted 1/1/2013; revised 1/1/2018; revised 1/1/2022)

8.08 (Deleted effective 1/1/2022)

8.09 (Deleted effective 1/1/2022)

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

(B) 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 in the home court.

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

(Adopted 1/1/2013; revised 1/1/2016; revised 1/1/2018; revised 1/1/2020; revised 1/1/2022)

8.13 Restitution Determination Procedures.

In any juvenile justice 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 45 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;

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- (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.

(C) The restitution report shall be submitted to the court and both counsel no later than 30 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. No witnesses will be called.

(1) If a party disputes the amount of restitution recommended by the Probation Department, a hearing will be set in the court which presided over the jurisdiction/disposition or contested proceeding.

(F) If an oral or written request to modify the amount of restitution is made, the court will calendar the modification hearing.

(1) The defense attorney shall notify the minor and their parent(s) of the scheduled date and time for the modification hearing. The minor and their parent/guardian must be present at any hearing where the modification motion seeks to increase the amount of restitution previously ordered.

(2) 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.

(Adopted 1/1/2013; revised 1/1/2018; revised 1/1/2022)

8.14 Placement.

(A) Modifications of Placement Location

(1) Placement

- (a) During the period of placement, the probation officer shall use their discretion to determine whether suitable placement requires that the minor be moved from a home or facility to a more appropriate home or facility.
- (b) The selection of a particular home or facility to which the minor should be moved does not require specific approval by the court.

(2) Return to Custody; Urgency Basis

- (a) The probation officer may return the minor to the Youth Detention Facility after placement in a 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.

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- (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 placement to any other care and custody order, except a commitment Valley Oak Youth Academy;
 - (ii) A motion to violate probation pursuant to section 777 if the probation officer seeks to change a prior placement for further disposition; or
 - (iii) A Motion to Modify Custody Status (MMCS) if the probation officer seeks to maintain the same placement order as previously ordered by the court, but 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 for violation of probation pursuant to section 777, or a Motion to Modify Custody Status, the matter shall be calendared for a detention hearing.

(B) Return Home

Except as described below, after the court orders placement in a 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) Home Pass

- (a) The probation officer may authorize home passes by the minor to the home of the minor's parent or guardian without specific approval by the court.
- (b) A "routine home pass" is limited to not more than 21 days during any consecutive 60-day period.

(2) Extended Home Pass

- (a) After the court orders a Permanent Plan of "return home," the probation officer may authorize an extended home pass by the minor to the home of the minor's parent or guardian without specific approval by the court.
- (b) An "extended home pass" is limited to not more than 30 days during any consecutive 90-day period.

(Adopted 1/1/2013; revised 1/1/2022)

8.15 Rehearings.

(A) 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.

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

(C) 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; revised 1/1/2022)

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8.16 Trial Assignment.

Unless otherwise ordered by the court, or agreed by the parties attorneys representing a party in a contested hearing shall comply with the following procedure:

(A) The Court will require a Trial Readiness Conference (TRC) hearing on all cases set for trial. A TRC shall be scheduled one week before the trial.

(B) On the day of the scheduled Trial Readiness Conference hearing, counsel shall indicate readiness to begin trial and whether the trial shall be conducted via Zoom or in person. Readiness to begin trial shall then be communicated to the Master Calendar Clerk by the Courtroom Clerk no later than 11:30 a.m.

(C) Master Calendar will send out electronic notification of trial assignments by 1:00 p.m. the day of the scheduled TRC.

(D) If, pursuant to CCP 170.6, any party intends to exercise a challenge to the judge assigned to preside over the trial, the party shall send an email to the court at DelMasterCalendar@saccourt.ca.gov and opposing counsel no later than 3:00 p.m. on the day of the notice of assignment. Counsel shall include a fully executed CCP 170.6 form with the email.

(E) After the trial is assigned to a courtroom for trial, counsel shall meet and confer with the trial judge, a minimum of three (3) days before the scheduled trial to discuss witnesses, remote appearances, and schedule. This discussion can be held off the record, outside of court, and remotely between counsel and the judge.

(Adopted 1/1/2013; revised 1/1/2020; revised 1/1/2022)

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

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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.

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 Requests for Medical, Surgical and Dental Care.

A) Medical, Surgical or Dental Care. 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. Requests for authorization for medical, surgical, 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.

(Adopted 1/1/2013; revised 1/1/2018; revised 1/1/2022)

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)

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8.20 Juvenile Electronic Filing Process.

Electronically transmitted documents must be both submitted to the court and accepted for filing by the court, as described below, in order to be considered duly filed with the court in accordance with these rules and Local Rule 1.21 and 1.22.

(A) Date/Time of Filing.

A document may be electronically transmitted to the court at any time of the day. Acceptance of the document for filing shall be deemed to occur on the date the document was submitted to the court if the submission occurred between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding court holidays. Documents submitted after 4:00 p.m. shall be deemed accepted on the next business day the clerk's office is open for business. Nothing in this section shall limit the clerk's ability to reject filings.

(Adopted 1/1/2022)

8.21 Electronic Filing System Inquiries.

Inquiries, disputes or complaints regarding any aspect of the Electronic Filing System for Juvenile Justice may be directed to:

Juvenile Justice Unit
9605 Kiefer Blvd.
Sacramento, CA 95827
(916) 875-7753
JuvenileCourtAdmin@saccourt.ca.gov

(Adopted 1/1/2022)

8.22 Court Appointed Special Advocate Program (CASA).

The Presiding Judge of the Juvenile Court may appoint a special advocate program, which shall adhere to the requirements set forth in California Rules of Court, rule 5.655.

(Adopted 1/1/2022)

8.23 Right of CASA to Appear.

(A) A CASA volunteer shall have the right to be present and be heard at all court hearings, and shall not be subject to exclusion by virtue of the fact that they may be called to testify at some point in the proceedings. A CASA volunteer shall not be deemed to be a "party," as described in Title 3 of Part II of the Code of Civil Procedure. However, the court, in its discretion, shall have the authority to grant the CASA Advocate amicus curiae status, which includes the right to appear with counsel.

(B) CASA reports shall be filed with the court at least two days prior to the hearing. The CASA program shall also provide a copy of the report to all counsel at least two days before the hearing.

(Adopted 1/1/2022)

8.24 Removal, Resignation, and Termination of CASA Volunteer

(A) A CASA volunteer may resign from an individual case or the CASA program or may be removed from an individual case in accordance with California Rules of Court, rule 5.655(l).

(B) In order to involuntarily terminate a CASA volunteer from the CASA program, the CASA program director shall file a written application with the Presiding Judge of the Juvenile Court requesting termination of the volunteer, along with a proof of service showing service of the application on the volunteer. The volunteer may file a response to the application within 10 days of receipt of the application. The response must be filed with the Presiding Judge of the Juvenile Court and served on the CASA program director. The Presiding Judge of the Juvenile Court shall either rule on the application after a review of the application and response, if any, or set a hearing on the application.

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(C) A CASA volunteer may file a grievance regarding the CASA program with the Presiding Judge of the Juvenile Court if the volunteer has exhausted the CASA program's grievance process and certifies that fact in the grievance filed with the Presiding Judge of the Juvenile Court. The Presiding Judge of the Juvenile Court shall investigate the grievance as they deem appropriate, respond in writing to the CASA volunteer and CASA Executive Director regarding the results of the investigation, and take any action the Presiding Judge of the Juvenile Court deems appropriate.

(Adopted 1/1/2022)