

California Juvenile Court Process for Delinquency Cases

Juvenile Court Jurisdiction

“Juvenile justice” refers to juvenile court proceedings in which a minor is alleged to have committed an act that would be a crime if committed by an adult. The alleged act can be anything from a relatively minor ordinance or misdemeanor up to and including murder. In California, juvenile justice proceedings are also referred to as “delinquency” cases, or “602” cases, in reference to the jurisdictional statutes beginning at California Welfare and Institutions Code section 602. Youth may be held under juvenile court jurisdiction until age 21, or until age 25 if he or she is committed to the California Division of Juvenile Justice (formerly known as the California Youth Authority).¹

Youth alleged to have committed status offenses are also handled in juvenile court. Status offenses include failure to obey the reasonable or proper orders of parents, being beyond the control of one’s parents, violating a curfew, or being habitually truant from school. Youth who are made a ward of the court in this category are sometimes referred to as “status offenders” or “601” cases, in reference to Welfare and Institutions Code section 601. These cases follow the same court procedures as delinquency cases, but the petition is always filed by the probation officer, not the prosecuting attorney, and if the juvenile is made a ward of the court for a status offense, he or she may be locked in a secure facility only in very limited and carefully restricted circumstances.

How Cases are Filed

Most California juvenile justice cases begin with a law enforcement contact based on the alleged (suspected) commission of a crime.² The law enforcement officer may decide that the youth may be released; delivered to a shelter or diversion program and cited to appear before the probation officer; or held and transported to the probation officer.³ The probation officer may decide not to pursue prosecution of the case;⁴ may (with the consent of the minor and parent), place an eligible minor on a program of informal supervision with specified requirements for six months (the case is dismissed if the minor is successful); or may determine that formal proceedings should be filed and take the case to the prosecuting attorney (district attorney) for filing.⁵ Again, in cases involving alleged status offenses, the probation officer files the petition.⁶

Fitness Motions

The prosecuting attorney may, in some cases, file a “fitness petition,” requesting that the youth be found unfit to be handled in the juvenile court system. That petition must

¹ Cal. Welf. & Inst. Code §607.

² Youth may also be referred to the probation department by parents, schools or other entities wishing to report an alleged law violation or status offense.

³ Cal. Welf. & Inst. Code §§ 626, 626.5.

⁴ Cal. Welf. & Inst. Code § 653.7.

⁵ Cal. Welf. & Inst. Code §§ 650, 653.1, 653.5.

⁶ Cal. Welf. & Inst. Code §650.

be filed before the jurisdictional hearing, and if the court finds the minor “unfit,” charges may be filed in the adult criminal court. The rules governing the “fitness” hearing vary with the charges, the minor’s age and record, but always require the court to consider the minor’s criminal sophistication; whether the minor can be rehabilitated in the time available to the juvenile court; the minor’s past delinquent history; the success of previous attempts to rehabilitate the minor; and the circumstances and gravity of the offense.⁷

Detained Cases

If the youth is detained in juvenile hall and a formal petition will be filed, the probation officer may release the youth on a promise to appear, release the youth on home supervision (release to home detention with specified conditions), place the youth in a non-secure detention facility, or order continued detention in the juvenile hall.⁸ In California, juvenile halls are county-operated locked facilities.⁹ For detained youth, a formal juvenile court petition must be filed within 48 hours of being taken into custody, and the youth taken before the juvenile court before the expiration of the next judicial day after the petition is filed.¹⁰

Initial Court Hearing

At the juvenile court detention hearing, an attorney may be appointed if the minor is unable to afford a lawyer. Also at that initial hearing, the formal juvenile court petition is read; and the minor admits or denies the allegations.¹¹ There is not right to bail in juvenile court,¹² but the judge may order the youth released, placed on home supervision, placed in a non-secure detention facility, or detained in the juvenile hall pending adjudication of the case.¹³

In many cases, this is when the minor’s attorney may file motions for appointment of experts; to discover the evidence against the minor; to challenge the use of evidence or admissions; or to raise mental health issues or the minor’s competence to stand trial.¹⁴ In some cases, this may also be when the court considers motions to refer the case for informal supervision or other handling in lieu of formal prosecution.

Adjudication Hearing

For youth detained in juvenile hall, the jurisdictional hearing (court trial or adjudication)

⁷ Cal. Welf. & Inst. Code §§ 707, 707.1. There are also provisions for direct filing or petitioning for cases to be handled in the adult criminal justice system based on the alleged offense, age of the minor and history of past adjudications. Cal Welf. & Inst. C. §§ 602(b), 707. Minors convicted in adult court are subjected to adult penalties, up to and including imprisonment for life without the possibility of parole.

⁸ Cal. Welf. & Inst. Code §§ 628, 628.1, 629, 629.1, 636.2.

⁹ Cal. Welf. & Inst. Code § 850.

¹⁰ Cal. Welf. & Inst. Code § 631 (48 hours excluding non-judicial days), § 632. Cal. Welf. & Inst. Code § 650(c).

¹¹ Cal. Welf. & Inst. Code §§ 633, 634, 657.

¹² *Aubrey v. Gadbois*, 50 Cal.App.3d 470 (Cal.Ct.App. 1975)

¹³ Cal. Welf. & Inst. Code §§ 636, 636.2.

¹⁴ Cal. Rules of Court, Rule 5.645(d).

must take place within 15 judicial days of the court's initial detention order.¹⁵ Juveniles do not enjoy the right to a jury trial in delinquency proceedings,¹⁶ so cases are tried in front of a juvenile court judge or commissioner. The court hears the evidence and decides whether or not the minor comes within the jurisdiction of the court based on proof beyond a reasonable doubt that the minor committed a crime.¹⁷ The rules of evidence applicable in adult criminal court are used,¹⁸ and the minor's lawyer may argue motions to suppress evidence, to exclude admissions or confessions, or to dismiss the case.¹⁹ In many cases, before or at the time of the jurisdictional hearing the minor admits some or all of the allegations in the petition, in a process roughly equivalent to a guilty plea in adult court.²⁰ In certain eligible cases, the minor may admit the offense, and receive "deferred entry of judgment" in which the charges are dismissed upon successful completion of a service program, but the case proceeds to disposition if performance is unsatisfactory.²¹ In cases where the youth is detained, the court may then set the case for disposition up to ten judicial days after the jurisdictional hearing, and if the youth is not detained, for up to 30 days from the date the petition was filed.²²

Disposition Hearing

At the disposition hearing, the court decides whether the youth will be released on probation, or placed in some form of institutional custody.²³ State law permits the detention of youth pending execution of the disposition order, subject to court approval at periodic reviews to be held every 15 days.²⁴

The statutory timelines for detained juvenile justice cases envision that the adjudication and disposition of the case will occur within five to six weeks of the initial contact with law enforcement, depending on holidays and the day of the week the arrest occurred. In practice, it may take much longer for cases to reach disposition because of continuances²⁵ or post-disposition delays in placement.²⁶

Dispositional Options in California Juvenile Justice

The court's dispositional choices are very broad. It may declare the minor a ward of the court and place the minor on probation, subject to specified conditions.²⁷ Or, it may place the minor in a non-secure out-of-home placement. Youth placed through the

¹⁵ Cal. Welf. & Inst. Code § 657(a)(1).

¹⁶ *McKeiver v. Pennsylvania*, 403 U.S. 528 (1971)

¹⁷ Cal. Welf. & Inst. Code §§ 701, 702.

¹⁸ Cal. Welf. & Inst. Code § 701.

¹⁹ Cal. Welf. & Inst. Code §§ 700.1, 701, 701.1.

²⁰ Cal. Rules of Court, Rule 5.778(c).

²¹ Cal. Welf. & Inst. Code § 790 et seq.

²² Cal. Welf. & Inst. Code § 702.

²³ Cal. Welf. & Inst. Code §§ 727, 731.

²⁴ Cal. Welf. & Inst. Code § 737.

²⁵ Cal. Welf. & Inst. Code § 682.

²⁶ Cal. Welf. & Inst. Code § 737.

²⁷ Cal. Welf. & Inst. Code § 726; the court may also place the minor on non-wardship probation or dismiss the case in the interest of justice (Cal. Welf. & Inst. Code §§ 725(a), 780).

juvenile justice system may be placed in foster care, licensed group homes, community treatment facilities, and even in out of state placements - just like children in the child welfare system.²⁸ The court may order that youth be incarcerated in juvenile hall for a specific amount of time, or send them to a county-operated juvenile home, ranch, camp, or forestry camp.²⁹ Finally, if the minor has committed a serious offense listed in Welfare & Institutions Code section 707(b), the court may commit youth to the Division of Juvenile Justice (formerly called the California Youth Authority),³⁰ a state-operated system of institutions and camps. All DJJ institutions are locked facilities. Youth may be held in secure physical confinement for up to the maximum amount of time that could be imposed on an adult for the same offense.³¹

California law provides two kinds of facilities specifically for delinquent youth with serious emotional disturbance, but few of these facilities actually exist. First, there can be secure regional facilities for “seriously emotionally disturbed” wards.³² Second, state law establishes community treatment facilities to serve “seriously emotionally disturbed” youth.³³ Juvenile courts may not directly commit youth to involuntary treatment in the mental health system,³⁴ though it may refer them for evaluation with respect to competence to stand trial.

Throughout the case, the court has the power to dismiss the petition in the interest of justice.³⁵ At the dispositional phase, the court also has the power to join other agencies into the proceedings who have not met their legal obligation to provide services to the youth.³⁶

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²⁸ Cal. Welf. & Inst. Code § 727(a).

²⁹ Cal. Welf. & Inst. Code §§ 628; 636(a); 730(a); and 880.

³⁰ Cal. Welf. & Inst. Code §§ 731(a)(4), 734, 1700, 1710. Although the technically correct name for the system is the Division of Juvenile Facilities (Cal. Welf. & Inst. Code § 1710), the system is commonly referred to as the “Division of Juvenile Justice,” “DJJ,” or its old nickname, “CYA.”

³¹ Cal. Welf. & Inst. Code §§ 726(c), 731(4)(c).

³² Cal. Welf. & Inst. Code §§ 5695 - 5697.5. The admission criteria exclude youth with a primary substance abuse problem, primary developmental disability, acute care need, need for a level of treatment not provided at the facility, medical condition needing ongoing care, or who are subject to a conservatorship, Cal. Welf. & Inst. Code § 5696.2. At the present time, Humboldt County operates the only regional facility, serving several Northern California Counties.

³³ Cal. Welf. & Inst. Code §§ 4094 through 4096.5. Community treatment facilities are designed for children determined to be “seriously emotionally disturbed” for whom less restrictive mental health interventions have been tried, or children in other mental health facilities who may require periods of containment to benefit from treatment. Cal. Welf. & Inst. Code § 4094.5(a).

³⁴ Involuntary commitment of a minor to a mental hospital may occur only in compliance with the stringent standards set forth in the Lanterman-Petris-Short Act, California’s involuntary commitment statutes. See *In re L.L.*, 39 Cal.App.3d 205, 209 (1974); *In re Michael E.* 15 Cal.3d 183, 191-192 (1975).

³⁵ Cal. Welf. & Inst. Code § 780.

³⁶ Cal. Welf. & Inst. Code § 727(a).