

Orange County Probation Department Juvenile Justice Guide

A GUIDE

TO HELP
FAMILIES
NAVIGATE THE
JUVENILE
JUSTICE
SYSTEM AND
AVAILABLE
RESOURCES



How to Use this Guide

This guide is intended to educate parents/legal guardians who have youth entering the juvenile justice system for the first time regarding the possible legal outcomes specific to the Orange County juvenile court system. Included are explanations of different court hearings, court reports, as well as the court process as a whole for both in and out of custody youth. There are also references for outside services that may be useful during this time. Not all situations could be covered in this guide and you are encouraged to seek additional information if your child's case deviates from the information in this guide. This guide is **not** meant to provide legal advice or direction and should not be taken as such.

The Orange County Probation Department is here to assist you and your family as you go through this difficult and often confusing process. For questions not included in this guide, please contact the Parent Engagement Deputy Probation Officer at 714-935-7646 during regular business hours.



Helpful Tips:

- Look for these boxes throughout this guide. They provide additional tips not provided as part of the general descriptions.



Table of Contents

Orange County Juvenile Hall Contact Information 4

Courthouse Location and Information 4

How Cases are Processed in Court 5

Types of Court Hearings 6

Types of Reports Ordered in Court 8

Alternatives to Detention.....10

Parents’ Bill of Rights 11

Parental Responsibilities 12

Financial Responsibilities.....13

Juvenile Sealing of Records..... 14

Rights and Roles of Victims 15

Orange County Probation Department Standard Terms & Conditions of Probation 16

Gang Terms and Conditions of Probation 18

Juvenile Diversion 20

Frequently Asked Questions (FAQs) 21

Resources 22

Immigration 23

Glossary of Terms 24

Notes Page (blank)..... 27

Orange County Probation Department Juvenile Hall

Orange County Juvenile Hall is located at:

331 The City Drive South, Orange, California 92868 (Letter C on the map below)

714-935-6660

Website: ocgov.com/gov/probation

Juvenile Hall is located next door to the juvenile court house, Lamoreaux Justice Center

Courthouse Location and Information

The Orange County Juvenile Courthouse is located at the Lamoreaux Justice Center in the City of Orange. Juvenile court is open Monday through Friday from 8:00 a.m. to 4:00 p.m. If you are reporting for a traffic citation, the juvenile traffic window is open from 8:00 a.m. to 4:00 p.m. Juvenile courtrooms are closed on the weekends and during court holidays.

The address for the juvenile courthouse is:

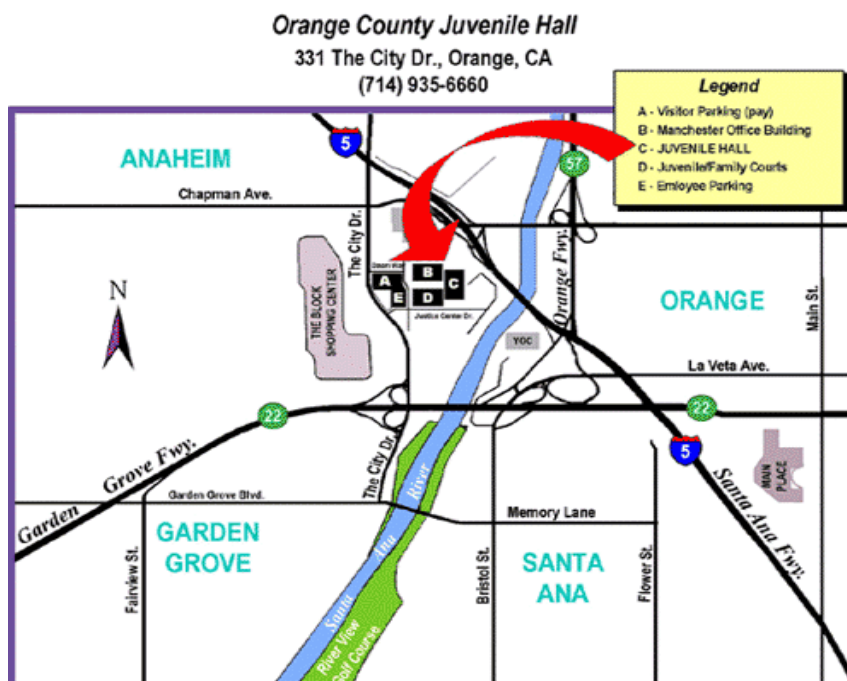
Lamoreaux Justice Center

341 The City Drive South, Orange, California 92868-3205 (Letter D on the map below)

657-622-5509

A public parking structure is located next to the courthouse on Dawn Way. There is an hourly charge to park your vehicle within this structure.

The Lamoreaux Justice center is a FULL SECURITY facility. All persons entering the building will be required to pass through a weapons screening device and have all hand-carried objects x-rayed. Weapons of any type will not be permitted into the Justice Center. Items such as: knives, including pocket knives, scissors, corkscrews, mace, pepper spray, knitting needles, etc., which may be deemed potentially offensive and dangerous by the Sheriff's Department will not be allowed in the building.



How Cases are Processed in Court:

Your child is arrested
(possible outcomes)

Taken to juvenile hall and booked into custody

Petition direct filed in adult court – no further juvenile proceedings

Youth is cited and released to a parent/guardian

Police use in-house informal action or take no further action

Matter is sent to traffic court (you will receive a letter in the mail)

Youth is detained until detention hearing

Youth is released to parent/guardian with or without HSP. Court hearing in approximately 2-3 court days.

Police send petition to Orange County Probation Department for screening

For new cases, interview with parents and youth separately. Documents parents will likely need to provide:
-parent ID
-youth birth certificate
-immunization records
-Social Security card
-school report cards

Petition filed with district attorney's office

Matter dismissed with resource referral and **no further action is taken**

DPO interviews youth/family

Detention Hearing

Matter set for Pro Per Pretrial Hearing

Settle case with a plea agreement

-Set matter for **pre-trial/trial** dates
-judge will determine if youth is to remain in custody or be released pending further court dates
-court report may be ordered (see page 8)

Matter handled informally with DPO & then dismissed:
-volunteer community service
-Peer Court
-other sanctions as appropriate

Dispositional Hearing

-Youth may be placed on informal probation (654/725 WIC)
-Youth may be placed on formal probation with standard Ts and Cs of probation (see page 14)
-Youth may be ordered to complete custody commitment or Juvenile Court Work Program



Types of Court Hearings

These are generally the types of court hearings your child will attend and are listed in the order in which they generally occur.

Pro Per Pretrial – This is the first court appearance for youth who were arrested by a law enforcement official but were not taken to juvenile hall. It is very important you and your child appear for this court date. A warrant may be issued for your child's arrest if they fail to appear. At this court appearance, if you have not retained a private attorney, a deputy public defender will be appointed for your child and they may try to complete the case that day, depending on the severity of the offense, the possible outcome (i.e. formal or informal probation; custody time served or Juvenile Court Work Program or volunteer community service hours; restitution amount, etc), and whether or not the youth agrees they committed the act for which they are in court. If an agreement cannot be reached that day, the matter will be set for a pretrial hearing as well as a trial. A report may also be ordered if more information is needed to help decide the case.

Detention Hearing – This is the first court appearance for youth who were arrested by a law enforcement official and they were taken to juvenile hall (this includes youth who were taken to juvenile hall but were released to a parent/guardian either on their own recognizance or on the Home Supervision Program). This court date is typically 2-3 days after the youth's arrest (excluding weekends and holidays). Parents are strongly encouraged to attend their child's hearing as the court is going to make a decision about releasing your child or keeping them in juvenile hall. At this court appearance, if you have not retained a private attorney, a deputy public defender will be appointed for your child and they may try to complete the case that day, depending on the severity of the offense, the possible outcome (i.e. formal or informal probation; custody time served or Juvenile Court Work Program or volunteer community service hours; restitution amount, etc), and whether or not the youth agrees they committed the act for which they are in court. If an agreement cannot be reached that day, the matter will be set for a pretrial hearing as well as a trial. A report may also be ordered if more information is needed to help decide the case.

Pretrial Hearing – The purpose of this hearing is to try to determine whether the case can be settled through a plea agreement or if it needs to go to trial. ***Sometimes several of these appearances may be needed*** as court personnel gather and process information. The youth may be required to waive his rights to complete his case within statutory time limits if the case continues for an extended period of time. If the case is settled through a plea agreement at a pretrial hearing, the deputy district attorney and the youth's attorney will either agree on the terms of consequences or a disposition report will be requested for a disposition hearing so that the court can have additional information about the resources the child and family may need.

Trial Hearing – This is the hearing where the youth's court case is tried by the deputy district attorney and your child's attorney. The judge is the finder of facts and determines if the youth has committed the act he or she is accused of based on the presented evidence. The judge makes findings and the case is either sustained (meaning the judge believes the youth committed the act) or dismissed (meaning the judge does not believe the youth committed the act). If any or all of the charges against the youth are sustained, the matter will be set for



disposition (sentencing) and a disposition report may be ordered to provide the court with more information about the resources the child and family may need.

Dispositional Hearing – This hearing is when the judge will order terms and conditions for the youth which may include informal or formal probation, a custody commitment, volunteer community service hours, days on the Juvenile Court Work Program, a curfew, mandatory school attendance, counseling, etc. (Please see the section below on the terms and conditions of probation for specific orders).

Placement Suitability Hearing – This hearing is when the judge is going to decide if your son/daughter needs to be removed from living in the home of his/her parents and be placed in a foster home, group home or with a relative/non-relative extended family member. This can be a temporary move, made to assist the youth with getting needed services to reunite them successfully into the family again, or can be a permanent plan, set for a youth until they reach 18 years of age. If the victim of the youth's offense resides in the home and there is danger to the victim if the youth returns, the court may also consider ordering the youth into placement. There may be parental financial costs associated with placing your child into a foster or group home.

Wardship Status Review Hearing – If a youth is placed on probation, a wardship status review hearing will be scheduled in 18 months to review the youth's progress on probation and determine if the youth needs to continue to remain on probation for restitution payment, services and/or supervision. Sometimes this hearing name is shortened and may be referred to as a status review.

Helpful Tips:

- Be sure to bring money for parking in the public parking structure as parking cannot be validated for court appearances.
- Be sure to arrive **ON TIME** for your court hearing. Allow at least 20 minutes to go through security, check in and find your courtroom.
- Bring photo identification in case you will be visiting your child after their court hearing.



Types of Reports Ordered by the Courts

The following information is provided to generally provide you with a sense of why the court is asking for a report and what information they are looking for in the report. Some reports may have requests for specific information added to them at the request of the judge, deputy district attorney or deputy public defender. They are presented in alphabetical order.

Deferred Entry of Judgment (DEJ) Report – A youth who is at least 14 years old and commits a felony (not a 707(b) offense), may have the benefit of deferred entry of judgment if they have never had probation revoked or been committed to the Department of Juvenile Justice. If a youth successfully completes DEJ, the matter is dismissed and deemed never to have occurred. The probationary period may last one to three years. A deputy probation officer will be assigned to write the report and will conduct an interview with the youth and the parent/guardian. If DEJ is granted, the youth will have conditions of probation, including search and seizure.

Dispositional (Dispo) Report – this report contains the same content as the pretrial report; however, the case has already been concluded and the judge has made a determination that the youth has committed an illegal act. This does not take into account plea bargains, which are often reduced offenses. In both of these cases, the court, deputy district attorney or deputy probation officer are looking for additional information about the youth in order to make a decision about the outcome of the youth's case (formal or informal probation, time in custody or days on the Juvenile Court Work Program, etc). A deputy probation officer will be assigned to write the report and will interview the youth, the parents/guardian and the victim (if applicable). They will collect information about the family history, school records, social activities, drug experimentation, and discipline in the home.

Drug Court Evaluation Report – For youth who have a serious history or current use of narcotics, the court may defer the youth to a drug court program for additional support in helping the youth achieve sobriety. Youth who have a history of violence or a current violent offense cannot be considered for this program.

Fitness Investigation Report (707(b) WIC Report) – Youth who commit a serious offense (i.e., kidnapping, murder, rape, robbery, arson) and are 14 years of age or older, they may be considered for handling in adult court. When charges such as these are made against the youth, a deputy probation officer will be assigned to interview the youth and the family to determine if they are appropriate for juvenile court. Things they will consider are criminal sophistication, prior record, successful prior attempts at rehabilitation for the youth, and if the youth can be rehabilitated before they become an adult under the current offense. The deputy district attorney also has the option under California law to directly file the case in adult court without this assessment.

Placement Suitability Report – A placement suitability report is ordered when either there is not a suitable relative willing or able to care for the youth or the youth's presence in the home is a danger to himself or others. Sometimes if the youth is beyond the control of their parents or the victim lives in the home, a placement suitability report will be ordered. The purpose of the placement suitability report is to determine whether the youth should be removed from their home and either placed with a relative, non-relative extended family member or in a group home. A deputy probation officer will be assigned to write the report and will interview the youth, the parents/guardian and the victim (if applicable). They will collect information about the



family history, school records, social activities, drug experimentation, and discipline in the home. They will also consult with any department of children and family services that may have had an open case where the youth was involved. The deputy probation officer will make a recommendation after they have completed the report; however, the court will make the ultimate decision about how to proceed with the case.

Pretrial Report – This report is ordered by the court before it is determined if the youth engaged in a criminal act. The court, the deputy district attorney, or the youth’s retained attorney may be looking for additional information about the youth in order to determine an appropriate course of action for the case (possible plea agreement). A deputy probation officer will be assigned to write the report and will interview the youth, the parents/guardian and the victim (if applicable). They will collect information about the family history, school records, social activities, drug experimentation, and discipline in the home. The deputy probation officer will make a recommendation after they have completed the report; however, the court will make the ultimate decision about how to proceed with the case.

241.1PC Report – When youth have an open case in family court or dependency court, a report may be requested by the judge to determine if it is in the youth’s interest to leave the case in dependency court or to move it to delinquency court. A deputy probation officer from the probation department will write the report with the input of the social worker. Both the youth and parents will be asked to provide family information, which will be used to help determine the appropriate recommendation.

709 WIC/Competency Report – If, during court proceedings, it appears to court personnel that the youth cannot communicate with them in a way that helps the youth provide a defense for their actions, the judge will make an order to have a competency evaluation. This evaluation will be done by a professional referred by the court and they will evaluate the youth’s mental health and developmental abilities. Court proceedings will be suspended until the report is completed and a competency determination is made.

Helpful Tips:

- Be sure to respond to the deputy probation officer’s request for an interview as quickly as possible. They are working on a court deadline and generally only have a couple of days to gather all of the needed information for the report.
- Bring as much documentation as you have to verify any information provided in the interview (birth certificates for the youth, marriage certificates, divorce decrees, death certificates, school report cards, utility bills for address verification, legal guardianship documentation, restraining order paperwork, etc.).
- Parking is in the same public structure as the court. Bring enough money to cover the cost as validation cannot be provided.



Alternatives to Detention

When possible, both the Juvenile Superior Court and the Probation Department will attempt to handle all matters out of custody. This decision is based on several factors (factors such as seriousness of the current offense, prior offenses, drug use, parental control and school performance) and is considered on an individual basis. Below are the three basic programs designed to provide enhanced structure rather than placing the youth in custody.

- **Accountability Commitment Program (ACP)** - ACP is a 7-day-a-week program. Youth are selected for this program based on offense, prior offense history and length of custody commitment. They live at home while they are in the program, are supervised by a deputy probation officer, and wear a GPS/electronic confinement equipment. Youth are required to attend the ACP site Monday through Friday from 7:00am to 5:00pm. Youth will attend school at the ACP site. A snack and lunch is provided by the program. They may also be required to participate in weekend activities, depending on the ACP schedule.
- **Home Supervision Program (HSP)** - It is a confinement program that provides intensive, restrictive supervision to youth released home in lieu of detention pending court. Youth will be supervised by a deputy probation officer and placed on GPS/electronic confinement equipment. Youth must obey the HSP rules or risk being returned to custody.
- **Juvenile Court Work Program (JCWP)** - Youth perform public work in lieu of a commitment to a custodial facility. JCWP is operated on weekends. Youth are required to report at 7:00am until 3:00pm. Youth perform various works such litter pick-up and weed abatement projects at designated work sites.

Helpful Tips:

- It is important to understand the expectations of your child and you as their parent before you accept your youth home on either ACP or HSP. In both cases, youth are restricted to their home rather than being incarcerated in juvenile hall. This means your child cannot have visitors at the home and cannot leave the walls of the residence (they cannot hang out in the front or backyards). Some exceptions are made for the youth to attend appointments related to physical and mental health. Small things such as going to get a haircut or going through a drive-thru for a quick meal are prohibited and may affect others in the home. It is expected parents will provide appropriate supervision while the youth is at home to monitor their compliance along with regular residence checks from the assigned deputy probation officer.
- These programs are provided free of charge to the parents.
- The parents are financially responsible for the GPS units if they are damaged. They cost in excess of \$1,000.



Parents' Bill of Rights

The Orange County Probation Department is committed to ensuring parents have the following rights:

1. As a parent, you have the right to know that you and your child will be treated fairly regardless of race, religion, national origin, language, economic status, disability, gender, sexual orientation, or age.
2. As a parent, you have the right to be a vocal and active advocate on behalf of your child.
3. As a parent, you have the right to be heard and informed regarding matters related to your child's case plan.
4. As a parent, you have the right to receive your child's terms and conditions of probation.
5. As a parent, you have the right to be treated professionally, courteously, and respectfully by all probation staff.
6. As a parent, you have the right to submit a written formal complaint, if these rights are violated. The citizen's complaint form can found on the probation website or in any probation office.

If your child is housed/placed by the Orange County Probation Department you have the following rights:

7. As a parent, you have the right to communicate with your child, via visitation, telephone, and mail.
8. As a parent, you have the right to expect the agency to provide a safe, secure, and sanitary environment for your child.
9. As a parent, you have the right not to be judged, blamed or labeled because of your child's probation status.



Parental Responsibilities

- ***It is extremely important that you make every effort to appear at each of your child's court hearings.*** Your presence, along with copies of related documents (i.e., report cards, certificates of participation in sports or other youth programs, completed volunteer community service hours and/or proof of counseling services received) shows your support and may assist the court in determining a suitable disposition for the youth.
- On your child's court date, you should be at the courthouse at 8:30 in the morning with identification. Be sure to wait outside of your assigned courtroom so that anyone looking to contact you can find you. For example, your child's attorney may wish to speak with you or the bailiff in the courtroom may want to give you or your child a direction about their court appearance.
- You are entitled to an after court visit or phone call with your child if they are in custody following their hearing.
- If there is anything that is not clear about what has happened in court, **DO NOT** leave without speaking to your child's attorney. Making sure you understand what is expected of your child and yourself will prevent any further delays in completing the case or help a successful outcome.
- Interpreter services are available, so please make sure to utilize this service if needed.
- Maintaining all records regarding your child's court case can prove valuable in the future if there are questions. After each hearing, the probation court officer will provide a green copy of the Disposition Sheet, which shows everything that happened in court that day, including new court dates. **DO NOT** leave without receiving this paper.



Financial Responsibilities

As a youth's parent, legal guardian or person responsible for the care and support of the youth, you will have certain financial obligations. After the youth's case is concluded, you will be directed to meet with a financial officer for information specific to your youth's case. Below is some basic information.

Who is Responsible to Pay??

-Youth, parents, legal guardians or other person liable for the support of the youth may each be liable for various financial obligations.

-The responsible party may be required by law to pay for victim restitution, fines and services rendered by county agencies to the youth and/or parent.

-Generally, both parents and guardians may be responsible for paying for the youth's financial obligations unless the court makes a different determination.

What obligations May I Be Liable to Pay?

-Victim Restitution – This is money that will be paid back to the victim of a criminal action. Both the youth and the parents are responsible for paying victim restitution.

-Restitution Fines – This fine is mandatory by law. Both the youth and parents are responsible for paying the restitution fine.

-Legal Fees – The law requires that the youth, parent(s) or any person responsible for the support of the youth, each have separate legal representation (attorney) in court. The attorney who is appointed to the youth is responsible for representing the youth's wishes and may not consider input from the parents. If the parents wish to hire their own representation for court appearances, they may.

-Institutional Fees – If the youth has been placed in the custody of a juvenile institution, such as juvenile hall, the parent(s) may be liable for institutional fees. The County will charge a daily fee for the time the youth is housed in the institution. Only the parent(s) and legal guardians are responsible for the payment of institutional fees.

How Do I Know What I Owe?

You will receive a Statement of Cost with the detail of the charges you are responsible for paying. You will also receive a monthly billing statement that reflects all charges.

How Do I Pay?

Payment of any of these financial obligations is subject to your ability to pay. You are required to cooperate with financial officer in an evaluation of your ability to pay. In order for the financial evaluation to be successful, you will be required to provide proof of your income and proof of your expenses. The financial officer will work with you to set up a payment plan that will satisfy the court's orders while taking into consideration your individual circumstances.

Do I Have Rights?

Yes. You have the right to appear in front of the juvenile court for a determination of your ability to pay the financial obligation.

Helpful Tips:

Contact Information:

Financial Officer of the Day

714-935-7411

P.O. Box 10260
Santa Ana, CA 92711



Juvenile Sealing of Records

Your juvenile records **do** appear on your criminal record. As of your 18th birthday, you are eligible to petition to have your juvenile records sealed. Once your records are sealed, no one can gain access to them and they will be completely destroyed five years from the date of sealing. Juvenile records are **not** automatically sealed upon your 18th birthday. You must petition the juvenile court to have them sealed, information and documents to initiate this record sealing process are available from the Orange County Probation Department. The Orange County Public Defender can also help you with this process. You can read more about sealing Juvenile Records in the public defender's "New Leaf Program".

Youth who committed a 707(b) WIC offense after the age of 14, and it was substantiated as a 707(b) WIC offense, cannot have their records destroyed and they are permanently retained by the probation department.

If you graduated from the Department of Corrections and Rehabilitation, Division of Juvenile Justice, your juvenile convictions will have been dismissed as part of your graduation. If you do not petition to have your juvenile records sealed and destroyed, they will remain on your record until your 38th birthday, then they will be destroyed.

Helpful Tips:

- As a juvenile, a youth is not convicted of a crime. The correct term is "adjudicated" where a judge determines the youth has committed the alleged crime. This is important because many job applications ask if the applicant has been convicted of a crime. For juveniles, the answer is no because they technically were not convicted, but were adjudicated.
- Even though a youth's court record has been sealed, some agencies will still be able to obtain access to the information such as military and law enforcement agencies. Youth should consider this in the event they apply to be in the military or for a law enforcement position. Some security clearance investigations may also have access to this information even after it has been sealed.
- If a youth's record was not sealed, it is retained by the probation department until they are 38 years of age.



Rights and Roles of Victims

As a victim of crime, you have rights, even if the perpetrator is a family member. You have a right to information and a right to participate in the court process. To learn about these rights, read *Your Rights and Role in the Juvenile Court Process: Information for Victims* and visit the California Courts Victim Assistance website (<http://www.courts.ca.gov/1107.htm>).

You may be able to recover some of your losses by asking the court to order someone to pay restitution. The State Restitution Fund is also available to crime victims and may assist you in victim services such as counseling or relocation.

You can get additional information or assistance by calling the following phone numbers:

- Orange County District Attorney
 - 714-834-3600
- State of California, Office of the Attorney General, Victim Services Unit
 - 877-957-2737
- CSP (local)

Community Service Programs Inc., (CSP), is Orange County's major provider of services to victims of crime. CSP operates a comprehensive Victim/Witness Assistance Program that provides needed service for crime victims and witnesses and encourages their cooperation in the investigation of the case and prosecution of the offender.

- Help line (24 hour) 714-957-2737
- Business hours phone number 949-250-0488

Helpful Tips:

The Orange County Probation Department has a Victim Services Coordinator who may be able to answer some of your questions related to a youth's court process. You can reach this person at:

- 714-935-7533



Orange County Probation Department Standard Terms and Conditions of Probation

These are the terms and conditions of probation the judge may order your child to follow if he or she is placed on formal probation. Depending on the dynamics of your child's case, some or all of the terms listed below may be omitted. For example, if your child received a custody commitment, they would likely not be required to complete community service hours (#17). These are provided only for your reference. **Numbers 1 – 10 are considered standard and are ordered in every case unless there is a negotiation between the deputy district attorney and the youth's attorney that does not include one of them.**

1. You are to report to your probation officer in person as directed. Transportation problems or poor weather conditions are not acceptable reasons for not reporting. You are hereby directed to report in person every _____. (based on your child's needs and assessed risk to the community, the frequency they will be required to report will vary from weekly to monthly)
2. You are to comply with all directions of your probation officer. You are to obey the reasonable and proper directions of your parents or guardian. You are not to spend the night away from home without prior parental permission.
3. You are to obey all laws, including traffic rules and regulations. You are not to operate a motor vehicle on any street or highway until properly licensed and insured. You are to report to your probation officer any arrests or law violations immediately.
4. You are to obey the curfew law of the city of county in which you live or any special curfew imposed by the Court, the probation officer or your parents/guardian; specifically_____.
5. You are not to leave the State of California or change your residence without first getting permission from your probation officer. Prior to change of residence, you are to notify your probation officer of the new address. You are not to live with anyone except your parents or approved guardian without specific permission of your probation officer.
6. You are to attend school every day, every class, as prescribed by law, and obey all school regulations. Suspension from school and/or truancies/tardiness could result in action being taken by the Probation Department. You are to notify your probation officer by 10:00am on any school day that you are absent from school. If you are home from school because of illness or suspension, you are not to leave your home that day or night except to keep a doctor's appointment.
7. You are not to use or possess any intoxicants, alcohol, narcotics, other controlled substances, related paraphernalia, poisons, or illegal drugs; including marijuana. You are not to be with anyone who is using or possessing any illegal intoxicants, narcotics or drugs. Do not inhale or attempt to inhale or consume any substance of any type of or nature, such as paint, glue, plant material or any aerosol product. You are not to inject anything into your body unless directed to do so by a medical doctor.
8. You are not to go any places of business disapproved by your probation officer, guardian or parents, specifically _____ (usually if a location was involved in the crime, this place will be specified here).
9. Your associates are to be approved by your probation officer and your parents/guardian. You are not to associate with any individuals whom you have met while in any of the County Institutions. You are not to associate with the following individuals: _____.
10. You are not to have any weapons of any description, including firearms, nunchucks or martial arts weaponry, and knives of any kind, in your possession while you are on probation, or involve self in activities in which weapons are used, i.e. hunting, target shooting.
11. You are to attend counseling as directed by your probation officer.
12. You are to enroll in and attend a vocational training program such as Regional Occupation Program (ROP). Compliance with their rules and regulations is viewed as part of your school responsibilities. You are to attend this program until further direction from your probation officer.



13. You are to seek and maintain employment on a (full or part-time) basis. You are to be employed on or before _____. You are to notify your probation officer immediately upon termination of employment.
14. You are: to pay restitution, fine, restitution fund, restitution fine in the amount of _____, beginning _____, and you are to pay at a rate of _____ per _____, to be paid on the _____ of each month.
15. You are to submit to search and seizure of your person and property at anytime by any peace officer without benefit of a search warrant.
16. You are to submit to a chemical test of blood, breath or urine as directed by the probation officer or any other peace officer.
17. You are to complete _____ hours of community volunteer work as directed by the probation officer.
18. You are to remain in placement as directed by the probation officer and you are to comply with the rules and regulations of that placement.
19. Your driver's license has been (suspended/restricted to driving to and from school, work, and to seek employment) for _____.
20. You are hereby ordered to obey the additional terms of your probation (there are a few blank lines for additional terms, either ordered by the court or directed by the probation officer, i.e., possess no incendiary device, failure to drug test will equal a positive test, possess no graffiti implement, etc.)

Helpful Tips:

- Once the court orders terms and conditions of probation for a youth, the youth is responsible for making sure they are following them as ordered.
- The assigned deputy probation officer will go over each of these ordered terms and conditions of probation when they receive the case. It is important that parents are present to make sure they hear and receive the same information as the youth when these rules are explained.
- A youth can be considered in violation of an ordered term and condition of probation, even if the youth or parent did not understand what was expected of them. Be sure to ask your child's attorney or the assigned deputy probation officer as many questions as necessary regarding these conditions of probation so that they can be followed accurately.



Gang Terms and Conditions of Probation

Your child may receive gang terms and conditions of probation if they commit a crime that is gang-related, if there is an ongoing issue with gang activity, if they are identified in a gang injunction process, or other reasons depending on the individual case. If this is the case, below are the specific orders the court will make. They are provided for your reference.

1. You are to report to your probation officer in person as directed. Transportation problems or poor weather conditions are not acceptable reasons for not reporting.
2. You are to comply with all directions of your probation officer. You are to obey the reasonable and proper directions of your parents or guardian. You are not to spend the night away from home without your probation officer's permission.
3. You are to obey all laws, including traffic rules and regulations. You are not to operate a motor vehicle on any street or highway until properly licensed and insured. You are to report to your probation officer any arrests, law violations or police contacts immediately.
4. You are not to be out of your home between 8 p.m. and 5 a.m. without the prior approval of your probation officer.
5. You are not to leave the State of California or change your residence without prior permission from your probation officer. Prior to change of residence, you are to notify your probation officer of the new address. You are not to live with anyone except your parents or approved guardian without the specific permission of your probation officer.
6. You are to attend school every days, every class, as prescribed by law, and obey all school regulations. Suspension from school and/or truancies/tardiness could result in action being taken by the Probation Department. You are to notify your probation officer by 10 a.m. on any school day that you are absent from school. If you are home from school because of illness or suspension, you are not to leave your home that day or night except to keep a doctor's appointment.
7. You are not to use or possess any intoxicants, alcohol, narcotics, other controlled substances, related paraphernalia, poisons, or illegal drugs, including marijuana. You are not to be with anyone who is using or possessing any illegal intoxicants, narcotics or drugs. Do not inhale or attempt to inhale or consume any substance of any type or nature, such as paint, glue, plant material or any aerosol product. You are not to inject anything into your body unless directed to do so by a medical doctor.
8. You are not to be present in any known gang gathering area of the _____ gang as directed by your probation officer.
9. Your associates are to be approved by your probation officer and your parents/guardian. You are not to associate with any individuals whom you have met while in any of the County Institutions. You are not to associate with any member of the ____ gang or any other gang as directed by your probation officer.
10. You are not to possess weapons of any description including firearms (operable or inoperable), BB devices, dirk, daggers, knives of any description, nunchucks, and not to involve yourself in activities in which weapons are used including but not limited to hunting and target shooting. You are not to remain in any vehicle wherein anyone possesses a weapon, ammunition or weapon replica.
11. You are to submit to search and seizure of your person, property, automobile, residence, or any container under your control at anytime, with or without reasonable or probable cause, by any peace officer or probation officer, with or without benefit of a search warrant.
12. You are to submit to a chemical test of blood, breath, or urine as directed by the probation officer or any other peace officer.
13. Do not remain in any vehicle either as a passenger or driver which you know or suspect to be stolen.



14. Do not possess or remain in the presence of one who you know possesses any master key, lock picks, dentpuller, "slim jim", slide hammer, or other device you know to be an auto theft or burglary tool.
15. Do not appear at any court proceeding unless you are a party or a defendant in a criminal action or subpoenaed as a witness.
16. Do not wear, display, use or possess any insignia, emblem, button, badge, cap, hat, scarf, bandana or any article of clothing which is evidence of affiliation with or membership in the _____ street gang.
17. You are not to be on any school campus where not enrolled without permission of the school administration.
18. Do not possess a beeper, pager, cellular phone or any other cordless or otherwise wireless communication device.
19. Do not possess graffiti of any form. Do not have in your possession or maintain paints, aerosol spray cans, pens, etching devices or other instruments useable in applying graffiti. Do not assist others in application of graffiti.
20. Carry valid picture identification at all times.
21. Do not obtain tattoos except as permitted by your probation officer.
22. Have no contact with _____.
23. Report to the police agency for the area where you reside, as specifically designated by the Probation Department, within 72 hours of the imposition of this term of probation , or your release from any custody imposed as part of this case disposition, whichever is later. Upon reporting, identify yourself to the police agency and submit a copy of the terms and conditions of your probation. Submit yourself to any photographing, fingerprinting or other identification procedure requested by the police agency.

Helpful Tips:

- Parents should recognize the signs their child is involved in gang activity so they can take appropriate steps to intervene. Things such as allegiance to sports teams where there isn't a family connection, or dressing in specific colors, or associates can be strong indicators of a youth's gang association. Other things such as drawings in school notebooks or pieces of paper in their room may also contains signs of gang affiliation.
- Talk with your child if you suspect they are in a gang. If they tell you they are not in a gang, but many of their friends are, this could be an indication they are more involved than they want to admit to you.
- If you suspect your child is associating with a gang, you can seek further information from the deputy probation officer or legal awareness classes.



Juvenile Diversion

If your child is arrested for a minor offense and/or they are a first time offender, they may be eligible to have their case diverted through the probation department rather than going through the formal court process (see right side of chart on page 5).

The police department will deliver a police report and application for petition to the probation department. Once the probation department receives this, a screener will review the case. If the case is minor and your child does not have a prior record, the screener may give the case to a deputy probation officer, who will interview you and your child to determine if the case can be handled informally and out of court. The deputy probation officer will send a letter to you, as the child's parent. The letter will include a date and time for an interview. If you receive one of these letters, it is **very important** that you appear for your appointment as directed. If you do not appear for the interview or call the deputy probation officer, the matter will probably be sent to the district attorney's office for filing in formal court.

If after the interview process the deputy probation officer determines your youth meets the criteria for diversion, they will be directed to complete one or a couple of several items before their case is dismissed. Possible things they may be required to do are: complete a legal awareness program; complete a drug education class; complete volunteer community service hours; participate in Peer Court; pay restitution; improve school grades; write an informative report; attend counseling or something else related to the youth's offense that is considered rehabilitative. Generally, the time frame to complete these activities is three to six months. Once the proof of completion has been submitted to the deputy probation officer, the deputy probation officer will dismiss the case and no further action will be taken. If the youth fails to complete the assigned activities, the matter may be referred to the district attorney's office to file the matter in formal court.

Helpful Tips:

- Handling your child's alleged offense informally through a diversion program is an opportunity to avoid having them enter the formal judicial system. Even if the alleged offense does not warrant time in juvenile hall, if your child is placed on probation and violates the terms and conditions, they could face time in custody. Research indicates that youth who are incarcerated for any amount of time face a higher risk to reoffend, a higher risk of dropping out of school and a higher risk of having difficulty obtaining employment.



Frequently Asked Questions (FAQs)

These are the most frequently asked questions of the probation department and are included as a quick reference for basic information. Some of the information may be repeated throughout this document.

- **Who is financially responsible?** Parents are financially responsible for damages, victim's medical bills, lost wages, court costs, and juvenile hall costs. The financial office is located on the fourth floor of the Manchester Office Building (MOB) 301 The City Drive, Orange CA 92868 714-935-7411.
- **Where can I get information about court-ordered programs?** Contact the Health Care Agency Behavioral Health Services information and referral line (OC-Links) at 855-625-4657 they are open Monday through Friday 8:00am to 6:00pm.
- **If my child was placed on formal supervised probation, where do they report?** Youths must report to the closest probation area office to your home on the day they were declared a ward of the court.
Santa Ana Field Service Office 714-569-2000
North County Field Service Office 714-937-4500
West County Field Service Office 714-896-7878
South County Field Service Office 949-248-3220
- **Who can visit a youth in custody?** Parents and legal guardians can visit with a valid form of United States identification (CA, DL, ID, passport, matricula consular, etc.) Any exception must be pre-authorized by a unit supervisor, administrator or court order. Youths are allowed only two visitors at a time.
- **Juvenile Hall Visiting Hours:** Unless notified of a different time, visiting at Juvenile Hall is scheduled by the youth's last name. Please visit the probation web site for detailed information regarding the visiting protocol. Adult inmates are Mondays from 6:30pm- 8:30pm. All other visits are on Saturday: 9:00am-11:00am= A,B,C,D,E,F; 2:30pm-4:30pm= G,H,I,J,K,L,M,N; 6:30pm-8:30pm= O,P,Q,R,S,T,U,V,W X,Y,Z
- **Helpful addresses:** Juvenile Hall: 331 The City Drive, Orange, CA 92868 714-935-6660
Catholic Chaplin 714-282-4265 Protestant Chaplin 714-935-6365
- **Who can I contact if I have questions about the juvenile justice system?** Contact the Parent Engagement Deputy Probation Officer at 714-935-7646 or Juvenile Hall reception at 714-935-2660.



Resources

Therapeutic needs:

855-625-4657 – This number is the OC Links hotline, which is available 8:00am – 6:00pm Monday through Friday. This line is operated by Orange County Health Care Agency Behavioral Health Services and someone will answer the phone who can direct you to the most qualified service provider based on your specific needs. Services may be provided on a sliding scale.

Youth Shelters:

Youth shelters are available to help 24/7, accept children aged 11/12-17 and provide a safe, temporary place for the youth to live. If the police are called to respond to your home for a domestic disturbance where your child is damaging property or physically assaulting family members, the police may suggest having your child stay at a shelter for a period so that everyone has the chance to calm down without the youth having to go into custody at juvenile hall. The shelters can also help put the families into contact with therapeutic services.

Huntington Youth Shelter
7291 Talbert Ave
Huntington Beach, CA
714-842-6600

Casa Youth Shelter
10911 Regan St.
Los Alamitos, CA
562-594-6825

General Relief:

oc211 – serves all basic needs in Orange County. Dial 2-1-1

General Court Information:

For more specific information related to the court process, you can go to the website below:
<http://www.occourts.org/self-help/juvenile/delinquency.html#additionalresources>

Parent Education:

Boys Town provides a free website with tips on parenting in the forms of articles, blogs and videos. They also have parenting classes available throughout the county. Their information can be found at www.parenting.org.



Immigration Information

Foreign consulates connected to your country of origin are available to assist you with any immigration questions or concerns you may have for your child or you. If your child is arrested and taken to juvenile hall, and they were born in a country other than the United States, the consulate belonging to their country of origin will be contacted. Once they are contacted, they can begin to provide immigration-related services and support to your youth. Notice to the consulate is **NOT** notification to Immigration and Customs Enforcement.

Mexican Consulate:

Provides consular services and legal assistance to Mexican nationals residing in Orange County: passports, matricula cards, powers of attorney, dual nationality, transportation of human remains; assistance to victims of crimes, parenting and domestic violence classes; free legal advice on immigration, criminal, labor, civil, and human rights issues. 714-835-3069



Glossary of Terms

Accountability Confinement Program (ACP) – this program is offered to some youth as a way to complete their juvenile hall commitment while sleeping at home at night. The program is all day long and the school is located on site. Youth who do not successfully complete the program will be returned to juvenile hall where they must complete the rest of their custody commitment.

Bailiff – There is a bailiff in each courtroom and they are assigned to keep the peace in the courtroom. The bailiff is a deputy sheriff and will be wearing a uniform. They may give you directions about where to sit in the courtroom while waiting for your case to be called. They may also call you into the courtroom from the hallway.

Deferred Entry of Judgment - A youth who is at least 14 years old and commits a felony (not a 707(b) offense), may have the benefit of deferred entry of judgment if they have never had probation revoked or been committed to the Department of Juvenile Justice. If a youth successfully completes DEJ, the matter is dismissed and deemed never to have occurred. The probationary period may last one to three years.

Deputy District Attorney – If a matter is referred to the district attorney’s office by the deputy probation officer, the deputy district attorney will decide if the youth’s case should be sent to juvenile court. They work to represent the state’s interest in each delinquency case and are tasked with providing protection to the community. They will work with the youth’s attorney to settle the case or take the case to trial, depending on multiple factors.

Deputy Probation Officer – Deputy probation officers will process a youth’s case, be present in court and provide supervision for both formal and informal probation cases.

Deputy Public Defender – A deputy public defender can be retained to represent the youth at the time of the first hearing (detention hearing or pro per pretrial hearing). The cost of the attorney is determined by the parents’ ability to pay. It is important to note that the deputy public defender is tasked with representing your child’s legal interests and rights. This means the deputy public defender may not always consult you prior to acting in court on your child’s behalf or follow your requests. If you your wishes for the outcome of the case are different than that of your child, you may request your own representation as the deputy public defender can only represent the wishes of your child, their client.

Direct File – Youths who commit a serious or violent felony, after the age of 14, may have their case filed directly in adult court and face adult consequences at the discretion of the deputy district attorney.

Home Supervision Program (HSP) – the HSP is a temporary release program where the youth is released home with an electronic monitoring bracelet where he/she can stay until the court process is completed. The youth is considered detained at home, which means they are expected to remain home and not leave their residence without the approval of the assigned HSP deputy probation officer. If they are enrolled in school or have an existing ongoing therapy or doctor’s appointment, these must be made known to the assigned HSP deputy probation officer, but the youth will be allowed to attend. The program is at no cost to the family. Not all



youth can be considered for this program, depending on several factors, including the seriousness of the crime and family dynamics.

Juvenile Court Work Program (JCWP) – This is a program conducted mostly on the weekends where the youth is placed on a work group and various work projects are completed such as weed abatement, trash pickup and graffiti removal. The program is most of the day and lunch is provided. The youth are supervised by probation staff. Failure to complete assigned days on the JCWP may result in the court ordering custody time.

Juvenile Defender – this is a conflict attorney and is retained the same way a deputy public defender is retained. They are appointed when the deputy public defender has a conflict in the case and cannot represent the youth. This can occur in instances such as if there were two or more youths involved in the case, the deputy public defender could only represent one youth and the juvenile defender would be appointed to represent the other youth. The cost of the attorney is determined by the parents' ability to pay. It is important to note that the juvenile defender is tasked with representing your child's legal interests and rights. This means the juvenile defender may not always consult you prior to acting in court on your child's behalf or follow your requests. If you your wishes for the outcome of the case are different than that of your child, you may request your own representation as the juvenile defender can only represent the wishes of your child, their client.

Miranda Rights/Warning/Rule – If the youth is interviewed by a deputy probation officer regarding the pending charges, they will read the warning to the youth to remind them of their right to silence and/or representation by an attorney during questioning. This rule applies to the crime the youth is going to court for, and does not include questions about family, school, employment, drug use, or social activities that the deputy probation officer may ask about. In the case of these questions, the deputy probation officer is trying to determine information about the youth in order to provide as much information to the court as possible to help them with deciding on a case.

Non-relative extended family member (NREFM) – this is anyone who has a positive relationship with the youth and who may be willing to provide care for the youth in their home but is not related to the youth by blood.

Petition – The police prepare and send an application for petition, along with the police report, to the probation department for handling. Once the application is filed in court and the deputy district attorney has determined they are filing charges, the document is called the petition.

Private Attorney – You may always exercise your right to retain a private attorney for the defense of your child's case if you do not wish to utilize the public defense system. A private attorney has all of the same access rights as a deputy public defender in juvenile hall and court.

Released on your own recognizance – This means the youth was released with a promise to appear at their next court date and they are not confined to their home like on the Home Supervision Program.

Restitution – Restitution is money to compensate for losses or damage caused by your child. For example, you may have to pay for what your child stole, or for the victim's medical bills or lost wages. Once restitution has been determined in a youth's case, the amount may be contested through a court hearing process.



Wardship – Youth who have been placed on formal probation are considered wards of the court (pursuant to Section 602 of the Welfare and Institutions Code). Frequently it is referred to as “wardship status”.



NOTES



