

**JUVENILE COURT SUITABILITY INVESTIGATION AND REPORT
PURSUANT TO WIC 707**

- AUTHORITY:** Welfare and Institutions Code (WIC) Sections 280, 281, 602, 656.2, 702, 706, 707, 707(a)(2), 707.01, 707.1, 707.2, 707.5, 727(a), 727(b), and 1742
 Penal Code (PC) Sections 290.008, 290.04, 1116.12, 1170.17, 1170.19, and 11165.6
 Education Code (EC) Sections 49076 (a)(l)(i) and 56026
 Superior Court of Orange County Local Rule 903.1 (Exchange of Confidential Information)
 California Rules of Court, Rule 4.510 (Reverse Remand), Rule 5.565 (Hearing on Subsequent and Supplemental Petitions), Rule 5.766 (General provisions), Rule 5.768 (Report of probation officer), Rule 5.770 (Conduct of Transfer Hearings Under Sections 707(a)(2) and 707(c)), Rule 5.785 (General Conduct of Hearing), and Rule 5.790 (Orders of the Court)
 Victim's Bill of Rights Act 2008/Marsy's Law (Proposition 9)/California Constitution, Article 1, Section 28
 Juvenile Court Administrative Order No. 12/003-903 (Exchange of Information)
 Juvenile Court Miscellaneous Order 681.3 (Authorization for Release of School Attendance and Performance Information)
- RESCINDS:** Procedure Manual Item 2-5-004, dated 11/10/2017 (Major Revision)
- FORMS:**
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| Automated Record Check Request – Juvenile | (ICMS) |
| Automated Record Check Request - Adult | (ICMS) |
| Automated Child Abuse Index Information Request | (ICMS) |
| Investigation Form Letters | (Word Templates) |
| Appointment Letter | (F057-4094AF) |
| Parent's Statement | (F057-4100.4) |
| Youth's Statement | (F057-4096.3) |
| Family History Questionnaire | (F057-4161ATT AF) |
| WIC 707 Victim Letter | (WORD Template-Victim 707) |
| Arresting Officer Letter | (Word Template) |
| Juvenile Court Report Face Sheet Worksheet | (F057-4086W) |
| Youth and Family Data Sheet | (F057-4193AW.3) |
| Authorization for Release of Student Records | (Probnet) |
| Authorization for Release of Medical, Dental Psychiatric, Psychological Information | (Probnet) |
| List of WIC 707(b) Offenses | (Attachment A) |
| Authorization to Use and Disclose Protected Health Information (PHI) (http://intranet.ochca.com/forms#bhs) | (Attachment B) |
| Victim Rights Notification | (F057-10049) |
| WIC 707 Suitability Report Template | (Word Template) |
| Juvenile Sexual Offense Recidivism Risk Assessment Tool-II (JSORRAT-II) | (www.saratso.org) |

PURPOSE: To detail the process of investigating and writing a report recommending to the juvenile court if a youth is suitable for juvenile court proceedings.

I. GENERAL INFORMATION

- A. Pursuant to WIC 707(a)(1), the District Attorney or other appropriate prosecuting officer can make a motion to transfer a youth to a court of criminal jurisdiction if one of the following circumstances existed:
1. In any case in which a youth, sixteen (16) years of age or older, is alleged to have committed any offense listed in WIC 707(b) (Attachment) or any other felony criminal statute.
 2. The individual for whom transfer is sought was fourteen (14) or fifteen (15) at the time of the offenses, the offense is listed in WIC 707(b), and the individual was not apprehended until after the end of Juvenile Court jurisdiction.
- B. Upon such motion, the juvenile court shall order the deputy probation officer (DPO) to submit a report on the behavioral patterns and social history of the youth. The report must include information relevant to the determination of whether the youth should be retained under the jurisdiction of the juvenile court or transferred to the jurisdiction of the criminal court, including information regarding all of the criteria in section WIC 707 (a) (2) (A) – (E). The report must also include any written or oral statement offered by the victim.
- C. The report must be an objective presentation of the information collected. Pursuant to California Rules of Court, Rule 5.768 (Report of probation officer), the probation officer's report on the behavioral and social history of the youth must be furnished to the youth, the parent or guardian, and all counsel at least two (2) court days before commencement of the hearing on the motion. A continuance of at least twenty-four (24) hours must be granted on the request of any party who has not been furnished the probation officer's report in accordance with this rule. Victim and protected information shall be redacted prior to providing a copy to the youth and parent/guardian. An Integrated Case Management System (ICMS) entry shall be made indicating copies were provided to the youth and parent/guardian.
- D. The WIC 707 Suitability investigation and report is prepared by the Juvenile Investigations Unit.
- E. Following submission and consideration of the report, and any other relevant evidence that the petitioner or the youth may wish to submit, and consideration of the criteria listed in WIC 707 (a) (2) (A) – (E), the juvenile court shall decide whether the youth should be transferred to a court of criminal jurisdiction. If the court orders a transfer to a court of criminal jurisdiction, the court shall recite the basis for its decision in an order entered on the minutes.
- F. Additionally, effective November 18, 2019, WIC 707.5 was added to legislation. It authorizes a person whose case was transferred from juvenile court to a court of criminal jurisdiction pursuant to WIC 707, upon conviction or entry of a plea, the person may, under the circumstances described in subdivision (b), request the criminal court to return the case to the juvenile court for disposition.

Upon determining that the case shall be returned to the juvenile court, the court of criminal jurisdiction shall return the entire case to the juvenile court and the matter shall be calendared within two (2) court days. A conviction or guilty plea that is returned to juvenile court shall be considered an adjudication or admission before the juvenile court for all purposes.

The juvenile court shall order the probation department to prepare a social study on the questions of the proper disposition. This report shall be prepared by a Juvenile Investigations DPO in the Disposition Report format and will be titled *WIC 707.5 Disposition Report*.

II. PROCEDURE

Upon assignment, the investigating DPO is expected to do the following:

- A. Thoroughly review all documentation received including the charging document (e.g. petition), police reports, and probation file (e.g. previous school records, prior record check, etc.).
- B. For WIC 707 Suitability Reports, email both the DA and the youth's counsel to see if they have relevant case information they would like to have included in the report for the Court's consideration. Pursuant to California Rules of Court Rule 5.768 (Report of probation officer), the DPO's report on the behavior patterns and social history should include "relevant" information as to whether the case should be retained under juvenile court or transferred to the court of criminal jurisdiction. While the burden is on the DA or the youth to present evidence pursuant to WIC 707(a)(3)m when there is new information that is relevant to the criteria the Court is supposed to consider (WIC 707(a)(3)(A)-(E)), it should be included in our report.
- C. Submit requests for any missing or incomplete information.
- D. Verify the existence of any protective orders prohibiting specific questioning.
- E. Submit an automated Child Abuse Registry (CAR) record check via the [REDACTED].
- F. Submit an automated record check via [REDACTED].
- G. Identify the youth's last known school and submit a request for student records (i.e. discipline, attendance, grades, and progress toward graduation). Individual schools have their own policies regarding release of information but will generally respond to one of the following requests for student records.
 1. Authorization for Release of Student Records (Probnat)
 2. A request faxed to the individual school referencing Juvenile Court Administrative Order No. 12/003-903 Exchange of Information and EC 49076(a)(1)(i).
- H. Complete the authorization to release medical and mental health information. At this point in the process, the youth is represented by an attorney. Consequently, you will need authorization from the youth's attorney prior to requesting the youth's

signature.

1. If youth has ever been seen by the Clinical Evaluation and Guidance Unit (CEGU), complete the Orange County Health Care Agency's (HCA) Authorization to Use and Disclose Protected Health Information form (Attachment B). If the youth is at least twelve (12) years of age, the youth can sign the authorization to release their protected health information.
 2. If information is needed from another medical or mental health provider, contact the provider to determine what form they require. If the provider does not have a designated form, complete the Authorization for Release of Medical-Dental-Psychiatric-Psychological Information (Probnat).
- I. Contact the youth's parent(s) and/or guardian(s) to schedule an interview. Subsequently, mail an Appointment Letter (also includes Parent's Statement, Youth's Statement, and the Family History Questionnaire when printed from WORD templates) and the Youth and Family Data Sheet (if not previously completed and in file).
 - J. Contact the youth's attorney to schedule the interview of the youth unless the attorney has previously indicated they do not wish to be present.
 - K. Mail the Arresting Officer Letter.

III. SECTIONS OF THE REPORT

A. FACE SHEET

1. The report is titled "WIC 707 Suitability Report".
2. The one-page *FACE SHEET* provides a central location to record vital factual case data and should be completed in full, indicating "NA" (not applicable), "NONE", or "UNK" (unknown) where appropriate. The Juvenile Data Sheet is to be used as an internal document. It contains items not included on the one-page court report *Face Sheet*, but needed for the supervision of the youth. Additionally, certain information may be useful for financial collections purposes.
3. All relevant information, such as date of birth, California Driver's License number, school, and employment information, should be verified by documentation or through contact with original sources.
4. Due to Aid to Families with Dependent Children-Foster Care (AFDC-FC) funding requirements for children in foster care, emphasis should be given to obtaining social security numbers for both the youth and parents. A copy of the youth's birth certificate should be obtained and placed in the file.
5. Include the name, address, and other identifying information of any family member with whom the youth is residing or any family member being considered as a placement option for the youth.
6. If the youth is also a dependent of the court, include the social worker's name and professional contact information.

7. Much of the information on the *FACE SHEET* will be auto populated by information in the ICMS. Verify that the information in [REDACTED] is correct. If it is not, update [REDACTED] with current and accurate information prior to populating the *FACE SHEET*. Once printed, verify that all information is accurately reflected including the youth's court case number, master list number, name, date of birth, etc. Also ensure that the youth and parents' personal information, addresses, employment information, school information, and other categories are updated with the most current information prior to printing the *FACE SHEET* and submitting with the report.

B. COURT INFORMATION

1. This section is a summary of court hearings and orders pertaining to the WIC 707 charges and hearings. It should also include summaries of court hearings and orders pertaining to any additional open petitions.
2. List the court case number, date petition was filed, all counts alleged and allegations listed in petition, enhancements, and level of each offense (misdemeanor or felony).
3. List dates of significant court hearings and orders leading to the order for the WIC 707 Suitability Report (e.g. detention orders, releases, reports ordered, etc.).
4. Note any court ordered parameters for the WIC 707 investigation (e.g., if defense counsel wishes to be present, any specific individuals/providers who are to be interviewed).
5. Include companion information on those referred to juvenile court, adult court or probation for informal handling. Provide name, case number and disposition if known.

C. COURT STATUS

1. A *COURT STATUS* section is typically included for cases transferred from another county for disposition or supervision, or for more complex/involved court orders for information. Refer to Procedure Manual Item (PMI) 2-5-005 (Intercounty Transfers of Wardship Jurisdiction) and the Superior Court of California Inter-County Transfer Protocol, dated April 3, 2017 for more specifics on these types of cases. For WIC 707 cases being remanded from Adult Court, it is also used to summarize prior Adult Court (and Appellate Court, if applicable) rulings.
2. In transfer cases, this information reflects the date the petition was filed and the date(s) and orders which led to the findings and transfer of proceedings.
3. In more complicated/involved court cases, this section is added to provide a more detailed account of what transpired to make it easier to understand. For WIC 707 cases remanded from Adult Court, this section should reflect information regarding charges, convictions and sentences imposed. IT should also include the date the case was ordered remanded to Juvenile

Court pursuant to WIC 707(a)(2).

4. In rare cases where this section is used for orders in cases originating in Orange County, the same information found in the *COURT INFORMATION* section would be included here and there would be no need to include the county.

D. PRIOR RECORD

1. Include the youth's full and complete legal history, including information obtained from record checks, probation records, police reports for all arrests, other pertinent agencies, and traffic violations.
2. Submit record checks for all jurisdictions the youth has lived in. Obtain police report for all arrests.
3. Entries should be listed in chronological order by date of arrest. Each entry should include date of offense, arresting agency and DR number, date filed, disposition date, charges, and disposition, a brief summary (one (1) to two (2) sentences) of each alleged offense, the date of arrest, arresting agency, DR#, offense with disposition date of the offense the youth arrested for, date filed, and final disposition and charges.

Provide information obtained from CJI record checks in Orange County, the county of residence and obtain police reports from local police and probation departments. Include the youth's traffic record in addition to out of state records.

4. Note if the youth or parent mentions an incident or arrest for which there are no court orders and/or the police reports cannot be located.
5. Incidents handled informally, including grants of informal probation, should be included, with the exception of school truancy or delinquency prevention agreements. Referrals to the Truancy Response Program (TRP) should be addressed in the *SCHOOL REPORT* section.
6. If the youth does not have a prior record, indicate it in this section.
7. If the youth has an Adult Record, the Juvenile Prior Record and Adult Prior Record will be included separately, as subsections under the Prior Record.

E. CIRCUMSTANCES OF THE OFFENSE

The purpose of the *CIRCUMSTANCES OF THE OFFENSE* is to provide the Court and reader with a brief description of the youth's participation in the alleged offense.

Steps:

1. Review the Petition(s) filed by the DA
 - a. Match the DR# with the Petition

- b. Multiple DRs can be found under one Petition.
- c. Review the charges listed on the Petition. (Note: Police report charges may be different from the actual charges filed by the DA.)
- d. Check for victims and who the identified victim is in the filing Petition. In cases where there are multiple companions, victim's may be associated with one defendant not the other. As such, ensure that the appropriate victim(s) is associated with the appropriate case.

2. Writing the Circumstances of the Offense

- a. Review the Application for Petition
- b. Review the police report

(1) Information regarding the circumstances of the allegations will be obtained from the arresting officer's report or from the referring agency. Include DR#s for all reports used to complete this section. Occasionally, the petition will only list one DR# submitted at the time of arrest, such as prior burglaries or vandalisms, which are discovered related to the youth. This report will reference the initial crime report(s), but will not include detailed information. Those reports should also be requested if not included in the arrest packet (example, if the youth is arrested for residential burglary and during police questioning, provides information regarding other burglaries committed, obtain and include this information). The initial crime report would include point of entry, any damage to the home during the commission of the offense, a list of items reported stolen and estimated loss.

(2) In the report, make note of the facts that pertain to the filing charges and how the youth was involved. Do not duplicate what was written in the Juvenile Intake Assessment System (JIAS) Report by the Custody Intake or Non-Custody Intake/Diversion Unit DPOs unless there is no police report available.

If the *CIRCUMSTANCES OF THE OFFENSE* (or any portion of the report) is a duplication or a reprint from one that was written by another Juvenile Investigations Unit DPO, make note of this (e.g. "This report [or the portion of the report referenced] has been reprinted from the [name of report] dated [date of reprinted report].")

(3) Request additional supplemental police reports if they are missing.

(4) Include:

- Arresting agency/DR#
 - Date and time of arrest
 - Reference (What led to the police contact?)
- c. Ensure the *CIRCUMSTANCES OF THE OFFENSE* is a summary of the facts that pertain the youth and the youth's involvement in the offense. As much as possible, present the information in chronological order of events.
- d. Address the client as "youth," or "former youth" (for those over 25 years of age).
- e. Victims are to be identified as "Victim" or "Victim 1, Victim 2, Victim 3, etc.", when there are multiple victims, in the *CIRCUMSTANCES OF THE OFFENSE* and noted as the victim based on the DA's filing petition. (Note: There may be victims noted in the police report that are not identified as a victim in the filing petition or may not be a victim of the youth.)
- If available, include specific information regarding injuries and/or losses to the victim(s) caused or contributed to by the alleged offense, loss, or damage. However, do not include any identifying information about the victim or the victim's family that could be used to locate, harass, or retaliate against the victim or the victim's family.
- f. Provide a summary of witness statements, if included in the police report. However, do not include any identifying information about the witness that could be used to locate, harass, or retaliate against the witness.
- g. Do not identify victims, witnesses, or confidential informants by their name, gender, address, or other identifying information. Witnesses are identified in the same manner as victims (e.g. Witness or Witness 1, Witness 2, Witness 3, etc.). If there are others involved in the incident who have a case filed against them in the same pending matter, identify them by their court case # and J/DL# in order to protect their rights as outlined in WIC 827.
- h. Summarize the details of the alleged offense or the circumstances which compelled the filing of the petition. Identify the sources of the data and identify the source(s) of the information. As much as possible, present the information in a chronological and concise summary, stressing the youth's role in the offense. This section is intended as a brief synopsis of the alleged offense and the youth's level of involvement. Not every aspect of the report needs to be included in the summary. For example, if there are ten (10) witnesses with nine (9) seeing nothing, do not itemize each interview. On that same note, if there is video footage, do not summarize every minute of the footage. Address what is relevant. Include details surrounding the police interview of the youth regarding the offense, as well as whether or not the youth was released or detained. Ensure that the circumstances are a summary of the facts that pertain to the youth and the youth's involvement.

This is especially important in cases involving multiple defendants.

The judicial officer needs enough information to weigh the gravity and seriousness of the offense for purposes of evaluating the case.

- i. Specific details should be included such as extent of injuries in the alleged offense, losses incurred by the damages, weight of narcotics, etc. Cases involving narcotics or non-prescribed medication should include specifics, quantities, dosage, and packaging.
- j. Be consistent when using terminology, titles, or names (e.g. Confidential Informant, Social Worker Jones, Victim #1, etc.).
- k. Include pertinent dates, times, and locations. Roles of the participants should be included, but not to the detailed extent provided in police reports unless to reflect aggravating criminal factors.
- l. WIC 625.6 (a) (Custodial Interrogations) - Prior to a police and/or facility custodial interrogation, and before the waiver of any Miranda Rights, a youth aged seventeen (17)-years-three-hundred-sixty-four days or younger shall consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived.
- m. Conclusion of the CIRCUMSTANCES OF THE OFFENSE
 - (1) Note if the youth was released or detained.
 - (2) If released, note if the youth was released on the Pre-Detention and Pre-Disposition Program (PPP) or outright.
- n. In all cases, keep in mind that the juvenile court is using this section to evaluate the degree of criminal sophistication exhibited by the youth and the gravity of the offense.

F. COLLATERAL INFORMATION

This section contains information relative to the current offense or WIC 707 proceedings, particularly that which may have some bearing on eventual case outcome. For instance, notification of ongoing police investigations (relative to the current case) and/or motions pending filing (e.g., SB 1437 motions, Dennis H. hearings).

If there is no information to include in this section, it can be removed from the report.

G. ADDITIONAL INFORMATION

This section includes recent or known arrests that have not been filed, as well as pending offenses that were not covered in the police report. These are not a part of the *PRIOR RECORD* section, but have been discovered during the course of

the investigation. Provide current status of these pending offenses.

If there is no information to include in this section, it can be removed from the report.

H. VICTIM INFORMATION AND STATEMENT

The purpose of this section is to provide victims a voice in the court process, as well as an opportunity to request restitution, if warranted. This section should include the efforts to contact the victim.

Per the California Constitution Article 1 Declaration of Rights Section 28(e), a “victim is a person who suffers direct or threatened physical, psychological, or financial harm as the result of the commission or attempted commission of a crime or delinquent act. The term “victim” also includes the person’s spouse, parents, children, siblings, or guardian, and includes a lawful representative of a crime victim who is deceased, a minor, or physically or psychologically incapacitated.

The California Constitution, Article 1, Section 28, Section (b) provides specific enumerated rights to victims. See Procedure Manual Item (PMI) 1-1-117 (Juvenile Victim Services) for further information.

Pursuant to WIC Section 656.2, the DPO shall inform the victim of the right to submit a victim impact statement, inform the victim of the time and place of judicial hearings, and provide the victim with information pertaining to an action for civil damages.

Victims are only contacted if named on the Petition filed by the DA. Their information should already be entered into the ICMS Victim Screen. If the victim is not present and is named on the petition, they will need to be added to ICMS (refer to PMI 1-1-117 [Juvenile Victim Services]).

Preparation for Court Report

1. Review the DA’s filing petition to ensure the victim is listed. Review ICMS to ensure the victim is listed in the Victim Screen. As noted above, if the victim is not listed in ICMS, but is named in the Petition, add them to ICMS. Check in ICMS, as well as with the Victim/Witness Assistance Program (714-935-7074) to see if any victim notification letters have been sent to the victim. If not, the assigned Juvenile Investigations Unit DPO is responsible for sending them, as well as updating ICMS with this information.
2. When setting up a case, the assigned Juvenile Investigations Unit DPO needs to send out a *Victim Restitution Inquiry* form which can be found in the victim section of ICMS. (Note: When sending the letter to a business, it is helpful to put the Police Report number so the victim can identify the case.) If there is no response to the letter prior to dictation, make a follow-up telephone call for all cases in which there was violence, the matter is sensitive/serious in nature, or there was personal loss (financial or physical). Document specifics of all efforts in ICMS.
3. When eliciting a statement from the victim, explain the purpose of your call

and inform them of their right to make a Victim Impact Statement to the Court. If the victim indicates they do not wish to assert their victim rights and do not want any further contact regarding the offense, make note of this in ICMS, as well as in the report. If they do wish to assert their rights, try to obtain the following information, as well as any other pertinent information (*Note: 1) Victim(s) may also request an in-person interview, which should be accommodated if time allows or 2) Victims may ask to provide a written statement in lieu of a phone interview, which should be accommodated.*):

- a. If the victim is under the age of eighteen (18), obtain a statement from the victim's parent(s) or guardian(s), including how the crime has affected their child and any actions they have had to have taken (counseling, etc.), such as counseling, etc. In certain situations, the parent(s) may ask that the actual victim, their child, be allowed to make a statement. Under those circumstances, take a victim statement from the victim.
- b. Their feelings about the offense(s).
- c. How the crime has affected the parents, other family members, and their loved ones.
- d. Any violence which occurred and the impact/trauma this has created.
- e. Injuries sustained as a result of the offense.
- f. If they will be requesting restitution for any economic losses and amount (if they know).
- g. What they feel would be a suitable outcome/appropriate disposition in the matter.
- h. Anything else they would like the court to know or consider.

Reminder: Victims have a right to attend Court hearings and it is helpful to remind them. Ask them if they would like to exercise their Marsy's Rights. If you are unable to answer their specific questions, refer them to the Victim/Witness Assistance Program or the Probation Victim Services Coordinator via telephone or email: 714-347-8000/VictimServices@prob.ocgov.com.

- i. If the victim is deceased, indicate it in the report, as well as be specific about who was contacted on behalf of the victim, as well as their relationship to the victim.
- j. Due to the high profile and sensitive nature of most WIC 707 charges/cases, (e.g. sex offenses, murder, serious or grave bodily injury, etc.), the Victim/Witness Assistance Program should be contacted to determine if they are working with the victim and/or the victim's family. The Victim/Witness Assistance Program

representative may wish to act as a conduit with the victim or the victim's family to avoid re-traumatization. Additionally, when attempts to contact the victim and/or the victim's family are unsuccessful, the Victim/Witness Assistance Program may have updated contact information.

- k. When you cannot locate or are unsuccessful at contacting the victim:

For more serious cases, if the Victim/Witness Assistance Program does not have any information, you may want to reach out to the assigned DA for information, as the Victim/Witness Assistance Program destroys their records five (5) years from the date of the offense. Additionally, seek assistance from the Probation Victim Services Coordinator as needed.

If all attempts to contact the victim are unsuccessful, provide specific information as to those attempts in this section of the report.

- l. When the victim requests additional services:

Additional services include counseling, help with restraining orders, etc. These services can be provided by the Victim/Witness Assistance Program.

- m. Upon contact with a victim that is not working with the Victim/Witness Assistance Program, but would benefit from such services and support, initiate a referral to the Victim/Witness Assistance Program. Additionally, always make a referral to the Victim/Witness Assistance Program upon request of a victim.
- n. Unless authorized by the court, the following information may not be released to the victim: the youth's social history and background, personal information, and prior record.

4. ICMS Documentation

All actual or attempted contacts and communications with the victim (this includes Victim Letters that were mailed out), victim witness advocate, and any progress on the case are to be documented in ICMS. When making an ICMS entry, select the "VICTIM" dropdown box and check the box to select the appropriate victim in which the contact made.

Select the type of contact made via drop down box (telephone call, office visit, etc.) and type the note in the box before selecting the "Submit" button. If the victim has elected to exercise any rights, requested restitution, etc., that information is also to be documented in an ICMS note.

5. Report

- a. The report should not include victim identifier information. Victims should be identified by the corresponding count on the petition. If there is more than one victim on a petition, the victim should be

“Victim #1” “Victim #2” etc. If there are multiple petitions, utilize petition numbers to denote which case includes which victims.

- b. The date the Marsy’s Law Advisement Letter was mailed to the victim.
- c. Date of any written, telephone, or other contact with the victim and their response if contact made.
OR
If no contact made, include the date letter mailed and/or all attempts to contact the victim and by what means.
- d. Be specific. DO NOT use a canned sentence such as “attempts to contact the victim were futile. If a response from the victim is forthcoming, it will be forwarded for the courts consideration.”
- e. Do not include any identifying information about the victim or the victim’s family that could be used to locate, harass, or retaliate against the victim or the victim’s family.

The following are examples of the above-referenced information to include in the Victim Section of the report:

On [date], a Marsy’s Law Advisement Letter was sent via registered mail to the victim’s residence. On [date], 2018, a victim restitution inquiry was mailed to the victim’s residence. Document mail, telephone, etc. contact made (chose from one of the below responses).

- Response Provided: On [date] the victim provided the following statement [how statement provided-via telephone / victim witness representative / in writing]:
- No Response: As of [date], the victim has not responded to requests for a statement in this matter. Any information received will be forthcoming for the Court’s consideration.

I. STATEMENT OF THE YOUTH

This is a statement provided by the youth regarding the circumstances of the offense, their perception of factors that contributed to their delinquency, issues that need to be addressed for successful rehabilitation, and their feelings and willingness regarding disposition and court orders. The statement should always start with the date and location of the interview (e.g. Juvenile Hall or Probation Department). If an interpreter is used, or the interview is conducted in a language other than English, it should be reported.

Prior to interviewing the youth, verify the content of any protective orders prohibiting the youth from discussing the offense or specific topics. If a protective order does prohibit discussion of specific topics, make sure it is noted in the below-referenced prohibited section(s) that apply.

Additionally, review court orders to confirm whether the youth’s attorney wishes to

be present at the time of the interview. If the attorney wishes to be present, contact them regarding the date, time, and place of interview - afternoon appointments are generally preferred and this will be noted on the disposition sheet and minute order as well. Upon meeting with the youth and attorney, list what counsel requests the youth not to discuss (e.g. offense, substance abuse, gangs and behavior at school). This information should also be noted in other relevant sections of the report such as social history or school report. A written statement should only be accepted with the approval of counsel and can be attached to the report for the court's consideration.

The following include some of the items to include in this section:

1. Date/Location of Interview (and if counsel was present)
Date and location where the youth was interviewed, as well as name and title/relationship (parent, attorney, interpreter) of anyone else who was present.

Note any restrictions placed on the interview (e.g. attorney or parent present and indicate they only have 15 minutes for the interview or the attorney/parent indicate that the youth will not be permitted to answer specific questions). If, during the interview, the youth's attorney objects to the youth responding to a question, note in the report what questions the youth was not permitted to answer. This will ensure that the court is made aware that missing information was not an oversight.

If the youth provides a written statement, document in this section that it is attached for the court's consideration and summarize pertinent information from the written statement.

2. Version of the Offense (if permitted to discuss)
The youth's version of the offense.
3. Motive and/or Contributing Factors
The youth's perception of what potentially led to their delinquency (e.g. strained family relationships, bullying, succumbing to peer influences, anger management difficulties), as well as contributing factors.

The youth's expressed attitude, remorse, and feelings toward the victim(s), as well as the youth's demeanor during the interview and expectations regarding consequences.

4. Impact of Court Referral
The youth's feelings and willingness regarding disposition and court orders. Also, cover the impact of the court ordered referral on the youth. This includes whether or not the youth has disassociated from unsavory friends, improved grades, stopped using drugs, etc. If the youth or former youth has been detained or incarcerated for a lengthy period (e.g., in Juvenile Hall, jail or prison), include the impact of that experience as well.

For WIC 707 cases, ask whether the youth prefers to have the matter heard in juvenile court or the court of criminal jurisdiction, the expectations regarding consequences, the reasons for the youth's decision, and the youth's evaluation of their level of maturity.

5. Short and Long Term Goals
This section addresses the youth's education and career orientation (professional, vocational, occupational, etc.), as well as any other personal goals he aspires to achieve.
6. Willingness to Abide by Court Orders and Perceived Rehabilitative Needs
If specific court orders and terms and conditions of probation are ordered, what is the youth's assessment of their ability to comply with these orders? What orders, services and/or support does the youth feel are necessary for his long term rehabilitation?

J. STATEMENT OF PARENTS(S)/GUARDIAN(S)

This is a statement provided by the youth's parent(s) or guardian regarding the circumstances of the offense, factors they believe contribute to their child's delinquency and their feelings regarding disposition. When applicable (e.g., the youth is not yet 18 years of age and/or plans to reside at home), include discussion regarding the parents' willingness and ability to assist in supporting probation and court orders.

1. Date/Who/Location of Interview
Begin with the date and location of the interview and if an interpreter is used, or the interview is conducted in a language other than English, it should be reported. In the event a parent is interviewed via telephone, note why an in-person interview could not be conducted.

If a guardian is present for the interview, explain the absence of the parents (e.g. rights terminated). If a person without legal guardianship accompanies the youth, collect specific information about them and the circumstances surrounding their relationship and lack of parental involvement and include this information in the *INTERESTED PARTIES' STATEMENT*.
2. Aware of Circumstances of the Offense
Inquire as to the parent(s)/guardian(s)' awareness of the circumstances of the offense and the youth's level of involvement.
3. Feelings About the Offense
Interview parent(s)/guardian(s) regarding their feelings about the pending allegation(s) and their feelings regarding disposition, as well as their ability to assist in supporting probation and court orders. If a guardian is present for the interview, gather information about the parents' absence (e.g. parental rights terminated) and include in the report. If they have no legal guardianship, gather their information and include this and their statements in the below referenced *INTERESTED PARTIES' STATEMENT*.
4. Reasons for the Youth's Behavior
The parent(s)/guardian(s) should be asked about contributing factors to the youth's previous and/or current behavior (e.g. location of residence, poor peer selection, significant thought processing issues, history of childhood trauma, etc.). Questions should be based on information gathered in the youth's file and found in the process of investigation. Questions should be posed broadly and asked in a manner not to suggest any specific response.

5. Disposition Requested by Parents
Include the parent(s)/guardian(s)' plans for the future with regard to the youth and their opinion about which court should hear the matter.
6. Additional Information Parents Wish to Have Considered
Document any additional information the parents want included for the Court's consideration.

K. STATEMENT OF INTERESTED PARTIES

Interested parties can include the arresting officer, other agency's personnel, clergy, caretakers, family members, friends, etc.

1. In the case of gathering statements from law enforcement or other agencies, at a minimum, the assigned DPO will send out letters to them. However, the DPO does not need to make a follow-up phone call to the officer unless the case is more serious in nature or the officer is listed as the victim.

The letter and/or phone call to the arresting officer(s) requests a statement regarding how cooperative the youth was during the contact, the booking process, the questioning/interview, etc. It is also good to find out if the officer had other contact with the youth/and or the youth's family prior to the current offense, as well as how the youth's parents conducted themselves during their encounter with the officer, if any contact was made. The officer typically will also be asked for an opinion as to the disposition of the matter, whether the officer feels that an informal handling would be sufficient or would a more formal handling would be necessary. When a statement is provided, it is usually in the form of a phone response and the information is paraphrased. If the officer(s) do respond, include the officer's name and phone number in the report in case the Court has any additional questions for the officer.

2. In cases where there appears to be gang involvement, gang allegations, the offense is gang related, or there are gang enhancements, the DPO shall make reasonable efforts to contact a representative from the local police department gang unit, the police department's record unit, and/or the probation gang DPO assigned to that city to determine if there is any relevant gang contact information, field identification cards, Street Terrorism and Prevention (STEP) notices, or any other documented history of gang involvement by the youth. When doing this, the DPO should allot enough time prior to the typing date to ensure that the information can be included in the report.
3. If the sustained allegations involve a sex offense listed in PC 290.008, the Juvenile Sexual Offense Recidivism Risk Assessment Tool-II (JSORRAT-II) shall be used to assess the youth and the court shall receive risk assessment score into evidence pursuant to section PC 290.04. A Juvenile Investigations Unit DPO who has completed the JSORRAT-II training and has current certification (must be reviewed every two [2] years) will complete this assessment.

4. The *STATEMENT OF INTERESTED PARTIES* section can also be used to include information provided by the youth's family, friends, or other individuals from the community who, at the bequest of the youth or the youth's family can provide a statement regarding the youth's behavior or interaction in the community. Most of the time, these letters come from family friends, neighbors, clergy, or relatives. If the statement is provided in written form, the letter(s) are paraphrased in the report and it is noted whether they are attached to the report for the court to consider, or if the statements are located in the youth's probation file. If the statement is taken over the phone or in person, note in the report how the statement was given and include a name and contact number for the court if they wish to contact the statement provider.
5. Another less frequent use for this section is when a youth lives with another party; such as a guardian, relative, social worker, group home staff, etc. who have indicated that they would like to provide a statement.
6. Include date(s) of letters and/or telephone contacts, identify the sources, summarize their input, and describe their relationships to the youth or to the case. Also include statements from persons who have had contact in any official capacity with the youth or the youth's family (probation officers, police officers, social workers, psychologists, teachers, etc.).
7. Statements should be summarized.
8. If reference letters are received on behalf of the youth, the originals should be retained in the probation file and copies attached to the court report. This source of the letter should be included in the report and key parts of the letter to should be summarized in the relevant section of the report.
9. In all of the above instances, document in ICMS.

L. HISTORY OF YOUTH AND FAMILY

Each of the following are focus areas of the interview, and explain information required to be included in the report:

1. Family Background and Relationships

Begin with an overview of family members, dynamics, living arrangements, and financial situation. Include information regarding any family history or mental illness, substance abuse, criminality, and/or gang involvement. Information collected will vary but should, at a minimum, address the following:

- a. Nature of parent's relationship at time of birth, siblings, birth order, along with parental attitudes regarding their children. If the youth's parents are divorced and/or remarried, inquire as to whether or not the youth and parents and/or new spouses get along.
- b. Youth and parent(s) estimates of the influences/impact of separations, divorces, remarriages, deaths, abandonment, periods of incarceration, or other losses of a parental figure.

- c. Youth and parent(s) estimates of the influence/impact of siblings or other significant family members. Include ages and names of siblings. Inquire about the youth's relationship with immediate and extended family members and activities/vacations they enjoy together. Ask about the youth and family's involvement in community groups or faith-based activities.
- d. History of substance abuse and/or drug treatment in immediate family.
- e. History of mental illness and/or treatment in the immediate family.
- f. Criminal history of immediate family, as well as others living in the home, including periods of incarceration. If there is information suggesting that an immediate family member has a criminal record, submit the appropriate request for criminal record history. Inquire if any family members were or are on informal/formal probation or parole. Provide the specifics.
- g. Describe any community and/or environmental factors that could impact a youth. Be specific and objective. Provide the youth's and parents' assessment of their neighborhood (e.g., safety, risk factors, gang activities).
- h. Impact of family's economic status (e.g. living conditions, the number of people living in the home, stability of employment, etc.) on youth and family. Things to consider include whether or not the youth's parents are employed, if the youth is employed, other sources of income, is the family receiving public assistance, are the youth's basic needs being met (food, shelter, medical, etc.).
- i. What is the family's living arrangement (house, apartment, renting a room), who else resides in the home, the number of rooms in the house, pets, and weapons? Number of moves/relocations throughout the youth's childhood?

2. Youth's Medical History/Physical Health

Early childhood development history, health, and milestones; including etiological information pertaining to neurological, psychological, and physical development. This includes asking questions about the mother's pregnancy with the youth and any complications that may have affected the youth, as well as questions about serious accidents, illnesses, and hospitalizations involving the youth. Include significant medical and developmental issues the youth has experienced, along with the specifics of any treatment(s) for these issues. Do not include information about minor illnesses/procedures such as tonsillectomies, hernias, etc. that are included in current reports. If there are no significant developmental or health issues, note this as a single sentence.

3. Youth's Social and Behavioral History

Information about the youth's social relationships and behavior within the home and community. Include the youth's and his parents' perspectives, and note any discrepancies.

- a. Youth's overall behavior in the home and incipency of maladaptive behavior (e.g., lying, stealing, running away, curfew problems, destructive behavior). Include specifics. If youth has a history of running away, provide specifics of each incident, including dates, where they went, how long they were gone, and if matter was reported to police (obtain DR#).
- b. Any history of anger management difficulties or aggression. Provide detailed information regarding any incidents of verbal, physical or threatened violence, specifically noting any behavioral triggers or patterns. Indicate whether any incidents resulted in property damage, injury (to the youth or others), and/or whether law enforcement response was required. Note any history of weapon use or possession.
- c. Youth's attitude towards family activities and if the youth helps out around the home. When discipline is required, note typical parental consequences and whether the youth complies.
- d. Who is the youth closest to in the family? Are there any other significant adults in their life? Who is primarily responsible for providing for the youth's daily supervision and care (e.g., the parents, older siblings, or someone else in the home)? Provide reasons for any strain or breakdowns in the youth's communication and relationships with immediate family members.
- e. Youth's assessment of their own peer group and friends. Do parents know and approve of the youth's friends? Provide details regarding the ages, activities, etc. of the youth's primary associates and be specific regarding any parental concerns. Indicate whether friends use drugs, engage in criminal behavior, are on probation/parole, etc. Note if the youth has experienced difficulty making and/or sustaining friendships and why.
- f. Discuss any history of crew/gang involvement, providing as much detail as possible. Note when and why the youth began associating with gang members, at what age they were jumped in (if applicable), who indoctrinated them into gang culture (e.g., family members, neighbors, classmates, older friends) and their current level of involvement. Indicate at what point the parents suspected or knew the youth was becoming gang involved.
- g. Describe any history of prosocial activities or community involvement (e.g. church, sports, clubs, community organizations). Note the youth's duration and frequency of participation.
- h. Provide the youth's and parents' assessment of their relationship, including the perceived degree of parental influence over the youth's lifestyle and choices.

4. Substance Abuse History

Information about the youth's substance abuse history obtained from the youth, parent(s), and other sources. Additionally, the extent of the youth's substance abuse can be explained here. This includes the youth's reported age of first use, frequency, method and extent of use, and date of most recent use. Include whether the youth and/or parents perceive this to be an area warranting intervention, as well as any efforts they have made to address the substance abuse. Note any discrepancies in information provided by the youth and other sources.

5. Significant Developmental Events

Information about the existence of childhood trauma and the impact on the youth. This includes life stressors/trauma such as divorce, death/loss, neighborhood violence, bullying, exposure to parents' substance abuse/mental illness, etc. Note: For WIC 707 Suitability Reports, the Court takes this information into consideration when evaluating the five (5) criterion as outlined in WIC 707 (for specifics, refer to below Section XIV – Discussion of Suitability Criteria Pursuant to WIC 707). Information collected will vary but the following should be considered when interviewing a youth and/or their parent(s)/guardian(s) regarding exposure to childhood trauma.

- a. Trauma is the experience of a real or perceived threat to life or bodily integrity, or the life or bodily integrity of a love one and causes an overwhelming sense of terror, horror, helplessness, and fear.
- b. Information related to trauma or traumatic events can surface during a review of the probation file, child abuse reports, school reports, interviews, etc.
- c. Exposure to traumatic events does not necessarily cause maladaptive behavior. It is an individual's experience of the event, not necessarily the event itself that is traumatizing. Trauma can be experienced in a single incident (acute trauma) or repeatedly over a long period of time (chronic trauma).
- d. Exposure to trauma can impact the physical, social, behavioral, emotional, and cognitive development of youth.
- e. A youth's response to trauma may be mitigated by personal resiliency and protective factors present. Such factors include strong social supports, supportive family relationships, social competence, emotional competence, higher cognitive functioning, etc. When these factors are present, they should be noted in the report.
- f. Youth and their parent(s) may be experiencing shame or stigma surrounding traumatic event(s). They may be highly sensitive to these topics. As always, the investigating DPO should demonstrate tact, objectivity, and sensitivity when addressing these issues.

- g. Childhood trauma can include, but is not limited to, the following:
- Sexual abuse/assault
 - Physical abuse/assault
 - Neglect by parent or caretaker
 - Witness to domestic violence
 - Medical issues
 - Loss of or separation from a parent or family member
 - Having a parent or caretaker with a mental illness or substance abuse disorder
 - Victim/witness to community violence
 - Victim/witness to school violence
 - Victim of bullying
 - Involved in a car accident
 - Serious accident/illness
 - Exposure to war, political violence, and/or terrorism
 - Experiencing a natural or man-made disaster

M. SOCIAL SERVICES HISTORY

A summary of referrals to the Social Services Agency, any dependency history, and information received from the Child Abuse Registry (CAR) record check. Also include information regarding statements made about the case or the youth's background information provided from the assigned social worker. Note significant circumstances, themes, and patterns from the referral history, as well as the youth's and family's assessment of the abuse and its impact on the youth. Please note, if there are a number of CAR referrals or any WIC 300 dependency case history, this information may be best summarized in a separate "Social Services Information" section (directly following the Youth's and Family's History).

1. Include a summary of the information received from the CAR record check, as well as any information regarding statements made about the case or the youth's background information provided from the assigned social worker. If no information is received, note this in the report.
2. The report should include a summary of the number of CAR referrals that were made; the county in which the referral originated; a summary of each referral; whether or not the findings were substantiated, inconclusive, or unfounded (as defined by PCs 11165.12 and 11165.6), as well as if any services were provided. Note how many referrals were contained in the report, as well as the county in which the referral originated if more than one. Summarize the information obtained about the youth if the matter was substantiated/inconclusive.
 - Substantiated: Based on the evidence, it was more likely than not that child abuse or neglect occurred.
 - Inconclusive: There is insufficient evidence to determine whether child abuse or neglect occurred.
 - Unfounded: A report determined by the investigator to be false, inherently improbable, to involve accidental injury, or not to constitute child abuse or neglect.

3. If there are multiple referrals of the same nature or regarding the same incident, summarize with corresponding dates. For example, "On July 10, July 12, and August 20, 2017, referrals for general neglect were substantiated. The reports reflect [detail]."
4. If siblings are mentioned in the CAR report, avoid using their names in the probation report. Instead, address them as sister, brother, half-brother, etc., and include their age at the time of the report.
5. If there have been no referrals/CAR reports, it should be noted in the report.
6. Pursuant to department policy, all CAR reports shall be placed in a sealed and labeled manila envelope, and included in the file (refer to Forms section of the manual).
7. Indicate in the report if there is no Social Services history involving the youth or the youth's family.
8. Process:
 - a. Utilize the CAR Record Check feature under the Juvenile heading in ICMS to request a CAR report. Note the date you would like to receive the information by in order to receive the information in a timely manner.
 - b. Once the CAR report has been received, you may receive an email notification or the report will be contained in ICMS.
 - c. If the CAR report returns blank: this does not necessarily mean the youth has no child abuse history. Request a new report to clarify. When there is no CAR history, that will be noted.
 - d. If the CAR report does NOT return and it has been 30+ days with no response or the court date is upcoming: submit a ticket to Probation IT in order to have to prior request deleted and request a new report.
 - e. Pursuant to department policy, place any CAR reports received or in the file in a manila envelope, with the appropriate confidential label (refer to *Forms* section of the binder) and include in the file.

N. MENTAL HEALTH INFORMATION

Information about the youth's mental health history obtained from the youth, parent, and other sources can be noted and explained here. If information needs to be obtained from sources, the following forms will need to be signed and dated by the youth and/or parent(s):

- Have the youth/parent complete the *Authorization to Use and Disclose Protected Health Information* form (F346-531B) form (located on Probnets under Forms-Juvenile Forms) or on the Orange County Health Care Agency (HCA) website: <http://intranet.ochca.com/forms#bhs>. If the youth is

represented by an attorney, obtain authorization from the youth's attorney prior to requesting the youth's signature.

- If information is needed from another medical or mental health provider, contact the provider to obtain a copy of the release waiver they require. If the provider does not have a designated form, complete the *Authorization for Release of Medical-Dental-Psychiatric-Psychological Information* form (Probation form located on Probnets under Forms-Juvenile Forms).
1. Briefly summarize available information including tests administered, clinical impressions, and recommendations. Note that originals of psychiatric or psychological reports should be placed in the Probation file and not disseminated or attached to copies of court report.
 2. Also include information regarding mental health treatment, hospitalizations, diagnosis/diagnoses, treatment, medication(s) (including compliance with medication as prescribed and attitude/opinion regarding medications), treatment, hospitalizations, and source of information (e.g. parents, CEGU, therapist, care provider, etc.). If the youth is participating in therapy and/or treatment, if the youth is in compliance with treatment orders, and if the youth and parent(s) feel that treatment is helping.
 3. If the information has been requested, but not received, this should be noted in the report. Include the type (phone, email, mail, etc.) and date the request was made, any follow-up attempts, and the name/title of the person or agency the request was made. Make an ICMS entry with this information.
 4. Parents can also provide a letter from a therapist/provider regarding the youth's participation. Letter can include information such as dates of treatment, areas addressed, the youth's progress with treatment, etc.
 5. Also include information from any reports, such as Evidence Code 730 Evaluations, forensic psych reports, etc.
 6. If there is no psychiatric or psychological history involving the youth, indicate this in the report.
 7. If therapeutic information is provided by the youth's school, make note of this in this section.
 8. If there is substantial information received concerning the youth's mental health/treatment history, it should be provided in a separately added "Psychological Information" section.

O. SCHOOL INFORMATION

This section contains a summary/explanation of the youth's education history and current needs, include nature of past disciplinary referrals and Individualized Education Program (IEP) services.

1. Identify the youth's last known school and submit a request for student records (e.g. discipline, attendance, grades, and progress toward

graduation). *Orange County Department of Education (OCDE) Consent to Exchange Information* form (located on Probnets under Forms-Juvenile Forms).

- A request faxed to the individual school referencing Orange County Superior Court Local Rule 903.1 (Exchange of Confidential Information) as the authority to release.
 - Do not use school personnel names in the report unless the person supplying the information requests that you do so. A good source of information is a recent report card which provides grades, citizenship, work habits and often has teacher comments. This section should cover the youth's prior and current school attendance, academic standing, attendance, grades, discipline history, and progress toward graduation. Do not rely on the youth's account of their school history. If the youth has already passed the General Equivalency Diploma (GED) or received a high school diploma, the investigating DPO is still required to look into their school history. Be inclusive of both positive and negative aspects of their school history.
2. If available, provide the number of credits earned and if the youth passed the required tests to receive their GED. If the youth has not earned their high school diploma, indicate how many credits they have earned. Be cognizant that foster youth are only required to complete 160 credits to graduate from high school pursuant to Education Code 51225.3.
 3. If the youth is attending an alternative education program, indicate why the youth was referred to the program (e.g. behavioral issues, disciplinary transfer, history of truancy, credit deficient, etc.).
 4. Indicate if the youth has ever been identified as an individual with special education needs, the qualifying disability or unique learning issue, testing information, educator remarks, what services the youth has received and/or accommodations have been made, and the date of their most recent IEP or 504 Plan. Summarize findings of psycho-educational evaluations, pertinent testing information, educator remarks, services received, and accommodations made.
 5. If the youth does not have an IEP or 504 Plan, include any previously requested psycho-educational evaluations and outcomes.
 6. Include the youth's educational goals and their attitude toward their prior school experience. Include information on any extracurricular school activities (sports, clubs, student body involvement, etc.), as well as the youth's attitude and goals toward school, as well as their future aspirations (college, vocational studies, career goals).
 7. If the youth is in juvenile hall, provide the court with the youth's grade level equivalent upon the most recent entry into juvenile hall. Remember that the youth's grades at juvenile hall or one of the other facility schools does not represent the youth's history in school. As such, all school information needs to be included. Specifically, upon entry into juvenile hall, all youth

are tested by the school. Those scores are included in the facility file. However, keep in mind that a youth who is earning straight As in school at juvenile hall may only be reading at a second grade reading level. Such information needs to be included in order to present the court with an overall perspective of the youth's level of functioning.

8. Pursuant to WIC 1742, when the juvenile court commits to DJJ, a person identified as an individual with exceptional needs, as defined by Education Code 56026, the juvenile court, subject to the requirements of WIC 727 (a) and 737 (b), shall not order the juvenile conveyed to the physical custody of DJJ until the juvenile's individualized education program previously developed has been furnished to DJJ.

As such, include a statement indicating whether a determination has been made indicating the youth has exceptional educational needs.

9. Include additional information about the youth's involvement in extracurricular activities such as sports, clubs, and faith-based organizations.
10. If the investigating DPO cannot obtain school records due to confidentiality, articulate efforts to obtain those records.
11. If the youth previously received their GED or high school diploma, this section should still contain information about their prior school history, including special education student with an IEP or 504 Plan, behavioral issues, discipline history, etc.

P. ADJUSTMENT IN CUSTODY (if applicable)

1. Review [REDACTED] notes, the facility file, and [REDACTED] records to obtain information about general behavior and program participation. This includes reviewing the treatment plan, behavioral log notes, CEGU log, treatment session notes, school information, weekly staff notes, folder comments, ICMS activity log notes, treatment and case plan for the youth. When writing the report, provide specifics about positives and negatives.
2. If the youth remains in juvenile hall, contact the unit supervising juvenile correctional officer (SJCO) for a statement about the youth's participation in unit programs, interactions with staff and peers, and overall behavior. If the unit supervisor is unavailable, contact the assistant division director (ADD) overseeing the unit.
3. Review the youth's Juvenile Hall file (Behavioral Logs, CEGU Logs, treatment plans, programs involved with and level of participation, school information, weekly staff notes, case plan, [REDACTED] Activity Log and treatment sessions, etc.).
4. If the youth has been transferred to the Orange County Jail, access the AJS for information about rule violations or contact OCJ Records.
5. If a former youth has served time in prison, contact CDCR to obtain

information regarding discipline and programs completed.

6. If any JH, OCJ or prison incidents resulted in formal filings/charges, this should be noted (and also included in the prior record section).
7. The appropriateness of rehabilitative programming offered, received and completed is a critical component of WIC 707 analysis. Every effort should be made to obtain information regarding all interventions the youth has been offered at the detention, camp, jail or prison facilities where they have been housed.
8. If a youth or former youth has received in-custody mental health services, those records should be requested. Treating clinicians should be contacted to provide information and statements for purposes of the WIC 707 report.

Q. ADJUSTMENT ON PPP (if applicable)

1. If the youth has been released on PPP, review ICMS notes for the date released on PPP, progress on PPP, and any other pertinent information. Contact the assigned PPP DPO and request information regarding the youth's progress on PPP.
2. Contact assigned DPO and request specific information regarding youth's progress on PPP.

R. ADJUSTMENT ON PROBATION/PAROLE (if applicable)

Information in this section should include all prior and current probation/parole information.

1. Review [REDACTED] regarding prior probation orders.
2. Contact the most recent supervision DPO for input regarding the youth's progress and overall adjustment on probation, compliance with court and probation orders, associations, and utilization of provided resources. Include how long the youth has been supervised on probation/parole, as well as the youth's level of cooperation and compliance with probation directives including scheduled office appointments, testing or attending/completing counseling. If the youth has made poor progress on probation, include efforts made to redirect behavior including informal sanctions and incentives, as well as their effectiveness.
3. If the youth is on probation/parole in another county/state, contact should be established with that agency and information included in this section.
4. Present both positive and negative progress, as well as include information about the parent's cooperation with the DPO and any notable environmental issues such a living arrangement and neighborhood (gang area, etc.).
5. Do not ask the DPO for their recommendations as to an appropriate disposition for the case at hand.

S. DISCUSSION OF SUITABILITY CRITERIA PURSUANT TO WIC 707

1. General Parameters

- a. Include the introductory paragraph as follows:

“The following will be a discussion based upon the five specific criteria set forth in WIC 707”.

- b. Analyze the behavior, life history, and capacity of the youth in relation to each of the WIC 707 criteria.
- c. Keep each section as objective as possible.
- d. Include a summary and analysis of the available information the court can consider under each criterion.
- e. Do not make a determination under any of the individual criterion regarding suitability.
- f. Indent and underline the five subheadings
- g. Note: With the exception of criteria #2, no new information should be introduced in this section. Discussion should be an analysis of case factors already presented in prior report sections.

2. The criterion

- a. The degree of criminal sophistication exhibited by the youth

(1) The juvenile court may give weight to any relevant factor, including, but not limited to, the youth’s age; maturity; intellectual capacity; physical, mental, and emotional health at the time of the alleged offense; the youth’s impetuosity or failure to appreciate risks and consequences of criminal behavior; the effect of familial, adult, or peer pressure on the youth’s actions; and the effect of the youth’s family, community environment, and childhood trauma on the youth’s criminal sophistication.

(2) Explore the elements of this offense, the youth’s role, peer involvement, and the degree of sophistication exhibited by the youth.

- b. Whether the youth can be rehabilitated prior to the expiration of the juvenile court’s jurisdiction

(1) The juvenile court may give weight to any relevant factor, including, but not limited to, the youth’s potential to grow and mature, and willingness to engage in rehabilitative efforts.

(2) Review the projected length of time necessary to effect the youth’s rehabilitation combined with the information

accumulated and the length of time the court can retain jurisdiction.

- (3) Provide overview of the resources presently available to the juvenile court, including local custody/out of custody programs, Youth Development Court (YDC) and the resources of DJJ. DJJ should be contacted to provide specifics regarding the projected length of confinement and programs potentially available to the youth.

c. The youth's previous delinquent history

- (1) The juvenile court may give weight to any relevant factor, including, but not limited to, the seriousness of the youth's previous delinquent history and the effect of the youth's family and community environment and childhood trauma on the youth's previous delinquent behavior.
- (2) Look for and examine patterns that have formed, i.e., aggressive behavior, substance abuse, gang/peer activities and consistency or variety of criminal acts).

d. Success of previous attempts by the juvenile court to rehabilitate the youth

- (1) The juvenile court may give weight to any relevant factor, including, but not limited to, the adequacy of the services previously provided to address the youth's needs.
- (2) Include what resources and rehabilitative services have been offered to the youth. Address the youth's participation and engagement in these services, additional support and collaborative services available, continuity of care, barriers or interruption in treatment that are impacting continuity of care, etc.
- (3) Include specific court orders such as an in-custody drug treatment program, residential treatment program, mental health treatment, family counseling, etc.

e. The circumstances and gravity of the offense alleged in the petition to have been committed by the youth

When evaluating this criteria, the juvenile court may give weight to any relevant factor, including but not limited to, the actual behavior of the youth, the mental state of the youth, the youth's degree of involvement in the crime, the level of harm actually caused by the youth, and the youth's mental and emotional development.

T. EVALUATION

This section of the report is a summary of the essential points of the case. A mere "rehash" of information should be avoided and new information should not be

introduced. The evaluation should briefly summarize the case facts and through a logical, etiological and socio-behavioral approach and should provide an in-depth understanding of the case dynamics, which should lead to a recommendation as to whether or not the youth is suitable for juvenile court proceedings. This is the section of the report where the assigned DPO can objectively include their observations and present their conclusions, based upon the preceding analysis of WIC 707 criteria.

1. Do not restate the narrative or prior sections of the report. Instead, analyze causal factors in terms of the information presented in the report.
2. Do not introduce new information.
3. Analyze causal factors in terms of the information presented in the report.
4. Factors in mitigation and aggravation, including exposure to trauma, should be discussed, although they need not be labeled as such.
5. A summary of the youth's presenting risks and needs, and what might be necessary for long term rehabilitation.
6. If incarceration is indicated, explain why a custodial commitment would be therapeutic. For each of the five criterion, provide an analysis of the services available to rehabilitate the youth and the youth's ability to benefit from them in a timely manner. If a custodial commitment at the juvenile level is recommended, provide an in-depth discussion as to whether local programming or DJJ is best suited to address the youth's needs and why.

The final paragraph should conclude with wording that takes the youth's age, maturity, educational background, family relationships, demonstrable motivation, treatment history (if any), and other (mitigating or aggravating) factors, it is believed the youth (is/is not suitable) for Juvenile Court proceedings.

7. Aside from recommending whether a youth be found suitable or unsuitable for Juvenile Court, WIC 707 reports do not make any specific dispositional recommendations. However, if recommending the youth remain in Juvenile Court, there can be some discussion regarding what terms and conditions may be appropriate, should the petition be sustained.

U. RECOMMENDATION

Pursuant to California Rules of Court, Rule 5.768 (Report of Probation Officer), when the court orders the probation officer to include a recommendation, the probation officer must make a recommendation to the court as to whether the youth should be retained under the jurisdiction of the juvenile court or transferred to the jurisdiction of the criminal court.

The recommendation must address both suitability and detention.

Suitability

1. Recommend to the court that the youth is suitable for juvenile court

proceedings

or

2. The youth is not suitable to be dealt with under juvenile court law and the district attorney be requested to file an accusatory pleading against the youth in a court of criminal jurisdiction pursuant to WIC 707.

REFERENCES:

Procedures:	1-1-117	Juvenile Victim Services
	2-5-002	Probation Officer's Report to the Juvenile Court
	2-5-003	Juvenile Court Report Recommendations

Policies:	A-1	Policy, Procedure and the Law
	E-3	Disclosure of Court Recommendations

Attachments

C. Ronald

APPROVED BY:

§ 707(b) WIC Offenses (as of 05/04/2020)

(b) Subdivision (a) shall be applicable in any case in which a minor is alleged to be a person described in Section 602 by reason of the violation of one of the following offenses when he or she was 14 or 15 years of age:

CODE	DESCRIPTION
187 PC	(1) Murder
451(a) PC 451(b) PC	(2) Arson, as provided in subdivision (a) or (b) of Section 451 of the Penal Code.
211 PC	(3) Robbery
261 (a)(2) 264.1 PC	(4) Rape with force, violence, or threat of great bodily harm.
286(c)(2) PC	(5) Sodomy by force, violence, duress, menace, or threat of great bodily harm.
288(b) PC	(6) A lewd or lascivious act as provided in subdivision (b) of Section 288 of the Penal Code.
288a(c)(2)(A) PC	(7) Oral copulation by force, violence, duress, menace, or threat of great bodily harm.
289(a) PC	(8) An offense specified in subdivision (a) of Section 289 of the Penal Code (Forcible acts of sexual penetration).
209(a) PC	(9) Kidnapping for ransom.
209(b)(1) PC	(10) Kidnapping for purpose of robbery.
209(a) PC	(11) Kidnapping with bodily harm.
664/187(a) PC	(12) Attempted murder.
245(a)(2) PC 12022 PC	(13) Assault with a firearm or destructive device.
245(a)(4)	(14) Assault by any means of force likely to produce great bodily injury.
246 PC	(15) Discharge of a firearm into an inhabited or occupied building.
1203.09 PC	(16) An offense described in Section 1203.09 of the Penal Code (Crimes against persons 60 years of age or older, blind persons, paraplegics or quadriplegics.)
12022.5 PC 12022.53 PC	(17) An offense described in Section 12022.5 or 12022.53 of the Penal Code. (Use of a firearm committing or attempting to commit a felony).
16590 PC	(18) A felony offense in which the minor personally used a weapon described in any provision listed in Section 16590 of the Penal Code.
136.1 PC 137 PC	(19) A felony offense described in Section 136.1 or 137 of the Penal Code (Intimidation of witnesses and victims).
11055(e) H&S	(20) Manufacturing, compounding, or selling one-half ounce or more of a salt or solution of a controlled substance specified in subdivision (e) of Section 11055 of the Health and Safety Code.
667.5(c)/ 186.22(b) PC	(21) A violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code, which also would constitute a felony of violation of subdivision (b) of Section 186.22 of the Penal Code.
871(b) WIC	(22) Escape, by the use of force or violence, from a country juvenile hall, home, ranch, camp, or forestry camp in violation of subdivision (b) of Section 871 if great bodily injury is intentionally inflicted upon an employee of the juvenile facility during the commission of the escape.
206 PC 206.1 PC	(23) Torture as described in Sections 206 and 206.1 of the Penal Code.
205 PC	(24) Aggravated mayhem, as described in Section 205 of the Penal Code.
215 PC	(25) Carjacking, as described in Section 215 of the Penal Code.
209(b) PC	(26) Kidnapping for the purposes of sexual assault, as punishable in subdivision (b) of Section 209 of the Penal Code.

209.5 PC	(27) Kidnapping as punishable in Section 209.5 of the Penal Code.
26100(c) PC	(28) The offense described in subdivision (c) of Section 26100 of the Penal Code (willful and malicious discharge of a firearm from a motor vehicle at another person other than an occupant of a motor vehicle).
18745 PC	(29) The offense described in Section 18745 of the Penal Code (igniting or exploding destructive device or explosive with intent to commit murder)
192 PC	(30) Voluntary manslaughter



AUTHORIZATION TO USE & DISCLOSE PROTECTED HEALTH INFORMATION

PART 1: CLIENT/PATIENT INFORMATION			
Client/Patient Last Name		Client/Patient First Name	
Middle Initial		Date of Birth	
Other Names Used	SSN (Last 4 Digits)	MRN	Address
City	State	Zip	Telephone Number with area code
PART 2: PERSON OR ORGANIZATION WHO WILL DISCLOSE THIS INFORMATION			
Name of Person or Organization		Address	
City	State	Zip	Telephone Number with area code
PART 3: PERSON OR ORGANIZATION WHO WILL RECEIVE THIS INFORMATION			
Name of Person or Organization		Address	
General Designation (For 42 CFR Programs only)			
City	State	Zip	Telephone Number with area code
PART 4: PURPOSE OF THIS AUTHORIZATION			
<input type="checkbox"/> Patient Request <input type="checkbox"/> Continuity of Care/Medical Treatment <input type="checkbox"/> Insurance <input type="checkbox"/> Legal <input type="checkbox"/> Disability <input type="checkbox"/> Other:			
PART 5: INFORMATION THAT CAN BE RELEASED (Section A&B required, C if required and/or applicable)			
A. Check only one box: <input type="checkbox"/> Medical Record PHI <input type="checkbox"/> Summary of PHI			
B. Check appropriate boxes for type of information to be released:			
<input type="checkbox"/> Lab/Test Results	<input type="checkbox"/> WIC	<input type="checkbox"/> AMM/MSN/MSI	<input type="checkbox"/> Child Health/Immunization Records
<input type="checkbox"/> Maternal Health	<input type="checkbox"/> Pulmonary/TB	<input type="checkbox"/> X-ray Films	<input type="checkbox"/> California Children's Services (CCS)
<input type="checkbox"/> STD Treatment	<input type="checkbox"/> Dental Care	<input type="checkbox"/> X-ray Results	<input type="checkbox"/> Other:
C. Your initials and date range of records to be released are required below for use or release of the following types of sensitive information or records:			
<input type="checkbox"/>	Alcohol, Drug or Substance Abuse Records**	Date From:	Date To:
<input type="checkbox"/>	Mental Health	Date From:	Date To:
<input type="checkbox"/>	HIV/AIDS Testing and Results	Date From:	Date To:
PART 6: DATE YOUR AUTHORIZATION EXPIRES			
Unless otherwise revoked in writing, this authorization expires: <input type="checkbox"/> Upon completion of this request OR <input type="checkbox"/> Upon date, event or condition specified: _____ <small>If no date, event, or condition is indicated, this Authorization will expire 12 months after the date of signing this form</small>			
FOR YOUR REVIEW			
I have read the contents of this form. I understand, agree, and allow the County of Orange to use and release my information as I have stated above. I also understand that signing this form is voluntary and treatment, payment or eligibility for benefits will not be affected if I do not sign this authorization. I have the right to revoke this authorization at any time in writing by sending a notice to the Custodian of Records. The revocation will affect disclosures the Custodian has already taken action in reliance on the authorization. Information disclosed pursuant to this authorization may be re-disclosed by the recipient and no longer be protected by federal privacy law (HIPAA). Applicable State or other federal law may require recipient to obtain your written authorization before re-disclosure unless otherwise permitted by such laws. I am entitled to a copy of this form. Fees may apply to certain requests. A copy of the original authorization is valid.			
PART 7: Client/Patient Signature or Designated Legal Representative/Guardian Signature			PART 8: Date
X			
Legal Representative (print full name)		Legal relationship to client/patient	
Legal Representative Street Address		City	State Zip
** ALCOHOL AND SUBSTANCE ABUSE INFORMATION			
The information disclosed to the recipient is protected by Federal confidentiality rules (42 CFR Part 2). The Federal rules prohibit the recipient of this information from re-disclosing the information unless it is expressly permitted by the written consent of the patient or as otherwise permitted by 42 CFR Part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient. You have a right pursuant to §2.13(d), that upon your request you must be provided a list of entities to which your information has been disclosed pursuant to a general designation on this consent form.			