

TERMINATING JUVENILE SUPERVISION

- AUTHORITY:** Sections 602, 607, 638, 654, 681, 725(a), 755, 776, and 778, Welfare and Institutions Code (WIC)
Departmental Policy
- RESCINDS:** Procedure Manual Item 2-6-006, dated 07/07/16
- FORMS:**
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| Notice of Your Statutory Rights | (F0182-558) |
| 654 Report | (F057-5016) |
| Petition for Modification – Nonappearance | (F057-5120) |
| Notification of Termination of Proceedings | (F057-9078) |
| Information for Court Officer | (F057-9099) |
| Courtesy Supervision Letter | (F057-2004) |
| Record Check Request – Juvenile | (F057-9914) |
| Risk/Needs Termination Chrono | (Automated) |
| NCID Termination Chrono | (F057-10024) |
- PURPOSE:** To standardize the case factors to be considered before recommending termination of supervision and to provide uniform procedures for terminating the various types of juvenile supervision cases.

I. GENERAL INFORMATION

- A. The primary consideration for termination is that neither the **youth** nor the community can profit from the continuation of probation supervision services. This hopefully denotes:
1. That positive progress has been made, over a significant/acceptable period of time.
 2. There is a certain predictability the future conduct of the **youth** will not require the services of any juvenile probation supervision program.
- B. Termination planning should begin when a case plan is established and continue throughout the supervision of any probationer.
1. The intent is to terminate supervision when these services no longer provide benefit for the **youth**, family or community and when court requirements have been fulfilled.
 2. Neither the Court nor the Department has established official minimum or maximum periods of supervision and must rely heavily on **Risk/Need assessments, case dynamics and** the Deputy Probation Officer's (DPO's) professional judgment for termination of a particular case.
 3. When active supervision no longer appears necessary, the DPO may choose to either recommend that the Court terminate probation or relieve the DPO of supervision.

Wardship supervision should generally last a minimum of six months to one year, with serious felony cases lasting approximately one or more years. However, it is within the DPO's discretion to request termination before these timeframes based on case dynamics/workload considerations, if he or she determines termination of wardship is appropriate.

Relief of supervision cases will be transferred to the Juvenile Administrative Unit. Such a level of supervision still provides for the extension of wardship should future violations demand a return to Court for Probation Violation proceedings.

4. When wards of the Juvenile Court are arrested for new law violations after their 18th birthday and the District Attorney determines prosecution is appropriate, these individuals are processed in Adult Court. If a formal grant of probation is ordered, casework responsibility will be transferred to Field Monitored (FM) status. If there are no outstanding obligations related to Juvenile Court orders, termination of wardship should be considered via a petition for modification.
 5. A ward placed on formal probation by an Adult Court, who has a significant juvenile record, may have substantial commitment time available for dispositional purposes. This category of case should be staffed with the unit supervisor.
 6. Wards of the Juvenile Court, placed on formal probation by an Adult Court, who have outstanding obligations related to a Juvenile Court order, will have as indicated, oversight of their case provided by the Field Monitored (FM) DPO (see No. 4 above). Specific concerns to be addressed by the assigned FM officer include the following:
 - a. Wards owing restitution, fines, or who have an order to complete community service hours, specific counseling programs, etc. will be given reasonable but specific deadlines for meeting those obligations.
 - b. In the absence of extenuating circumstances, wards failing to meet established deadlines for compliance will be returned to Juvenile Court by the FM Probation Officer for a Probation Violation hearing.
 - c. In most instances, a recommendation for terminal disposition involving a sanction for noncompliance and termination of wardship will be submitted to the Court.
- C. The factors listed below must be considered before terminating juvenile supervision and should be discussed in the petition for modification that is submitted to Juvenile Court.
1. Original offense of **youth** - particularly if involving narcotics, violence, weapons, gang involvement, child molestation, etc.
 2. Compliance with court orders, including payment of restitution.

3. Nature of and length of time since any formal or informal violations as shown by negative CJJ, local police department and DMV traffic checks, Probation records or officer knowledge.
 4. Input of parents, schools, local police agency and other agencies involved in the supervision program.
 5. Financial status – Restitution, Restitution fines, Court ordered fines/fees and other outstanding financial obligations.
 - a. Review any balance of Restitution, Restitution Fines, Fines and any other financial obligations.
 - b. Restitution should be paid in full as soon as possible. Do not consider terminating supervision until the matter of restitution has been reasonably addressed.
 - c. Regardless of the type of case, or the reasons for termination, the Petition for Modification must document any outstanding balance of restitution, restitution fines, fines and any other financial obligations owed by the ward/parent/guardian at the time the Petition for Modification is submitted.
 - d. If recommending termination on a case with an unpaid financial obligation, an Abstract of Judgment is recommended naming the ward as the judgment debtor.
- D. The following factors should be considered and/or discussed in termination chronos where applicable:
1. Home adjustment
 2. Social adjustment
 3. Personal adjustment
 4. Age
 5. Prognosis
 6. Attitude
 7. Location (out-of-state, out-of-county)
 8. Involvement in constructive activity or program, school or employment
- E. Both the DPO and the Juvenile Court have legal discretion in making dispositional decisions for **youths** supervised by this department. While the categories listed below are the most common, unusual cases may require modification and special handing by the DPO, if and when appropriate.
- F. With reference to termination procedures, cases can be categorized as follows:

1. Ward
2. Non-ward supervision (725(a) WIC)
3. Terminal disposition
4. Court-ordered supervision (under Section 654 WIC)
5. Department of Juvenile Justice (DJJ)
6. Courtesy supervision (interstate and intercounty)
7. Interested party
8. District Attorney's Continuance

G. Generally, supervision of a case should exist in only one category. Therefore, when a change is made in the status of a **youth** (e.g., 601 to 602 WIC), the prior category should be terminated.

II. NOTIFICATION PROCEDURE OF TERMINATION

- A. Once the order for termination has been made, the Petition for Modification is received in Aftercourt. Aftercourt updates ICMS to show that the termination has been ordered. The document(s) will be scanned to OnBase and a copy is forwarded to Financial. Financial will update the IPFS system.
- B. Notify **youth** and parents when wardship is terminated.
 1. Include a copy of the Notice of Your Statutory Rights (F0182-558) with the **youth's** copy of the notification.
 2. Upon termination of wardship via court order, petition for modification, or terminal disposition, the unit's clerk completes the Notification of Termination of Proceedings form (F057-9078).
 3. Upon completion of the notification proceedings, two copies of the form are sent to the **youth** and his/her parents, along with the Notice of Statutory Rights form. An additional copy of the Notification of Termination is then sent, with the file, to Records/Fileroom for processing and storage.
- C. Termination of Courtesy Supervision, 725a or 654 WIC Supervision:
 1. No Notification of Termination of Proceedings is required.
 2. Send the file to Record/Fileroom for processing and storage.

III. CASE CATEGORIES FOR TERMINATION

- A. TERMINATION PROCEDURES-WARD
 1. Termination Planning

- a. It is imperative the DPO check the following for pertinent information:
 - (1) Juvenile Log to see if any new referrals are pending
 - (2) Submit a Juvenile Record Check Request (F057-9914) and review for information pertaining to the Department of Motor Vehicles, Central Juvenile Index, local police records and the Bureau of Criminal Identification.
 - (3) Financial balance, Restitution
 - (4) Completion of Court orders (e.g. DNA collection, VCS, etc.)
- b. The DPO will confer with the family and the **youth** regarding the projected timeframes and impact of termination of probation supervision.

2. Petition for Modification and Case Review

- a. The DPO will:
 - (1) Present the case file and the completed Petition for Modification to the unit supervisor.
 - (2) Include sufficient documentation to support the recommendation for termination of wardship in the Petition for Modification.
- b. The supervisor will:
 - (1) Review the Petition for Modification and file for accuracy and content.
 - (2) Forward the signed/approved Petition for Modification to the Juvenile Clerical Unit's Disposition Clerk, who will forward it to the Juvenile Court via the designated Court Officer.

3. Termination of Supervision

- a. In addition to the mechanical aspects of case termination, the officer should make a pre-termination contact with the **youth** and parents.
 - (1) Arrange a closing interview and give special thought to resolving any existing problems.
 - (2) Offer suggestions for resources to be used in the future if additional problems develop in the family.
- b. If wardship is terminated by the Court as recommended, a copy of the minute order will be routed back to the assigned DPO, who will:

- (1) Complete an automated Risk/Needs Termination Chrono, via the Electronic Contact Reporting (ECR) system found on Prob-Net.
 - (2) Enter the date probation actually terminated in the Reports/History narrative section and on the Termination Chrono screen in ICMS.
- c. After the Risk/Needs Termination Chrono has been completed and incorporated in the case file, the DPO will give the case file to the supervisor for review. The file is then routed to the appropriate unit clerk, who will:
- (1) Make all necessary entries into the ECR system.
 - (2) Initiate notification procedures per Section II.
 - (3) Route the file to the file room.

B. TERMINATION PROCEDURE-NON-WARD (725(a) WIC)

1. Termination Planning

- a. Generally, these cases have been adjudicated by placing the **youth** under the supervision of a DPO for a period not to exceed six months.
- b. The matter is continued on the court calendar for a Progress Review Hearing, six months from the 725(a) order.

2. Petition for Modification

- a. A Petition for Modification will not be used, unless in some unusual circumstance, a deputy is considering early termination of jurisdiction.
- b. Such a plan should be discussed with the supervisor.

3. Termination of Supervision

- a. Upon termination of supervision, the Juvenile Court Officer Clerk will route the file to Juvenile Aftercourt.
- b. The Juvenile Aftercourt clerk will create a Chronological History entry and forward the file to the assigned DPO via the Unit Clerk.
- c. The assigned DPO will:
 - (1) Prepare a NCID Termination Chrono.
 - (2) File all documents in proper order pursuant to unit and division practices.

- (3) Submit the file and chrono to the unit SPO for approval.
- d. The Unit SPO will review the file for content and accuracy, sign off on the termination chrono, and forward the file to the Unit Clerk.
- e. The Unit Clerk will terminate the case in ICMS, process the necessary statistical changes and route the file to the supervisor of the Records Unit.
- f. The Records Unit will note the termination in ICMS and return the file to the records room.

C. TERMINATION PROCEDURE-TERMINAL DISPOSITION

1. Termination Planning

- a. The purpose of a terminal disposition is to provide for the fulfillment of specific conditions set by the Juvenile Court not requiring long-term supervision.

These cases often will not require any ongoing deputy decision-making or action and can be transferred to and monitored by the Juvenile Administrative Unit rather than retained in field supervision units. The transfer of such cases to the Administrative unit does not require a Relief of Supervision (ROS) order.

- b. If the supervisor of the Juvenile Administrative Unit believes that the terminal disposition case has specific conditions that require more direct supervision, the file can be returned to field supervision, following consultation with the supervisor of the related field supervision unit.

2. Petition for Modification

The matter is not normally continued on the court calendar but will not terminate automatically when the specific conditions are met. Despite having a terminal disposition, a petition for modification is required upon completion of the termination condition(s).

3. Termination of Supervision

- a. If a case is being supervised by the Juvenile Administrative Unit, direct contact with the **youth** and family is not necessary but a petition for modification is necessary to terminate the case.
- b. Upon receipt of the Court's order for termination, the assigned DPO will:
 - (1) Submit a brief automated Juvenile Admin Termination Chrono indicating that conditions have been met.
 - (2) Submit the file and chrono to the unit supervisor for approval.

- c. The supervisor will:
 - (1) Review the file for content and accuracy.
 - (2) Return the file to the unit clerk, who will close the case in ICMS and route it to the File Room.

D. TERMINATION PROCEDURE-COURT-ORDERED SUPERVISION (654 WIC)

1. Termination Planning

- a. The provisions of Section 654 WIC are generally interpreted to allow the Probation Department the prerogative of instituting a six-month informal supervision program in lieu of formal Juvenile Court action.
- b. However, the Court may also place a **youth** under the supervision of the Probation Department, pursuant to Section 654 WIC, and set the matter for 6-Month Progress Review.
 - (1) In this case, the pending petition is dismissed by the Court upon successful completion of 654 supervision.
 - (2) The **youth** is ordered to cooperate in the 654 WIC supervision program specified by the Court.
 - (3) The supervision deputy should treat these cases in the same manner as a Probation-Department-initiated 654 matter and make appropriate recommendation at the 6-Month Progress Review hearing.
 - (4) Although it is customary to continue the supervision program initiated by the Court or the intake officer for the full six-month period, the deputy may exercise discretion in termination.

2. Petition for Modification

As this is a case that is normally continued on the court calendar, no petition for modification is required. In some circumstances, a deputy may recommend early termination of 654 supervision by way of Petition for Modification.

3. Termination of Supervision

- a. Upon termination of supervision, the Juvenile Court Officer Clerk will route the file to Juvenile Aftercourt.
- b. The Juvenile Aftercourt clerk will create a Chronological History entry and forward the file to the assigned DPO via the Unit Clerk.
- c. The assigned DPO will:

- (1) Prepare a NCID Termination Chrono.
 - (2) File all documents in proper order pursuant to unit and division practices.
 - (3) Submit the file and chrono to the unit SPO for approval.
- d. The Unit SPO will review the file for content and accuracy, sign off on the termination chrono, and forward the file to the Unit Clerk.
 - e. The Unit Clerk will terminate the case in ICMS, process the necessary statistical changes and route the file to the supervisor of the Records Unit.
 - f. The Records Unit will note the termination in ICMS and return the file to the records room.

Notification of termination of proceedings is not completed in these cases.

E. TERMINATION PROCEDURE-DIVISION OF JUVENILE JUSTICE (DJJ)

1. Termination Planning

- a. **DJJ youth returned to the county are supervised by the GVS unit. DJJ cases are terminated in one of three ways:**
 - (1) **The youth reaches the DJJ legal age limit (23).**
 - (2) **The Court terminates probation supervision prior to the youth's 23rd birthday following a Progress Review or hearing scheduled by the youth and/or attorney.**
 - (3) **The Court terminates probation supervision based upon the recommendation of the DPO either through a Probation Violation Report or Modification Petition.**

2. Termination of Supervision

- a. **Upon receipt of the Court's order for termination, the assigned DPO will:**
 - (1) **Submit a Termination Chrono indicating that supervision has been terminated.**
 - (2) **Submit the file and chrono to the unit supervisor for approval.**
- b. **The supervisor will:**
 - (1) **Review the file for content and accuracy.**

- (2) **Return the file to the unit clerk, who will close the case in ICMS and route it to the File Room.**

F. TERMINATION PROCEDURE-COURTESY SUPERVISION

1. Termination Planning

Courtesy supervision is initiated with the approval of this Department at the request of another Probation Department when a **youth** has moved to this County from another county, which retains Court jurisdiction. The Probation Officer will:

- a. Verify the **youth's** residence in Orange County.
- b. Direct regular progress reports to the sending county, and all appropriate entries in ECR, as necessary.

2. Petition for Modification

No court action is needed or initiated in this County, regarding that case; therefore, a Petition for Modification is not utilized.

3. Termination of Supervision

a. The DPO will

- (1) Forward a Courtesy Supervision Letter (F057-2004.9) to the sending county, indicating that supervision was terminated in those situations where a **youth** is in clear violation of his/her terms and conditions of probation and has failed to respond to attempts at intervention.
- (2) In those instances where probation/wardship has terminated in the sending county, file all letters/court orders regarding the termination that are received in this department's case file, and advise the **youth** and family of the change in case status.
- (3) Complete an automated Risk/Needs Assessment Termination Chrono.

b. The Deputy Probation Officer will then submit the file to the Unit Supervisor for signature and approval.

c. The supervisor will:

- (1) Review the file for content and accuracy.
- (2) Route the file to the unit clerk, who will make the corresponding entries into ICMS and send it to the File Room for routine processing.

- (3) Notification of termination of proceedings is not completed in these cases.

G. TERMINATION PROCEDURE – INTERESTED PARTY (776 WIC and 778 WIC)

1. Termination Planning

- a. Section 778 of the Welfare and Institutions Code provides that "any parent or other person having an interest in a child who is a ward or dependent child of the Juvenile Court or the child himself through a properly appointed guardian may, upon grounds of change of circumstances or new evidence, petition the Court in the same action in which the child was found to be a ward or dependent child of the Juvenile Court for a hearing to change, modify, or set aside any order of the Court previously made or to terminate the jurisdiction of the Court."
- b. If it appears that it is in the best interests of the child, the Court shall:
 - (1) Order a hearing be held and a verified petition be filed.
 - (2) Set the matter on the appearance calendar.
- c. At the hearing, the **youth** will appear with his parent or the petitioner.
- d. At that time, the Court will determine whether or not the **youth's** wardship will be terminated or any orders should be modified.
- e. It should be noted such proceedings are rare although provided for by law.
- f. It is the Probation Officer's responsibility to:
 - (1) Prepare the family and the **youth** for continued growth in the absence of probation supervision.
 - (2) Advise appropriate agencies which have been working with the family of the termination of wardship, if so ordered by the Court.

2. Petition for Modification

- a. As stated above, the matter is handled on the appearance calendar.
- b. The Deputy Probation Officer will submit a written report to the Court, which will discuss the following:
 - (1) Compliance with orders.
 - (2) Restitution.
 - (3) School attendance.

- (4) Curfew, etc.
- (5) Checks with CJJ, DMV, and local police department for arrests.
- (6) A recommendation regarding the appropriateness of termination should be included.

H. TERMINATION PROCEDURE-DISTRICT ATTORNEY'S CONTINUANCE
(639 WIC and 681 WIC)

1. Termination Planning

- a. In the case of a District Attorney's Continuance, findings are not made.
 - (1) The **youth** is not a ward of the Court.
 - (2) Although the matter is continued to a specific court date (usually six months), the deputy does not terminate the case or have the court date removed from the calendar.
- b. Cases that do not require supervision and have no specific orders are retained in the File Room.
 - (1) Cases that do not require supervision but contain directives for restitution will be assigned to the Juvenile Administrative Unit.
 - (2) If other conditions exist which indicate supervision may be needed or if such is specifically ordered by the Court, the case will be forwarded to the Supervisor of the appropriate Juvenile Field Supervision Unit for officer assignment.

2. Petition for Modification

- a. A petition for modification is not submitted on these cases, as the continuance is not considered a court disposition.
- b. The assigned deputy will retain supervision.
- c. On the date of the calendared hearing, the deputy will submit an Information for Court Officer form (F057-9099), outlining:
 - (1) The **youth's** compliance or lack of same with court orders.
 - (2) Terminal record check information.

3. Termination of Supervision

Notification of Termination Proceedings is not completed on these cases.

REFERENCES:

Procedures:	2-6-005	Interstate Compact on Juveniles (Out-of-State Courtesy Supervision) Rules of Interstate Compact on Juveniles
	2-6-013	Juvenile Administrative Caseload
	2-6-015	Juvenile Chronological History Sheet Entries
	2-6-019	Inter-County Courtesy Supervision (Juvenile)
	2-6-104	Petition to Change, Modify or Set Aside Order or Terminate Jurisdiction of the Court
Policy:	E-4	Clients With Legal Residence Outside of Orange County

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APPROVED BY: