



# CASA Guide to Juvenile Justice

Learning about the Juvenile Justice System and How to Advocate for Youth Involved

Keep an eye out for these helpful tips throughout the guide



Yellow Alert! Signals an important or helpful tip.



Orange Alert! Signals caution—an area of advocacy that should be approached with support.

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## BEFORE WE START: THIS AND NOT THAT!

Voices for Children strongly recommends monitoring our language and how we talk about the young people we serve and their families. Consult with your Advocate Supervisor to learn more.

THIS!	NOT THAT!
YOUTH	MINOR
WHY? “Minor” dehumanizes the youth. “Youth” or use of their name should be exercised whenever possible and appropriate.	
JUVENILE JUSTICE	DELINQUENCY
WHY? This shift in language is due to the negative connotation often associated with the word “delinquency”. Using “Juvenile Justice” instead destigmatizes the youth involved and brings attention to the “justice” part of the process that is often forgotten.	
LEFT THEIR HOME WITHOUT PERMISSION	WENT AWOL
WHY? AWOL (absent without leave) is a military term and we are not working with soldiers. Using the word AWOL further allows others to criminalize youth and does not adequately describe what happened. Youth often run away from their home or placement in an effort to cope with their circumstances or to protect themselves.	
THEY ARE INVOLVED IN THE JUVENILE JUSTICE SYSTEM	THEY ARE A JUVENILE OFFENDER/ THEY ARE A CRIMINAL/DELINQUENT
WHY? A major part of a CASA’s role is to reframe the narrative and encourage others to view the youth as a person, someone who has positive characteristics, and someone who deserves an opportunity. Often, youth are remembered as their worst charge/allegation and that label prevents them from thriving.	
IT IS ALLEGED THAT THEY ARE GANG-INVOLVED	THEY ARE GANG INVOLVED/ THEY ARE IN A GANG
WHY? Documentation of gang-involvement has been found by many professionals to often be inaccurate. Youth may often claim gang membership in an effort to fit in or protect themselves, even if they are not gang-involved. Their alleged involvement goes into court documents and that label often follows them the rest of their lives, preventing them from getting placed, given the opportunity to thrive, or be placed in certain schools. Regardless of what is found in a file, CASAs are encouraged to exercise caution and not further propagate negative and positively false views of the youth they serve.	
ENGAGING IN SUBSTANCE USE	ALCOHOLIC/DRUG ADDICT/CRACKHEAD
WHY? Describing anybody as the latter perpetuates the negative stigma associated with people who struggle with substance use. It also strips them of their identity as a person and reduces them to be identified only as a person who is struggling with their addiction.	

# VOICES FOR CHILDREN JUVENILE JUSTICE PROGRAM

## OVERVIEW

This manual contains information to guide advocacy efforts and improve outcomes for youth that have dual-status, are on probation, or are at risk of being on probation.

### DUAL STATUS

While advocacy for CASAs has centered primarily on the overall well-being of youth in the dependency system, CASAs are more frequently having to advocate for youth in Juvenile Justice Court. Unfortunately, it is not uncommon for youth in the dependency system to come in contact with the juvenile justice system. Youth already served by the dependency system are also more likely to receive harsher sentencing when compared to youth that are not systems involved (Ryan, Herz, Hernandez, & Marshall, 2007). Young people that are dually-involved experience high rates of placement changes, mental health and substance abuse issues, and are more likely to become further involved in the juvenile justice and child welfare system (Herz, Ryan, & Bilchik, 2010). When appointed, CASAs can collaborate with a team of professionals to ensure all services are in place and the youth's needs are being met.

### PROBATION

Youth in the juvenile justice system are not much different from youth in the dependency system. In fact, researchers have found various similarities between these groups. A recent study (McCroskey, Herz, & Putnam-Hornstein, 2017), showed that in a cohort of justice-involved youth in Los Angeles County, at least one referral for alleged abuse or neglect was identified for approximately 83% of youth. When reviewing individual risk factors, traumatic experiences were found to increase the risk for youth violence, including exposure to violence and conflict in the family, harsh or inconsistent disciplinary practices, low parental involvement, parental abuse or criminality, poor family functioning, and poor monitoring of children (Centers for Disease Control and Prevention, 2018); all factors that can also elicit a referral or lead to an open case with CWS. Much like the dependency system, the juvenile justice system is also difficult to navigate; accessing care, coordinating services, and participating in Juvenile Justice Court hearings are even far more challenging when a youth is criminalized. There is a strong need for the individualized and holistic advocacy CASAs can provide within the juvenile justice system and Voices for Children (VFC) hopes to assist in filling that need by providing advocates for youth.

### AT RISK

Youth in the dependency system have all experienced trauma which makes them more likely to have poor emotional regulation, impulse control, and decision-making skills. As such, they are at risk of being justice involved. CASAs can reduce the likelihood of their youth coming into contact with law enforcement by providing a consistent, positive adult in their life and ensuring they have access to services.

# JUVENILE JUSTICE SYSTEM PROCESS

## INITIAL INVOLVEMENT

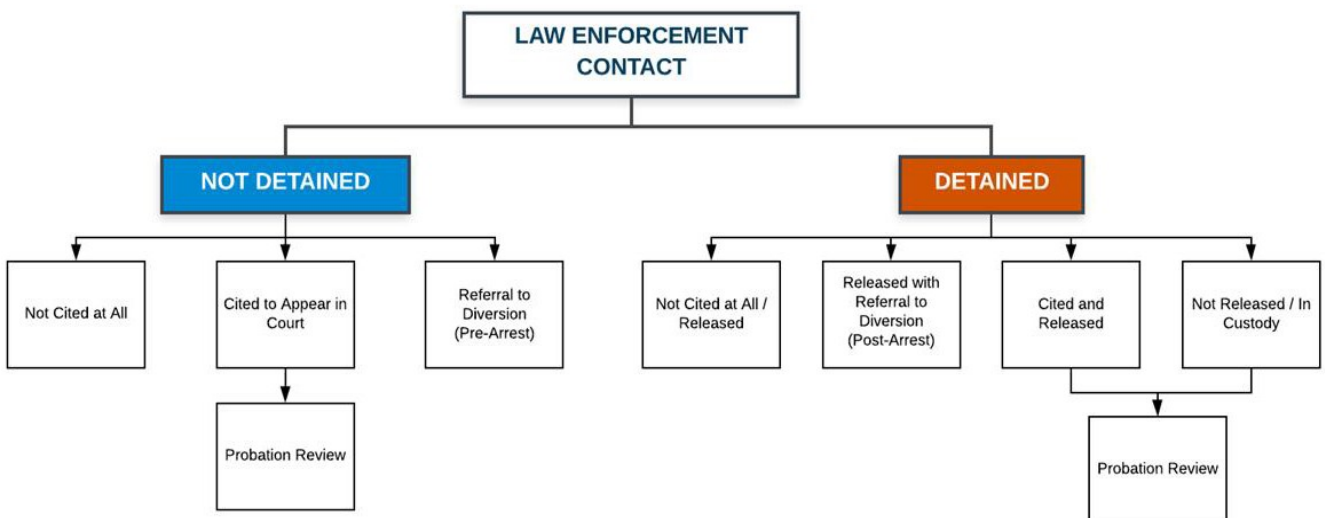
### PURPOSE OF JUVENILE JUSTICE COURT

Juvenile Justice Court (known as Delinquency Court in San Diego County), is the counterpart to dependency court and was created for the following reasons:

- Protection and safety of the public;
- To preserve and strengthen youth's family ties; and
- Remove the youth from the custody of their parents ONLY when it is necessary for the youth's welfare or for the safety/protection of the public.

### LAW ENFORCEMENT CONTACT

When a youth comes into contact with law enforcement, law enforcement is able to handle it in different ways. Ideally, youth will not be detained. Please review the chart below to learn more.



### A YOUTH IS ARRESTED—NOW WHAT?

There are multiple routes that exist when a youth is arrested, as shown above. The route largely depends on the youth's juvenile justice history, the seriousness of the crime, and is also up to the District Attorney's discretion.

Some of the possible routes are:

- Youth are counseled (not cited) and released
- Youth are cited and released
- Youth are released and referred to a diversion program
- Youth are cited to appear in Juvenile Justice Court (generally within 60 days of their arrest) and released
- Youth is detained in juvenile hall and is transitioned to Probation IDC (Intake Detention and Control)

## NOTIFYING PARENTS/GUARDIANS

- When a youth is detained in juvenile hall, the officer must try to notify caregivers immediately that the youth is in custody and their location.
- Within an hour of being taken to custody, the youth must be advised of their right to make two phone calls; one call for a caregiver/family relative and another to an attorney.

## PETITION

A petition is the charging document filed in Juvenile Justice Court by the state. The petition formally initiates a juvenile proceeding and describes the alleged offenses committed by that child. The petition requests that the Juvenile Justice Court assume jurisdiction over the juvenile and in some cases, an additional motion is filed requesting the juvenile be transferred to Criminal Court for prosecution as an adult. (National Juvenile Defender Center; <https://njdc.info/juvenile-court-terminology/>)

### FILING A PETITION

For some cases, probation has the discretion to refer the case to the District Attorney. Other, more serious cases, require a mandatory referral to a District Attorney. The District Attorney then has the ability to agree or disagree about the recommendation.

## YOUTH ON PROBATION

When a youth has allegedly broken a law or committed crimes, a petition can be filed. If the case is adjudicated as true and a disposition (sentencing) is ordered by the Juvenile Justice Court, a youth can be released back into the community under certain conditions and under the supervision of a probation officer for a specified period of time. This is known as probation.

### AGE LIMITS

Youth on probation range from 12 to 17 years of age, although probation can last up to 21 years of age. Youth 12 years and under can be prosecuted but only for more serious offenses.

There is a presumption for persons under 14 and prosecution (district attorney) must prove that the youth knows the wrongfulness of their actions.

## JUVENILE HALL

A youth may be detained for any alleged crime. Specifically, these are the reasons by age group:

- 14 years old or over and
  - Continuance in the home is contrary to the youth's welfare
  - Immediate and urgent detention is necessary to protect the youth and/or others
  - Youth is likely to flee
  - The youth has violated a Juvenile Justice Court order
  - There is an allegation of personal use of a firearm in the attempted commission of an offense (these youth cannot be released without being brought before a judicial officer)
- Under 14 years old and
  - Attempted a 707(b) offense
  - The allegation of personal use of a firearm



As an alternative to detention, youth may be eligible to be sent home on electronic monitoring, which the court calls Home Supervision with GPS monitoring. This is an alternative for youth who would otherwise remain detained in a juvenile detention center. This option is also an alternative to being removed from the community. Important to Note: This option is available for youth in the dependency/JJ system who live in resource family homes. It is not available for youth living in STRTPs (group homes).

## PROBATION PLACEMENTS

Please refer to the [Placement Options Through Probation](#) chart found in the Appendix.

## CONSTITUTIONAL PROTECTIONS

Youth on probation are entitled to some of the legal rights as adults in criminal proceedings, including:

- Right to Counsel
- Right to Confront and Cross-Examine Witnesses
- Right to Remain Silent and Not Incriminate Yourself
- Right to Produce Evidence and to Present a Defense

Youth do not have a right to bail and jury trial. Youth under 16 years of age must be given the opportunity to speak to an attorney before waiving Miranda rights.

## PEOPLE INVOLVED

### WHO IS A PART OF THE PROCESS?

#### PARENTS/GUARDIANS

Parents or caregivers can be involved in their youth's probation case and play a large role in ensuring their child is compliant with the terms of their probation. It is important to note that a large number of youth on probation are still placed in their parents' home. Parents/caregivers do not get legal representation in juvenile delinquency court.

#### DEFENSE ATTORNEYS

The youth is represented by a defense attorney. A youth's defense attorney will likely be from the SD County Public Defender Juvenile Division office but if there is any conflict, there are multiple offices or sources of representation for the youth.

Depending on conflicts of interest, the order of appointment by law is as follows:

- Public defender (PD)
- Alternate public defender (APD)
- Panel Attorney



- Paid private counsel



If you do not know who the defense attorney is, you can call:

- Public Defender main line at (858) 974-5757
- Or ask your Advocacy Supervisor for assistance.

#### COLLABORATING WITH DEFENSE ATTORNEYS

CASAs may collaborate closely with defense attorneys but the attorneys. It is important to explain a CASA's role to the defense attorney as they may not be familiar. Ensure that you provide them with proper documentation as stated in the [CASA's Role](#), *Identifying Yourself as a CASA* section. An example of what to say could be as follows:

“Hi, I am a Court Appointed Special Advocate (CASA) and I was appointed by Judge \_ to provide advocacy for *youth* and have been working with *youth* for x (state

time). As an officer of the court, I am entitled to the information listed in the Court Appointment Order. As an advocate, I support the youth's needs, can support coordination of needs and care, and can submit a court report in support of the youth and their accomplishments. I do not ask the youth about previous or current alleged criminal activity. If the youth begins to make disclosures, I will encourage them to inform you—I do not include that information in court reports but will discuss it with my CASA supervisor. With that being said, I am a mandated reporter, so if the youth reports that they are being harmed, want to harm themselves, or want to harm others, I am instructed to disclose it by filing a report. I understand your role as a defense attorney and that there may be details about the youth's case that I cannot be made privy to; however, I am happy to offer my support in getting the youth out of the juvenile justice system as soon as possible.”

It is important to note that unlike youth's attorneys in dependency court, who represent the youth's best interests, juvenile defense attorneys are ethically bound to represent their clients' expressed interests. A juvenile client, like an adult client, is generally entitled to “call the shots” on how their case will proceed. A juvenile defender's focus, is generally on defending against the allegations in the petition and obtaining the least punitive and restrictive outcome for their client. This includes getting charges dismissed if possible, negotiating for the sustaining of the least serious charges, arguing for the lowest level disposition, and minimizing collateral consequences. Collateral consequences include the ability to seal arrest and court records, sex offender registration, the possibility of juvenile strikes, immigration implications, effects on driving privileges, and other consequences (access by employers/military, DNA collection, victim restitution, gun ownership bans).

Defense attorneys are also ethically bound by the attorney-client privilege. As such, defense attorneys may not legally disclose information obtained from their client or in the course of their investigation without their client's consent. Defense attorneys will generally require a written

consent signed and dated by the client. CASAs should understand that unless the CASA is considered part of the defense team, information that is disclosed to CASAs *may* be construed as a waiver of the privilege, and for that reason defense attorneys may and should be very circumspect with any information they choose to share.

As such, there may be times when CASA volunteers may not be able to get much information from the defense attorney or may not fully agree with the defense attorney's defense strategy. If this is the case, CASAs must ultimately respect a defense attorney's position or strategy. CASAs may always consult with their Advocacy Supervisors if they have questions or concerns about collaboration with defense attorneys.

To support defense attorneys in advocating for and representing youth, CASAs may disclose any of the following information:

- Abuse and neglect or maltreatment background
- Trauma since being in the child welfare system
- Current dependency case plan and services youth is receiving
- Placement options
- Current placement, medical, education, mental health, and Regional Center information
- Identifying the negative consequences of a 602 wardship finding
  - E.g., if they're suitably placed, running away becomes a probation violation and can lead to juvenile hall (vs replacement by CWS if solely 300 ward)
- Family and sibling relationships



Occasionally, a youth may disclose something to a CASA that, as a mandated reporter, they are compelled to report. This may include an intent to harm themselves or others. If that is the case, the CASA should inform the PD about this instance and inform them that it will be reported.

Reach out to your Advocacy Supervisor for direction and guidance on this issue.

#### DISTRICT ATTORNEY (DA)

The DA represents the public and decides whether to file a petition (charges) against the youth and prosecute them. The DA also recommends consequences to the Juvenile Justice Court.

### PROBATION OFFICER (PO)

POs are responsible for the “care, custody, and control” of a youth. Probation officers make recommendations and refer youth to services. They supervise compliance with probation conditions and submit reports to the Judge, updating them on the status of the youth’s well-being and how they are doing in terms of their probation plan.



Any information DAs and POs have on the youth may be used against them in Juvenile Justice Court. See [Sharing Information](#) for more details.



Often times when a youth changes placement, they will be assigned a new PO, as there are different POs responsible for youth placed in the community, detention, and camp. Only youth who are assigned to a specialized unit or courtroom are able to keep their same PO, regardless of where they are placed.

### JUDGE/COMMISSIONER

This person is responsible for reviewing all the information presented and making decisions in the best interests of the youth. Orders facilitate rehabilitation of the youth while considering the needs and safety of the public.

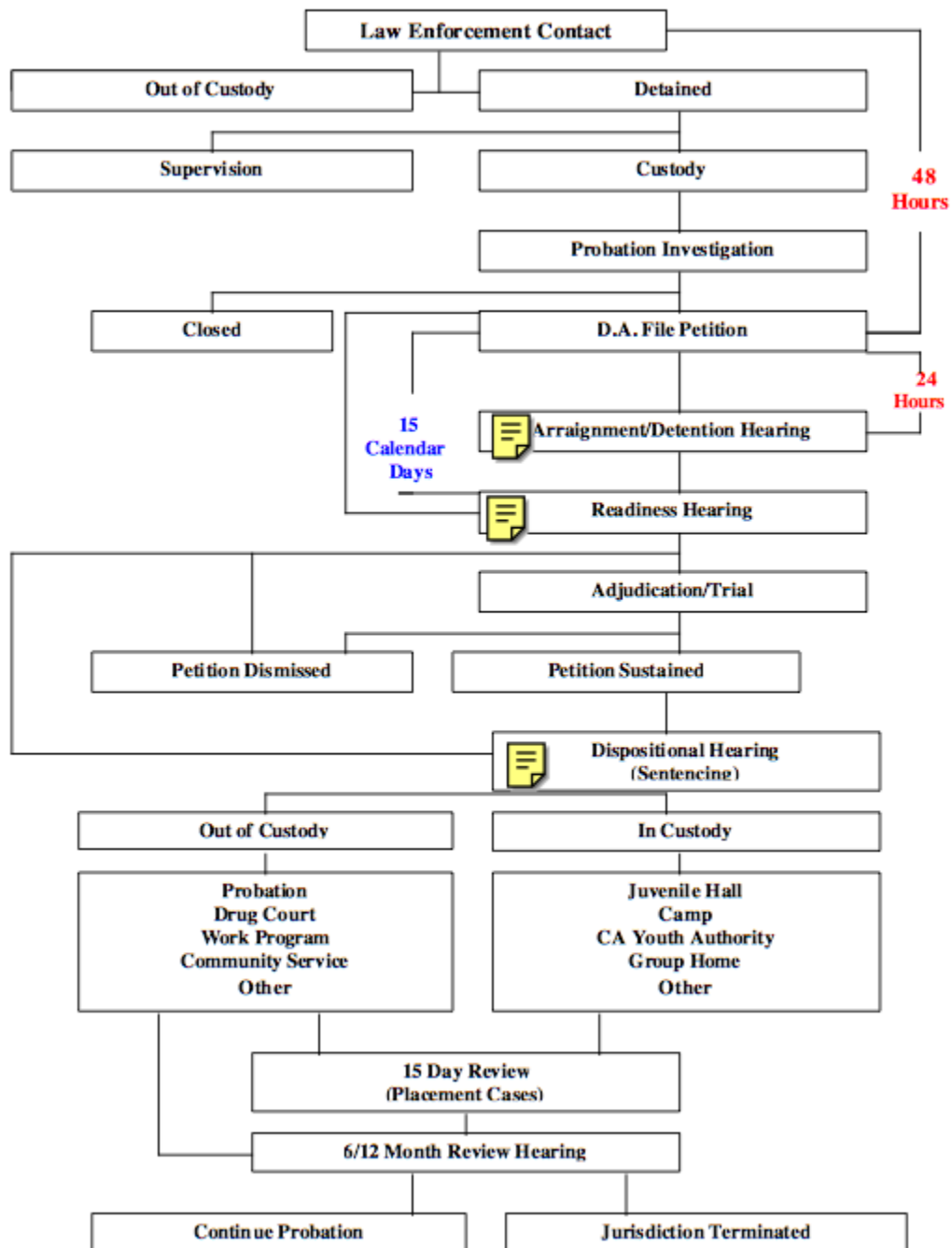
### COURT OFFICER

This person is responsible for checking in the people present at the hearing, calling the cases (including listing who is present before the Court), taking notes on the hearing for Probation or CWS, and keeping the hearing calendar on track. The Court Officer is a member of the probation or CWS office, depending on the hearing.

# JUVENILE JUSTICE COURT PROCESS

The life of a case within the juvenile justice system is outlined below. While there may be some factors that influence the speed of the process or continuance of hearings, this is the general order that is followed.

## Delinquency Proceedings - Flow Chart



## TYPES OF HEARINGS

### DETENTION HEARING

The initial hearing for an in custody case is a detention hearing. The Probation Officer sets the hearing and notifies the parent or guardian of the hearing. At the hearing, the minor will be informed of the pending charges contained in the Petition. Unlike adult court, there is no bail in juvenile. The court will weigh several factors and make a ruling on whether to release the minor or keep the minor detained. The court must release a minor unless one or more of the following grounds for detention exist:

- Violation of a court order
- Escape from a commitment of the court
- Likely to flee jurisdiction
- Immediate and urgent necessity for the protection of minor
- Reasonably necessary for the protection of person or property of another
- At-risk of entering foster care placement (continuance in the home is contrary to the minor's welfare).

At the close of the detention hearing, the court will set a readiness hearing.

If a youth has an open case with the dependency system, the [WIC 241.1 Protocol](#) is initiated.



There are very strict timelines that must be kept for both the filing of the petition and the youth being brought to court. A violation of the timelines will require the court to release the youth.

The defense attorney can ask the court at detention to release the youth. Any information the CASA can provide the defense attorney in support of the motion to release can be very helpful.

### READINESS HEARING

When an out-of-custody petition has been filed by the District Attorney's Office, the clerk of the court sets the initial court appearance called the Readiness Hearing. This is held 10 court days after the filing of the petition. The minor and his or her parents receive notice of the hearing by the court through first class mail.

If the minor fails to appear at the initial Readiness Hearing, the clerk issues a citation directing the parent or guardian to appear at another Readiness Hearing. The citation is personally served on the parent. If a minor still fails to appear for this hearing, the court may then request an affidavit for a warrant from the District Attorney's Office. The court may also issue a warrant of arrest for a parent or guardian.

The Readiness Hearing is the second court appearance for a minor who is in custody or was released at a Detention Hearing. A minor may accept an offer from the District Attorney and admit

all or a portion of a petition. The matter will then be set for dispositional hearing, where a judge will pronounce a sentence.

#### SETTLEMENT CONFERENCE

If a case is not resolved at the Readiness Hearing, the next hearing is the Settlement Conference. A Settlement Conference is an opportunity for a judge to talk to the prosecutor and the minor's attorney. Discussions revolve around the offense, the minor, and what placement or program would be beneficial to the minor yet still protect the community. Although a judge will not have a social study report with all of the pertinent information about the minor, a judge can still indicate a case sentencing plan, provided the social study report does not list anything new or significant information which was not known at the time of the Settlement Conference. If the minor admits the petition, the case is set for a Dispositional Hearing. If the minor does not admit, the case is set for a Jurisdictional Hearing.

#### JURISDICTIONAL HEARING OR ADJUDICATION HEARING

If a minor does not admit the charges and allegations in the petition, the case is set for a trial. Juvenile trials are called Jurisdictional Hearings or Adjudications. They are heard and decided by a judge, not a jury. Juveniles are not entitled to a jury trial unless they are being tried as adults. A judge will hear the evidence in the case as presented by the District Attorney's Office and the defense. The criminal rules of evidence apply to the hearing and the proof required is proof beyond a reasonable doubt.

If a minor does not waive time, a Jurisdictional Hearing is set 15 judicial days from the date of the Detention Hearing for an in-custody minor, and 30 calendar days from the initial court hearing for a minor who is out of custody.

#### DISPOSITIONAL HEARING

If the minor admitted the petition or a court found the petition to be true after a Jurisdictional Hearing, the court will hold a Dispositional Hearing. The Dispositional Hearing is the Juvenile Court version of a sentencing hearing. At the Disposition Hearing, the judge declares the minor a ward of the court and then places the minor in a program or in custody. This is done to benefit the minor and protect the community.

#### FITNESS HEARING

If a minor is 16 years or older and is charged with committing certain serious offenses, the District Attorney's Office has the option of requesting a hearing to determine whether a minor is fit to be dealt with in the juvenile court system or should be tried as an adult. At the hearing a court will consider evidence related to the behavioral patterns and social history of the minor and make a decision to try the minor as a juvenile or an adult.

#### OTHER HEARINGS

Officers, victims or Probation Officers can still be called in to court for hearings after a minor has admitted a petition.

Restitution hearings are set if the amount of restitution is disputed and was not resolved when the minor admitted the charges.

Probation Violation/Evidentiary hearings are set if the minor has violated specific conditions of probation, but not necessarily committed a new offense. The burden of proof in an evidentiary hearing for a probation violation is preponderance of the evidence and reliable hearsay is admissible






## POSSIBLE DISPOSITIONS

DISMISSAL	
<p>The Juvenile Justice Court dismisses the petition. This can happen where there is insufficient evidence, or after a period of probation has been completed. In addition, the court can dismiss “in the interests of justice.”</p>	
Dismissal with Prejudice	Dismissal of an action with a bar to bringing any other petition on the same set of allegations.
Dismissal without Prejudice	Dismissal of an action specifically not barring subsequent petitions on the same set of allegations.
INFORMAL PROBATION	
Informal probation comes with probation conditions. The following are known as non-wardship probations.	
Informal Probation (654 WIC)	<p>Absent a dismissal, the “ideal situation” is for a youth to be placed on informal probation. A 654 is the lowest level of probation and usually for those who have committed their first offense. It lasts a minimum of six months to complete and may be extended past six months. If the youth completes the terms of their probation successfully, the case is dismissed and their record is automatically sealed. If the youth is not successful, the court can terminate without sealing, or set the matter for adjudication.</p>
Informal Supervision (725 WIC)	<p>This supervision lasts approximately six months, is only available for misdemeanor(s), or if a youth is younger than 14 years of age. This disposition requires an admission or a sustained petition. Youth that have had multiple offenses may also qualify for this disposition. After six months of monitoring, the Juvenile Justice Court must either dismiss or proceed to disposition.</p>
Deferred Entry of Judgment (790 WIC)	<p>This option lasts 12-36 months. This disposition is only for those that are over 14 years of age and are facing a felony. It is not available for serious felony offenses. If the youth is successful in completing their requirements, their admission is set aside, and their records are automatically sealed. If the youth is not successful, the Juvenile Justice Court will make a decision on how to proceed to a higher level of disposition.</p>

**FORMAL PROBATION**  
This establishes the youth as a Ward of the Court with probation conditions.

Home Supervision	<p>Court order for probation where the youth resides in the community (usually with a parent/guardian). The default time for monitoring the youth’s progress is approximately 12 months but the Juvenile Justice Court can also have jurisdiction of the youth until 21 years old. Probation completes reviews and progress reports to submit to the judge.</p>
Suitable Placement (602 SP)	<p>Court order for the youth to be placed in foster care, at either a residential placement, group home, or relative’s home. The court reviews the youth’s progress in suitable placement on a six-month time frame. While the youth is waiting to go to placement, the court must review the case each 15 days to ensure the probation department is making reasonable efforts to find a placement. If they are in a foster care placement, this does not necessarily mean they are in the dependency system.</p> <div style="border: 2px solid orange; border-radius: 15px; padding: 10px; margin-top: 10px;">  <p style="margin-left: 20px;">For youth going to foster care placements, there are strict rules on what constitutes reasonable efforts and unexcused delay in finding placement will require release. Consult with the youth’s Defense Attorney or your Advocacy Supervisor if you believe this applies to your youth.</p> </div>
Camp / Custodial Commitment (602 CCP)	<p>Court order for the youth for placement in a custodial commitment program operated by the Probation Department.</p>

**REVIEW HEARINGS**

**15-DAY REVIEW HEARING**

When a youth’s suitable placement or camp commitment is pending, the Juvenile Justice Court shall periodically review the case every 15 days to determine whether the delay is reasonable. The Juvenile Justice Court can ask probation about efforts made to carry out orders that have been made, reasons for delay, and the effect of the delay upon the youth.

## 6-MONTH REVIEW HEARING

The youth's status overall should be reviewed no less frequently than every 6 months. CASAs should submit a report for this hearing type.

## COMPETENCE

Concern over a youth's competence usually arises if a youth's developmental or cognitive delays prevent them from participating in and understanding Juvenile Justice Court proceedings. When there is a concern, the youth's defense attorney can declare doubt as to the youth's competency. The defense attorney or the Juvenile Justice Court can then request a Competency to Stand Trial (CST) evaluation. The Juvenile Justice Court would then appoint an expert from the Juvenile Competency to Stand Trial Panel (JCST Panel) to perform a CST evaluation. During this process, the adjudication and all other typical juvenile justice court proceedings are put on hold.



If a youth is detained in juvenile hall when a declaration of doubt is made, the youth may potentially have to stay detained during the process. A CASA is encouraged to talk to the defense attorney to see if the youth can be released during this time.

If the CST evaluation findings determine the youth is not competent, the youth may receive competency restoration trainings, or remediation services, and be ordered to attend competency restoration hearings, where the judge will learn about their progress. Remediation services can be provided by probation and DMH, or Regional Center and usually last several weeks.

- If, following competency training, the youth is found competent, the youth is declared "restored" and the judge will move forward with the youth's case.
- If it is determined that the youth cannot regain competency in the reasonably foreseeable future, the court may release the youth and may also dismiss the petition.

Other times, defense attorneys will seek to have an independent expert appointed to conduct a confidential psychological evaluation, or prepare a social history. The independent expert becomes part of the defense team, covered by attorney-client privilege. The report is done under the provisions of the penal code and evidence code section 730. For that reason, defense attorneys will often request "730s" and these experts and their reports are often referred to as "730's." The report does not need to be disclosed to anyone but can be released by the defense attorney if they believe it can be useful. With a 730 request, many types of assessments can be requested, including a psychological or neuropsychological evaluation which provides insight as to the youth's needs and intellectual functioning. This is another way that defense attorneys can learn more about the youth's needs. It is important to note that when 730s are requested, there is no pause/hold put on hearings like there is when a declaration of doubt is made and a CST evaluation is requested.



Please note that 730s requested through defense attorneys can remain confidential, while 730s requested through dependency attorneys are more accessible by others (e.g., HHSA) because they are part of the youth's dependency file. It is best practice for both attorneys to consult whenever a 730 is going to be requested so that they can take a strategic approach that is mindful of the youth's privacy and reduces the risk for harm.

Due to these procedures, it is important to note that the timeline for this process is often slow.

## PROBATION CONDITIONS

### PROBATION CONDITIONS

Probation conditions are requirements set forth by the court. These conditions vary based on the youth's needs and are normally related to the charges, but may include the following:

- School
  - Enrollment
  - Adequate attendance
  - Improvement with or passing grades
  - Improvement in behaviors
- Therapeutic Intervention
  - Wraparound services
  - Individual therapy
  - Family therapy
  - Drug counseling
  - Sex Offender therapy/Group counseling
- Drug testing/urinary analysis
- Prohibiting contact with specific people/areas or people/areas that are gang-affiliated
- Community service hours
- Restitution – fees owed to compensate for the victim's loss
  - The youth should consult with their attorney about challenging the amount of restitution alleged
- Visits with the probation officer or unannounced visits



CASAs should be wary of probation conditions related to the youth's social media. Probation and/or the court should not make restrictions around the youth's social media use unless the charge relates to technology. Should this come up in court, CASAs may speak to the defense attorney about appropriateness.

## REQUESTING PROBATION CONDITIONS

CASAs are allowed access to probation conditions and may obtain them from the defense attorney or through probation.



777 WIC, also known as TRIPLE 7, is a probation violation and an order changing or modifying a previous order. The probation officer may file a violation report to court (called a Triple 7). The youth can admit the violation or have a hearing. It is recommended that the youth consult with their defense attorney prior to admitting anything. Violations occur anytime a youth breaks the terms of probation (e.g., missing curfew, running away).

## COMPLETING PROBATION

Probation officers determine whether a youth completes probation successfully based on the case plan requirements and whether they were met. Probation also makes a decision based on whether the youth has caught additional charges or not. When probation notes that a young person has completed the terms of their probation and has maintained positive behaviors for a period of time, they will likely move forward with recommending to the judge that their case be closed successfully.

Defense attorneys can also be proactive and move the court to terminate probation. If you have information that would support a motion to terminate, you should share it with the defense attorney.

# DUAL STATUS

## DUAL STATUS YOUTH

A youth receiving services from both child welfare and juvenile justice systems. Youth may also be called a “Dually Involved” or “Crossover” youth.

## DUAL STATUS INVOLVEMENT

There are different routes that lead to involvement in both systems:

- A HHSA-involved youth who gets arrested and has a juvenile justice petition filed.
- Youth who is declared a WIC 602 (ward of the court via the juvenile justice system), placed home on probation and then removed from their home by HHSA.
- Youth who was declared a 602, successfully completed probation but has no safe home to return to.
- Youth who has pending petitions in both Dependency and Juvenile Justice Courts.
- Non *WIC 300 youth*\* with new juvenile justice petition suggesting abuse
  - Meaning, a youth who is charged through the juvenile justice system where facts arise suggesting the youth might also be abused or neglected
- WIC 300 youth on informal or formal probation who commits a new offense or violates probation

\*WIC 300 youth describes a young person that is a dependent of the Court due to experiencing abuse and neglect.

## WHEN YOUTH IN THE DEPENDENCY SYSTEM ARE DETAINED

Similar to youth only on probation, they may be counseled and released, referred to diversion, cited to appear in Juvenile Justice Court, or be detained. When a young person in the dependency system is detained, however, it is important for the CASA to first notify their dependency attorney.



VFC will almost always be notified via email when a dependency youth is arrested and detained. Your Advocacy Supervisor will reach out to you if we are informed and will provide you with the date of their Detention Hearing.

CASAs should always follow up with the youth’s dependency attorney, as they can quickly intervene. CASAs may not discuss any knowledge they have about the alleged charges with anyone outside of the attorney.

Note: once a youth is adjudicated a 602 ward, they cannot be detained at Polinsky Children’s Center.



CASAs must always first consult with the youth’s attorney before informing the Social Worker about a youth’s arrest or detainment. The youth may be referred to diversion or released with a citation which is meant to stay off of the youth’s record. Informing attorneys first allows them to advocate on behalf of the youth and avoid further involvement in juvenile justice system. Notifying SWs of the arrest first may prevent youth from these opportunities and the incidents may be documented in reports, depriving the youth of confidentiality.



When visiting their youth, CASA volunteers may not ask the youth about the charge or investigate juvenile justice matters. Additionally, if made privy to case information, the CASA may not disclose any information related to the youth’s charges. The CASA may only inform the parties above that the youth is detained and refer them to the defense attorney for additional information. Please see [Sharing Information](#) for information on confidentiality.

## LEAD AGENCY

### LEAD AGENCY—RESPONSIBILITY FOR PLACING THE YOUTH

A lead agency is responsible for placing the youth in an appropriate setting and determining their case plan. The lead agency is determined by which system would more adequately address the youth’s needs and which system provides the least restrictive status.

For the most part, both systems have shared responsibilities. Each agency is required to FULLY participate in the youth’s case plan; they must work together to serve the best interests of the youth and the community. This allows for increased support of the youth, no duplication of services, and continuous communication.



If a CASA notices that the youth is not getting equal support from both systems, they should inform the Advocacy Supervisor as soon as possible.

### PROBATION OVERSIGHT

Often, professionals believe that with probation being the lead, there will be stricter oversight; this is a common misconception. If probation is the lead, they have the same abilities and oversight whether they are the lead or not.

### THE FINAL SAY—WHO WILL BE THE LEAD AGENCY

The Juvenile Justice Court must read and consider the 241.1 assessment and decide which system, dependency or juvenile justice, best serves the interest of the child and protection of the

community. Although the law states that the court should make a decision at an earlier stage, practically speaking the court waits to see if the petition will be sustained. Thus, the decision is made or takes place at the dispositional hearing.

DISAGREEMENTS ON LEAD AGENCY

If a Probation and HHSA disagree in their recommendations about who the lead agency is, the Conflict Protocol states that the case goes up the supervisor chain of command with probation having the final decision. No solo recommendation is allowed.

## WIC 241.1 PROTOCOL

When a youth becomes concurrently involved in both the dependency system and the juvenile justice system, a new protocol is activated. This protocol is known as the WIC 241.1 Protocol. This protocol seeks to support youth by ensuring cooperation between both agencies via assessments, multidisciplinary team meetings (MDT), and a collaborative development of recommendations to the Juvenile Justice Court, known as the Meet and Confer Report (aka 241.1). The 241.1 protocol also helps identify who the lead agency or the placing agency will be.

## PROCESS FOR ORDERING A MEET AND CONFER REPORT

At arraignment, the judge will order a Meet and Confer Report. At this point, the youth will usually enter a denial to the offense but this decision is made in collaboration with their defense attorney.

- If the youth is later declared a ward and placed on probation without the Court following the 241.1 process, the entire hearing can be vacated.
- Exception: Transfer hearings (formally fitness hearings).



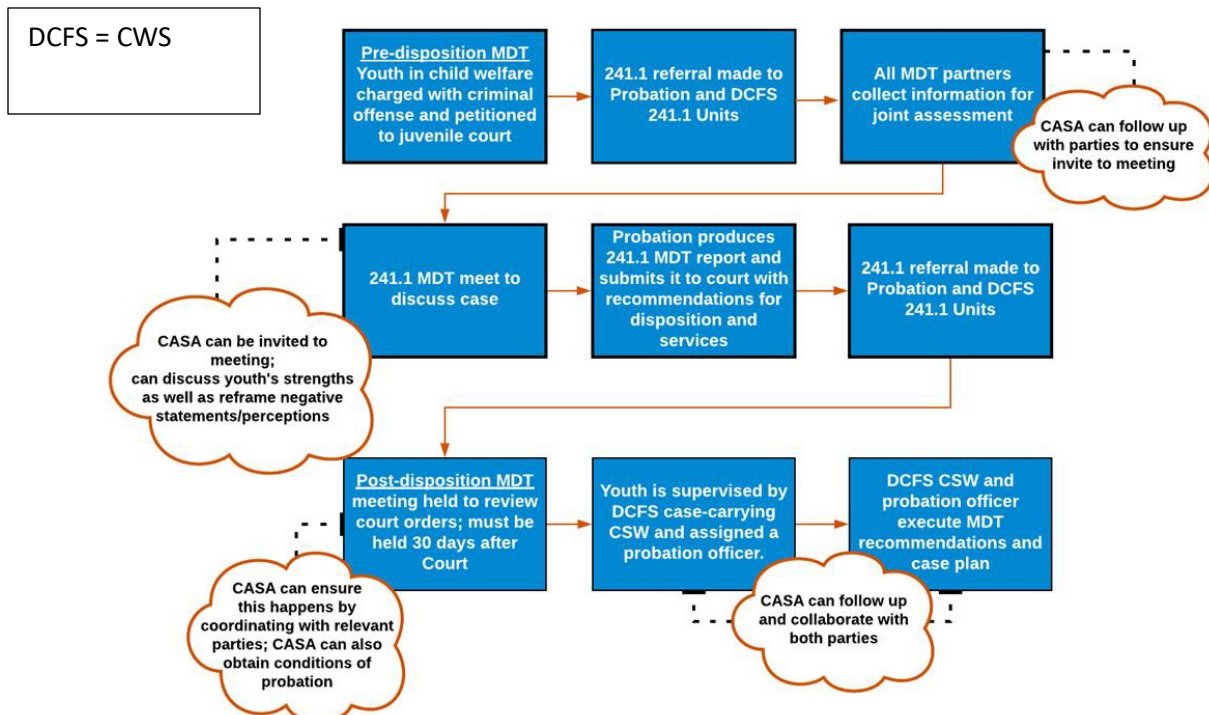
If the CASA is able to attend the Arraignment/Detention hearing, they must follow guidelines for introducing themselves as a CASA to the youth’s defense attorney, see [Who is a Part of the Process?, Collaborating with Defense Attorneys](#).

CASA may only be present as a support during this time and will not be allowed to speak in court, until post-adjudication.

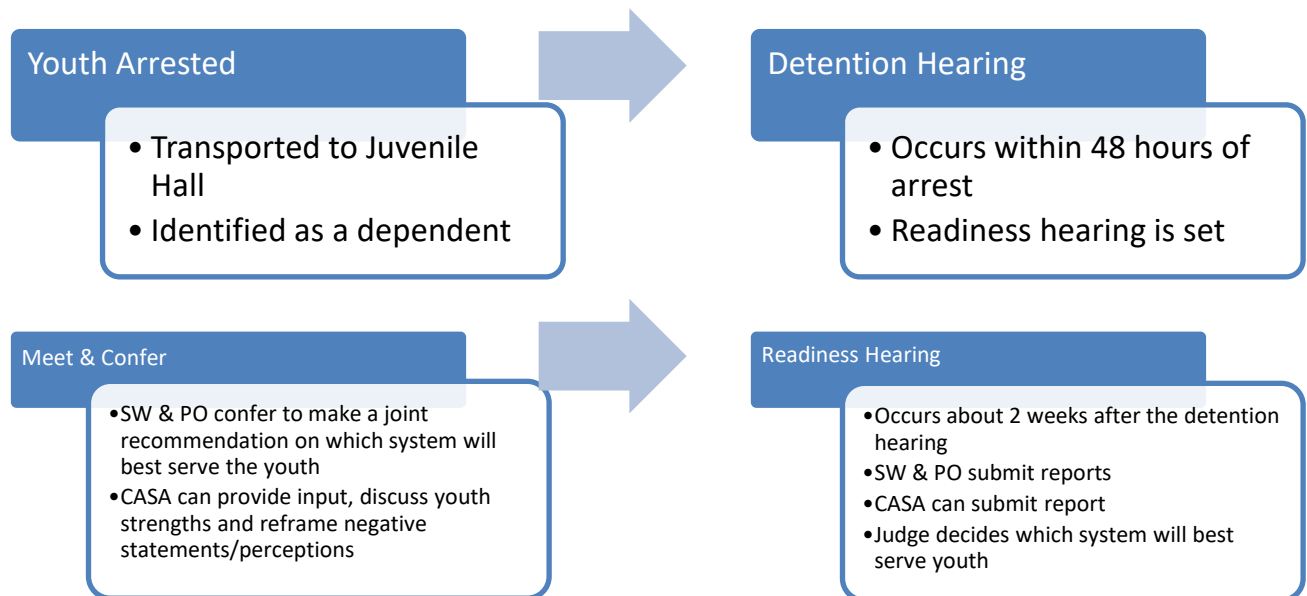
CASAs may inform the defense attorney of the youth’s status in the dependency system and provide them with any relevant information.



## 241.1 MDT PROCESS




## 241.1 Process/Timeline for Youth in Custody




## MEET AND CONFER TEAM MEMBERS

The team consists of official (attendance required) members and invited (attendance not required) members. Each official and invited member plays a unique role in the team.

OFFICIAL TEAM MEMBERS Attendance required.	
Children’s Social Worker (SW)	The SW is employed through Child Welfare Services (CWS) and is assigned to monitor the youth’s safety, well-being, and permanency needs. They link the youth and family to services, advocate for family connections when appropriate, follow Dependency Court orders, and submit reports to the Dependency Court with details on the youth’s overall well-being. At the MDT, SWs provide the team with their insight on the youth’s needs. SWs also make a recommendation about who they believe will better serve the youth (probation or HHSA), given their needs.

Investigative Probation Officer	This PO is responsible for producing the 241.1 MDT report and submitting it to the court with recommendations for disposition and services. This is different from the probation officer that is formally assigned to monitor the youth's probation. If the youth is put on probation, <u>they will be assigned another probation officer.</u>
Mental Health Clinician	<p>This clinician conducts a dependency file review as well as history of mental health contacts. A summary is developed and is submitted to the 241.1 MDT team. It includes information on prior and current treatment, psychotropic medications taken, dates of service, and any other relevant information.</p> <div style="border: 2px solid orange; border-radius: 15px; padding: 10px; margin: 10px 0;">  <p>The defense attorney usually does not allow clinicians to assess youth for 241.1 as there are no protections from self-incrimination during this process. If a Clinician asks to speak to the CASA, the CASA should first consult with their Advocacy Supervisor and the youth's attorney before any disclosures are made. Disclosures made must be strengths based and focused on the youth's needs.</p> </div>
Education Specialist	A specialist is contracted to evaluate the youth's school records and produce a summary and assessment of the youth's educational history and current needs. A copy of the report needs to be provided to all teams prior to the meeting.
<b>INVITED MEMBERS</b> Attendance not required.	
Dependency Attorney	This attorney may attend the meeting but they will not be allowed to remain when a decision needs to be made about a recommendation for disposition and lead agency.
Defense Attorney	This attorney may attend the meeting but they will not be allowed to remain when a decision needs to be made about a recommendation for disposition and lead agency.

CASA	<p>CASA volunteers are allowed to provide their insight, information, and be present for the first part of the meeting. The CASA is not be allowed to remain when a decision needs to be made about the recommendation for disposition and lead agency. CASA advocates should always reach out to their Advocacy Supervisors for information on how to advocate for their young person.</p> <div style="border: 2px solid orange; border-radius: 15px; padding: 10px; margin-top: 10px;">  <p>A Meet and Confer meeting often just occurs over the phone and is not as formal of a process as it may sound. If a CASA is not invited to a MDT they can still reach out to the SW to provide their thoughts</p> </div>
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## MEET AND CONFER TEAM RESPONSIBILITIES

The Team is responsible for:

- Preparing a joint assessment between Probation and HHS
  - CASAs can be interviewed during the information gathering process
- Attending the Pre-Disposition Meet and Confer meeting
- Making recommendations about necessary services
- Deciding which agency will assume the “lead”
- Scheduling the post disposition meeting
- Preparing the post-disposition report



When a CASA attends these meetings, they may not comment on the petition, accuracy of the allegations made, or make any statements on behalf of the youth that indicate remorse or impairment of abilities. This can further criminalize the youth, threatening their freedom and can be particularly harmful to the youth for the defense attorney’s defense strategy.

### REVIEW OF MEET AND CONFER REPORT

When the judge reviews the recommendations largely varies on the judge’s perception of when it is appropriate to review the findings. Some judges review the Report prior to the Jurisdictional Hearing and some review it at Disposition.

- The district attorney, defense attorney, and Juvenile Justice Court are not bound by the recommendation set forth by the Meet and Confer; if they disagree, they can argue or recommend another outcome.

- In order to change the lead or placement setting, a reassessment is required.
- If a youth is going to a camp or Juvenile Hall, Probation must be the lead.

## DUAL STATUS YOUTH: PEOPLE INVOLVED

A youth that is dually involved is placed in a unique position; they are to receive services from both the dependency system and juvenile justice system. The following chart includes a list of people that are a part of the juvenile court process.

DEPENDENCY	
Social Worker (SW)	Monitors the young person’s dependency case, supports implementation, and follows up of the case plan.
Dependency Attorney	Represents the young person in Dependency Court but is often involved as a support or advocate while a young person goes through the juvenile justice system. The dependency attorney may sometimes work collaboratively with the defense attorney.
JUVENILE JUSTICE	
Public Defender (PD)	Represents the young person in Juvenile Justice Court. When defending the youth, they consider loss of liberty, lifelong criminal records, immigration applications, etc.
District Attorney (DA)	Represents the public and decides whether to bring charges and prosecute. District Attorneys recommend consequences to the Juvenile Justice Court.
Deputy Probation Officer (DPO)	Responsible for the “care, custody, and control” of a youth, makes recommendations, and refers a youth to services.  Supervises youth’s compliance with probation conditions.  Submits reports to the judge to update them on the status of the youth’s wellbeing and how they are doing in terms of their probation plan.
Judge	Responsible for making decisions in the best interest of the youth.  Their Juvenile Justice Court orders facilitate rehabilitation of the youth while considering the needs and safety of the public.

## SPECIALIZED JUVENILE JUSTICE COURTS

Please refer to [Specialized Juvenile Justice Courts](#), found in the Appendix.



Just like youth on probation, youth that are dually involved also face TRIPLE 7, a probation violation.

### DUAL STATUS YOUTH CHARGED WITH A NEW PETITION/TRIPLE 7

- If there is a new charge or violation, a new (or supplemental) Meet and Confer must be completed. The MDT conducts a reassessment meeting.
- New probation conditions may be added.
- The youth may be sent to a more restrictive placement or to juvenile hall.

### COMPLETING PROBATION

Probation decides whether they will recommend termination and the judge decides if the youth completed probation successfully based on the case plan requirements and whether they were met. When probation notes that a young person has completed the terms of their probation and has maintained positive behaviors for a period of time, they will likely move forward with recommending to the judge that their case be closed successfully.

When a youth's probation case closes, their dependency case can still remain open. The dependency case will remain open as long as conditions exist that prevent the young person from returning to their caregiver safely.

### TURNING 18 WHILE ON PROBATION

A youth turning 18 while under dual supervision can still be on probation under the juvenile justice system, depending on their progress with probation conditions. When youth that are dually involved turn 18, they are still eligible to become a non-minor dependent through HHSA.

Youth involved with probation are also eligible for Transition Jurisdiction (WIC 450). Transition jurisdiction is available to a youth 18-21, who have a concurrent foster placement order or out of home placement order at the time of their 18<sup>th</sup> birthday (or between 17.5- 18 years of age). Youth receiving transition jurisdiction services are eligible for housing assistance and financial support.



If a dual status youth turns 18 while they are in Juvenile Hall or a Custodial Commitment, they are at risk for denial of AB12 services. The law is unclear regarding AB12 eligibility under these circumstances. If a CASA is aware that your youth is approaching the age of 18 while detained at Juvenile Hall, please reach out to the attorney immediately. A termination of jurisdiction or a Home of Parent order right before the youth turns 18 can affect also AB12 eligibility.

# CASA ROLE

## FOR STARTERS!

### IDENTIFYING YOURSELF AS A CASA

As best practice, a CASA should always carry their CASA badge and their Court Order. This documentation is necessary to gain access to information and have the ability to visit a youth when they are in a placement or detained.


### WARNING SIGNS – ARE THE RIGHT SERVICES IN PLACE?

When gathering information, it is important to make note of what services have been used, what services have yet to be used, and what services have been delayed and for what reasons. This information is critical for supporting youth, ensuring their care does not become under prioritized, and reducing the likelihood for duplication of services.

### DIRECT ADVOCACY

- Collaborate with the defense attorney
  - If dual status - update them on Dependency Court hearing results if they were not present at their dependency hearing
  - Respect their boundaries with regards to disclosures of information
  - Discuss youth's needs and what information can be shared with HHSA and probation
- Communicate the youth's needs with probation after discussing them with their defense attorney (Be mindful of [Sharing Information](#) protocol)
- Advocate for prosocial activities, mentoring programs, or anything youth states would prove beneficial to their well-being
- If placed in out of home care, advocate for family visits if appropriate
- Advocate for the least restrictive setting and outcome by providing mitigation information to the defense attorney
- Advocate during the [241.1 MDT process](#)
- Inform all team members about upcoming hearings so transportation is arranged
- Identify barriers to completing the terms of probation
  - Some common barriers include but are not limited to:

- Coordinating transportation to services or community service
- Placement is not meeting the needs
- Duplication of services
- Conflicting appointments or an overbooked schedule
- Mental health needs require attention
  - Therapy or psychotropic medication needs
- Check in with youth to learn how they are feeling
- Visit them in Juvenile Hall and camp settings



For step-by-step support, please refer to the [Getting Started With JJ Advocacy!](#) Handout found in the Appendix.


## CONFIDENTIALITY

When a CASA is sworn in, they take an oath of confidentiality to protect the youth’s *case-related information*. This means that the CASA must protect the information that has been entrusted upon them and not disclose any details to people not involved in the case.

However, sharing information with others involved in the case is acceptable and sometimes necessary. To learn more about disclosures, please refer to the [Sharing Information](#) section found in this guide. CASAs are strongly encouraged to talk to their Advocacy Supervisor about disclosures of information and what is appropriate, especially around sensitive information such as: sexual/reproductive health, mental health diagnoses, substance use, etc.

Specifically when advocating for youth that are dually-involved, CASAs may not discuss the details of the youth’s charges with anyone involved in the case, with the exception of their Advocacy Supervisor and the youth’s dependency attorney and defense attorney. If information about the youth is being reported inaccurately, the CASA must first consult with their Advocacy Supervisor and defense attorney, and allow the defense attorney to make any corrections.

The CASA and Advocacy Supervisor will decide what information is disclosed to the Juvenile Justice Court via the CASA Court Report.




Review and familiarize yourself with the Policies and Procedures Handbook so you are updated on CASA’s confidentiality practices.




## SHARING INFORMATION

In order to build rapport and strengthen the relationship with a young person, a CASA must always be mindful of the information that is shared, especially as it relates to their juvenile justice involvement. CASAs should also always consult with their Advocacy Supervisor when they are unsure about how to proceed.

Information provided to any reporting parties can be documented in both Dependency and Juvenile Justice Court reports and have the potential to inadvertently criminalize a young person. Nonetheless, there is information that could prove to be largely beneficial if given to certain parties. The table below outlines additional considerations and pointers related to disclosure with youth involved in the Juvenile Justice system.

RECEIVING PARTY	INFORMATION THAT CAN BE SHARED
Advocacy Supervisor/ VFC Staff	CASAs can share any and all case-related information with their Advocacy Supervisors. This includes conversations had with the youth, parties involved, and any other case related details. Sharing all information with Advocacy Supervisors is important and strengthens a CASA’s ability to advocate appropriately for their youth.
Child/ Youth/ NMD	<p>You can discuss anything related to the youth’s <i>dependency</i> case in an age and developmentally appropriate manner. Regarding juvenile justice matters, you can speak with the youth about requirements of their probation plan, potential barriers, connection to services, and potential placement options (speak to the PO about when it’s appropriate to discuss placement options).</p> <p><b>IMPORTANT:</b> CASAs must avoid discussing any past or current charges/allegations with the youth.</p>
Defense Attorney/ Dependency Attorney	<p>Any and all case-related issues. It is encouraged to run any concerns/issues by the youth’s attorneys prior to sharing information with other parties, with the exception of your Advocacy Supervisor.</p> <div style="border: 2px solid #FFD700; border-radius: 15px; padding: 10px; margin-top: 10px;">  <p style="margin-left: 10px;">Reminder: A CASA is not entitled to information related to an ongoing criminal investigation. As such, a defense attorney may choose to not disclose information to the CASA Volunteer, and they are within their right to do so.</p> </div>

<p>Deputy Probation Officer (DPO)</p>	<p>In general, be discerning about what information you share with the Juvenile Justice Court/PO. Consider how the information would be used and how it may impact the young person’s trajectory in the juvenile justice system.</p> <p>Always consult with your supervisor and the youth’s defense attorney before disclosing information to the DPO/Juvenile Justice Court.</p> <p>Note: This also applies to the Probation Officer involved in the 241.1 process - Investigative Probation Officer</p>
<p>District Attorney (DA)</p>	<p>As it is the district attorney’s position to prosecute the young person based on alleged charges, CASAs should not share information directly with the District Attorney or any of their staff.</p> <div style="border: 2px solid orange; border-radius: 15px; padding: 10px; margin: 10px 0;">  <p>If contacted by a district attorney for a statement, CASAs must not make any immediate disclosures and always first consult with their Advocacy Supervisor and the child’s defense attorney before disclosing information that could be shared with the district attorney.</p> </div>
<p>Social Worker (SW)</p>	<p>Discuss any dependency-related case matters. Refrain from discussing any information related to the charges, as it may end up in a report.</p>

**MANDATED REPORTING**

CASA volunteers are mandated reporters. This means CASAs are required to report, by law, any known or suspected child neglect or maltreatment, if the youth wants to harm themselves, or expresses intent to harm others. CASA advocates should always consult with their Advocacy Supervisor prior to submitting a referral.

**DISCLOSURES OF CRIMINAL ACTIVITY**

As a rule of thumb, CASAs must not inquire or engage in conversations about a youth’s previous or current criminal activity. If a youth discloses any information related to criminal activity, CASAs must consult with their Advocacy Supervisor about next steps, which may include encouraging the youth to notify their attorney or the CASA directly notifying the attorney. CASAs may also encourage the youth to share this information with their defense attorney and remind them of attorney-client privilege.

## CASA COURT REPORTS

### WHEN TO SUBMIT A COURT REPORT

Youth typically have juvenile justice hearings every 3-6 months. However, some youth may have hearings as often as every month. Based on the frequency of the youth's scheduled hearings, a CASA should submit a court report every 6 months, as new and important information arises, or at the request of the youth's team. CASAs will be informed by their Advocacy Supervisor when they need to write a report for a hearing.

### BENEFITS OF SUBMITTING A COURT REPORT

A CASA's court report can be largely beneficial in many ways. First and foremost, it allows a young person to feel supported. Secondly, a CASA's report may:

- Provide more up to date information to the defense attorney
- Allow the Juvenile Justice Courts to see the humanity and potential of youth who have a support system
- Provide an opportunity to give accurate information to the Juvenile Justice Court if any reporting party misstates the information or overstates the seriousness of the allegations
- Speak to the youth's character and growth
- Provide an opportunity to reframe the narrative about the youth

### COURT REPORT TEMPLATE

VFC has a variety of court report templates, depending on the hearing type. Your Advocacy Supervisor will provide the template that should be used.

### CONTENT OF CASA COURT REPORTS

As a basic rule, CASA court reports should document ways in which youth have been amenable to supportive services and focus on the youth's well-being. Additionally, the report should strive to be strengths-based, and give the Juvenile Justice Court a better picture of the youth's character, strengths, and resiliency.

Reports may include the following information:

- Historical information on why the youth is on probation
- Youth's strengths and needs. Some examples include:
  - Youth's academic progress
  - Youth's involvement in extracurricular sports or activities
  - Youth's engagement in individual therapy, and any significant progress made in the past months
- If the youth could benefit from additional services, that may be noted and the following may be requested: Regional Center assessment, assessment for an IEP, workers to assist with providing youth a stable placement
- Holistic information and context about the youth's behavior and circumstances in placement

## WHAT'S NOT ALLOWED

CASA volunteers must be mindful that their written and spoken words can carry a lot of weight in the perception of the youth by the court and may end up in their juvenile case file, which is accessible by law enforcement, Probation, and the District Attorney. At times, CASAs may want to present information they believe to be helpful to their youth's case. However, this information could potentially incriminate the youth or cause harm. Therefore, CASA court reports should NOT include the following information:

- Discussion of the youth's pending petition or circumstances surrounding the charge
- Report of behaviors that may be construed as a probation violation (substance use, fights at school, multiple "AWOLs" or leaving placement without permission, etc.)

## SUBMITTING COURT REPORTS

To allow enough time for edits, a CASA should submit their report 15 business days prior to the scheduled Juvenile Justice Court hearing.

- If the court report draft is submitted on time the Advocacy Supervisor will send it back to the CASA for their approval, prior to routing it to the parties to the case.
  - Parties include: Judge, Probation Officer, Court Officer, District Attorney, and Defense Attorney. If the youth is Dual Status the report is also sent to the Social Worker, County Counsel, and the youth's parents and their attorneys (if parental rights are intact). Note: the youth does not receive a copy of the CASA report from VFC. Their defense attorney may review it with them prior to the hearing.
- If a hearing is scheduled with minimal notice to VFC, a written court report may not be possible. The Advocacy Supervisor may instead advise the CASA to attend the hearing and consult with the defense attorney on how to advocate for the youth in Juvenile Justice Court.

# APPENDIX

## I'M MATCHED- NOW WHAT?

### GETTING STARTED WITH JJ ADVOCACY!

Once you have reviewed the documents your Advocacy Supervisor has sent you, which may include Probation reports and minute orders, and met with your Advocacy Supervisor for the Welcome Packet meeting, you are ready to get going with advocacy work! Remember to reach out, be patient, and collaborate with your Advocacy Supervisor when you feel stuck. Here's a list of first steps to take:

Block off upcoming court dates in your calendar

- You will receive this information from your Advocacy Supervisor and the next hearing date can also be found in your Welcome Packet

Scan your CASA Cover Letter and Court Order so you have it in an electronic format

Reach out to the probation officer and defense attorney and ensure they have received a copy of your CASA Cover Letter and Court Order (your Advocacy Supervisor may have already sent them a copy).

- Let them know you are the Court Appointed Special Advocate and are wanting to set up a time to talk about the youth and their current needs
- You do not have to have met with the social worker, probation officer, defense attorney, or dependency attorney before meeting your CASA youth. However, it is preferred that you let them know you are planning a visit with the youth and introduce yourself.
- Ask if your youth has any of the following, as they will be important people to contact
  - Wraparound Team - Teams specializing in holistic support for youth
  - Individual Therapist
  - Regional Center Case Worker- For youth with developmental delays
  - Special Education/IEP/504 Plan or Educational Attorney- For youth that require specific accommodations at school
  - Mentor(s)- Adult supports through programs, family friends, etc.
- Ask about any upcoming Child and Family Team (CFT) meetings or Individualized Education Program (IEP) meetings. Record the dates and make an effort to attend in person or by phone.

Ask the probation officer or attorney who the educational rights holder + developmental decision maker is

- This will help identify who you will be collaborating with or if the youth needs someone appointed

Contact the youth's placement and set up a meeting with the caregiver and the youth.

- Make note of any visiting rules if the youth is in a group home or Juvenile Hall.
- It is important to visit your youth without any preconceived notions. Often times, youth are portrayed very negatively in their reports but are genuinely kind and excited to meet someone new.
- If your youth seems to not be excited or indifferent about meeting you, it is okay! It is your first meeting. Remember: you are doing this for them, not you!
- Ask the youth about their strengths and needs.
  - Make a list of these to review with your Advocacy Supervisor
- Have fun and get to know the youth!

When meeting with case parties, take plenty of notes and make note of acronyms you do not understand

- Try not to take notes while meeting with your youth. Focus on relationship-building!

Contact your Advocacy Supervisor with any questions or concerns.

## PREPARING FOR A MEETING

YOUTH NAME	DOB	CURRENT PLACEMENT	PROBATION OFFICER
<b>SUPPORT SYSTEM</b> Family members, non-related extended family members, coaches, mentors, teachers, neighbors			
<b>STRENGTHS</b> Personality, academic, mental health, resilience, personal growth, maturity, interpersonal relationships.			
<b>CURRENT NEEDS/PENDING EFFORTS</b> Anything that may improve the youth's overall well-being or has yet to be explored, e.g., academic needs, mental health needs, extracurricular/hobby, permanency needs.			
<b>CURRENT SUPPORTS IN PLACE</b> Indicate what services the youth is currently receiving. Include contact information if available. E.g., Wraparound, TBS,, Tutoring, Individualized Education Program, Regional Center Services.			
<b>PAST EFFORTS</b> What has previously been tried; barriers to services (e.g., youth not connected to provider, transportation, placement changes)			
<b>UPCOMING APPOINTMENTS</b> Child and Family Team Meetings, IEP meetings, Wraparound meetings, etc.			
<b>UPCOMING COURT HEARINGS</b> State the date, courthouse location, and court room number			
<b>TRANSPORTATION TO HEARINGS</b> Support the team in coordinating who will be responsible for taking the youth to their upcoming hearings.			



## ATTENDING JUVENILE JUSTICE COURT

Although each juvenile justice (JJ) court will be different, some general information is outlined below to inform CASAs on attending JJ court.

### PREPARE BY

- Gathering JJ court information (e.g. courthouse name, address, time, courtroom number).
  - The probation officer, defense attorney, or your Advocacy Supervisor may be able to assist with gathering this information.
- Identifying the defense attorney appointed to your youth by asking the dependency attorney, social worker, or calling the Public Defender main line: 858-974-5757.
- Reviewing the finalized copy of your Court Report – especially the Needs of the Youth section
- Informing the youth, family, and/or defense attorney that you plan on attending.
- If the CASA youth is not detained, try confirming that they have transportation to Court by connecting with their current caregiver or placement staff.

### MAKE SURE TO BRING

- Professional attire
- CASA badge
- A copy of your court report
- Something to read, you may be waiting awhile. Note: if you youth is not detained you will be able to use this time to chat with them while waiting for court to start.

### CHECK-IN AT JJ COURT

- CASAs should wait outside the JJ courtroom for the bailiff or Court Officer (CO) to conduct check-ins.
  - When the bailiff or CO conducts their check in, CASAs should inform them of their role as a CASA and provide them with the CASA youth's name.
  - At this time, CASAs may also mention that they would like to speak with the attorney. The bailiff may be able to refer CASAs to the defense attorney.
- JJ Court attendees typically wait outside the courtroom until their case is called.

### CHECK IN WITH THE DEFENSE ATTORNEY

- CASAs should ask if there were any questions about their report and update them if there were new developments since the report was finalized.
- CASAs should express concerns and needs to the defense attorney.
- If the CASA wishes to address the JJ Court about something specific, the CASA may inform the defense attorney.
  - It is best practice for the CASA to inform the attorney of what they would like to state to ensure that the CASA's statements do not harm the defense attorney's defense strategy.

## DURING THE HEARING

- The court officer will call the case when it is ready to be heard
- When entering the courtroom, CASAs may ask the court officer or attorney for guidance where to sit, usually near to youth or in the gallery.
  - The Advocacy Supervisor or other VFC staff will attend the first hearing with the CASA.
- CASAs may address the JJ Court when:
  - They are asked by the Judge.
  - The defense attorney informs the CASA it is okay to address the JJ Court.
  - The CASA raises their hand and requests permission from the judge.
  - CASAs should stand when addressing the Court
- If the youth is detained, the CASA may request an “after court visit” or phone call to check in with the youth. The CASA should inform the defense attorney prior to the hearing that they are seeking an after-court visit or phone-call. If the defense attorney does not request it, try to get their attention prior to the hearing ending and worst-case scenario, you may state “May I get an after-court visit (or phone-call) today?”.

## PLACEMENT OPTIONS THROUGH PROBATION

CASAs must advocate for the safest and least restrictive setting. It is important to collaborate with your Advocacy Supervisor and the youth’s defense and dependency attorneys before making recommendations to the court.

Home Supervision	<p>Home supervision, allows the youth to return home/to their placement while promising to complete their probation conditions.</p> <p>GPS (also known as ankle monitor) is available for youth that are home on probation, after the detention hearing when their case is still pending.</p>
Suitable Placement	<p>Group homes – Short term residential treatment programs (STRTP; formerly known as Level 12 and 14 group homes), not locked.</p> <p>Locked STRTPs – Locked facilities that require a Caregiver’s Authorization Affidavit or Conservatorship.</p> <p>Foster Care Placements – foster homes or homes with a NREFM caregiver. If you see this language in a report, this does not necessarily mean they are a dependent in foster care.</p>
Out-of- County Placements	<p>Probation has contracts with various placements located out-of-county, mostly STRTPs.</p>
Custodial Commitments/ CAMP	<p>There are 2 custodial commitment programs in San Diego: Urban Camp and HOPE. Both custodial programs are housed at the Youth Transition Campus (YTC) near the Meadow Lark Courthouse. Unlike juvenile hall, youth can be committed to (aka placed at) Urban Camp and HOPE. For Urban Camp, males are committed to the program for 85, 130, or 250 days based on the seriousness of their offense and females are committed to the program for 120 days. These days count as custody days. HOPE is a longer-term, male-only custodial commitment for more serious offenders, and youth are committed to the program for a period not to exceed 480 days. Youth have access to school, therapy, and other services while committed to Urban Camp and HOPE.</p>
Juvenile Hall – East Mesa Juvenile Detention Facility	<p>Juvenile Hall – locked facility. Youth are detained in Juvenile Hall while they await their hearings or for a suitable placement to be found. Youth have only a certain number of days they can be detained, based on disposition orders.</p>

## VISITING JUVENILE HALL

### WHO CAN VISIT

- CASAs are able to visit youth who are placed in a juvenile hall or camp.
- Approved visits are limited to parents, legal guardians, and grandparents. Other relatives and supportive adults may be added to a youth's visitor list by the probation officer.
- All visitors must be 18 years of age.

### WHEN TO VISIT

- CASAs have been allowed to visit their youth during and outside of family visiting hours. CASAs must consult with facility staff to gain special permission and be diligent about respecting any rules that come with this permission.
  - CASA visits are considered professional courtesy visits, so CASAs can visit their youth in Juvenile Hall anytime, except during shift changes, without having to make an appointment. However, you are encouraged to call ahead (858-694-4500) in all circumstance to confirm your youth's availability.
  - Professional courtesy visitation hours are Monday-Friday from 8am-4pm. There are only two occasions where you cannot visit: between 11am-12pm due to lunch and 2-2:45pm due to shift change. Your youth will be in school in the morning so afternoon visits are best.
  - Any other times such as weekday evenings and weekends are reserved for family; if you can only visit after 4pm or on weekends, call in advance (858-694-4500) to see if there is availability, but there is no guarantee.
  - While CASAs may visit during these hours, CASAs must be mindful that these hours are specifically set aside for family. If the CASA is only allowed to visit during this time, the CASA should coordinate visitation with the family and always prioritize the family's availability to visit over their own.

### WHAT TO BRING/NOT TO BRING

- A valid form of ID
- Appointment Order
- CASA Badge
- CASAs and other visitors are not able to bring in anything sharp. We recommend you leave your personal belongings in a locked car during your visit.
- CASAs and other visitors are not permitted to bring personal items to the youth. The exception is a paperback book. If you do bring a book, please note that it will not be returned to you.

### DRESS CODE

- CASAs and all other visitors must be appropriately dressed.
- CASAs must wear closed toe shoes.

### TALKING TO YOUTH

- CASAs are encouraged to continue strengthening their relationship to their CASA youth by asking how they are feeling, helping them identify their needs, and encouraging them to advocate for themselves as needed.
- CASAs may not ask the youth about the charges. If the youth starts to discuss the charges, CASAs must direct the youth to the defense attorney.
- CASAs may not offer the youth legal advice.

#### CONSIDERATIONS

- While CASAs can certainly visit youth during normal visiting hours, CASAs should do their due diligence in ensuring that their visits do not unintentionally create a scheduling conflict with visits between the youth and their family.
- If CASAs are allowed to visit outside of visiting hours, CASAs should ensure their visits are scheduled ahead of time and do not interfere with regularly scheduled activities that are beneficial to the youth's well-being or development (e.g., school, therapy, group activities).
- Due to limits on what can be taken into the juvenile hall, CASAs are encouraged to practice their best judgment and hide personal belongings in their vehicle while visiting their youth.
- Visiting a young person while they are detained can be emotionally challenging. CASAs are welcome to reach out to their Advocacy Supervisors following visits, if needed.

## FOR YOUTH: QUESTIONS TO ASK YOUR ATTORNEY

(Borrowed and Adapted from UCLA Youth and Justice Clinic)

You and your defense attorney have attorney-client privilege. This means everything you tell your attorney will remain confidential. Try to trust your attorney and provide them with any information they need, especially as it relates to your case. This will help them fight your case. This is some information you might want to give your attorney:

- Educational history (IEP, 504 Plan, non-public school enrollment)
- Family life
- Any challenges you've experienced recently or throughout your life
- Therapy or psychiatric attention you've received
- Anywhere you receive services from (e.g., regional center)
- Any extracurricular activities you are involved in
- Your hobbies, interests, and goals
- All the great qualities that make you who you are
- Anything else you think is important or might help your case

Do not give anybody else information about your charges, not even your CASA. You can also ask to speak only when your attorney is present.

BELOW ARE A COUPLE OF QUESTIONS YOU MIGHT WANT TO ASK YOUR ATTORNEY

### AT ARREST

- What is Juvenile Justice Court?
  - *If you have a case with HHSA:* How is Juvenile Justice Court different from Dependency Court?)
- Why was I arrested?
  - What are my charges?
- What are the consequences of an arrest?
- Will an arrest show up on my record? What about as an adult?
- What can be done in Juvenile Justice Court if one of my rights in arrest are violated?
- Can I call someone I trust? Like a caregiver or a CASA?
- What am I allowed to talk about with others?
  - Can I choose to not talk to people?

### PRE-DISPOSITION

- Can I go home or back to my group home today? Can you argue for my release today?
  - Can I go home on Home Supervision?
  - If I can't go home today, can you explain why?
- What are the possible conditions for being released?
- What are the requirements of my release home while the case is pending?
- What happens if I violate the condition of release?

## PLEAS

- What is a plea?
- Will you explain what diversion (654) means and if I am eligible for it? What are the requirements that must be completed under a diversion program?
- What are the advantages and disadvantages of my options?
- Will this count as a strike? Please explain what a strike is to me.

## SEALING

- Can an arrest be sealed on my record?
- Can a juvenile conviction (via plea or adjudication) be sealed on my record?
- Is there a difference on my record if I choose to do juvenile court-based diversion?
- What is the process of sealing my record?
  - Who can my sealed record be accessed by?
- Is it possible to have the records completely destroyed? When does that happen?
  - Can my arrest or juvenile convictions be used against me as an adult if my record is ordered destroyed?
- What's a juvenile strike?

## GRIEVANCES

- If you have a grievance about an issue within the facility, tell your attorney and ask about how best to deal with the issue before reporting it to a PO
- What possible retaliation might I face?
- If you would like help with a health, education, mental health, or other issue, tell your attorney and ask what to do to make sure your needs are met.
- What can be done in Juvenile Justice Court if one of my rights in custody are violated?

## GENERAL

- How long should I expect this process to take?
- What information or records do you need to build my case?
- When can we find time for me to discuss with you any traumas or difficulties I have faced in life?
- How do I get in contact with my family or guardians?

## SPECIALIZED JUVENILE JUSTICE COURTS

### RISE Court – Resiliency is Strength and Empowerment

The Resiliency is Strength and Empowerment (RISE) Court supervises cases for youth who have been arrested and found to be CSEC-involved (Commercial Sexual Exploitation of Children), or who have disclosed being CSEC-involved after arrest on other charges. RISE Court aims to focus on safety and access to resources and services for youth, while addressing juvenile justice matters.

RISE Court began in the fall of 2017 and is in session once a week at the Meadow Lark Courthouse. RISE Court appearances for youth are scheduled approximately every 3-5 weeks, depending on case circumstances and the youth's progress. Youth are supervised by the RISE Court and treatment team for 12 months or until the curriculum has been successfully completed.

Youth may be referred to the program by juvenile hall medical staff, mental health providers, law enforcement officers, probation officers, social workers, attorneys and judges.

### JFAST Court - Juvenile Forensic Assistance for Stabilization and Treatment

The Juvenile Forensic Assistance for Stabilization and Treatment Program (JFAST) is designed to support recovery for mentally ill youth by providing access to individualized treatment and strengthening family stability. This specialty court started in July 2010 and its goal is to reduce recidivism amongst youth who have severe mental health or developmental needs. .

The youth's team will work with a host of community-based organizations to connect the youth and their caretakers to supports recommended in the youth's individualized case plan. These additional support providers may include: regional center, schools, WRAP around teams, and other community-based non-profits.

Youth may be referred to the program by the defense attorney or probation.

### Drug Court

Drug Court is an intervention program for minors who are on probation and who are having difficulty staying sober. Collaborative effort between many agencies who seek to provide a variety of programs and consistent supervision geared toward supporting and helping youth to maintain a drug-free life. Drug Court involves frequent court appearances, random drug testing, and group and family counseling.

### Truancy Court

Truancy Court address willful or unjustified failure to attend school. Youth can have a probation officer and be sent to juvenile hall if they do not obey judge's order to attend school. There is also a truancy diversion program.



### Dual Court

Dual Court is for youth who are involved in both dependency and juvenile justice court systems. While both the probation officer and social worker work together to come up with a recommendation; they are not required to agree. There is a lead agency/court who makes the final determination; usually this is regarding the youth's placement.

### NMD - Nonminor Dependent Court

NMD Court is a weekly courtroom that serves youth 18 years through 20 years old who are eligible for the extended foster care (EFC) program. Probation youth are eligible to participate in NMD Court as long as they successfully complete the conditions of probation and are placed in out-of-home care (but **not** detained) care on their 18<sup>th</sup> birthday. Probation youth have a 450 hearing to transition into the courtroom and their case is transferred to a social worker for supervision.

For more information on specialized Juvenile Justice Courts, contact your Advocacy Supervisor.

## HALLS, CAMPS, AND COURTHOUSE LOCATIONS

### SAN DIEGO COUNTY JUVENILE HALLS

Kearny Mesa Juvenile Detention Facility  
2801 Meadow Lark Drive  
San Diego, CA 92123  
(858) 694-4500

East Mesa Juvenile Detention Facility  
446 Alta Rd.  
San Diego, CA 92158  
(619) 671-4400

### SAN DIEGO COUNTY CAMPS

HOPE  
2861 Meadow Lark Drive  
San Diego, CA 92123  
(858) 694-4510

Urban Camp  
2801 Meadow Lark Drive  
San Diego, CA 92123  
(858) 694-4500

### SAN DIEGO COUNTY JUVENILE JUSTICE COURTHOUSE

Juvenile Courthouse  
2851 Meadow Lark Drive  
San Diego, CA 92123  
(858) 634-1600