

BASIC COURSE UNIT GUIDE

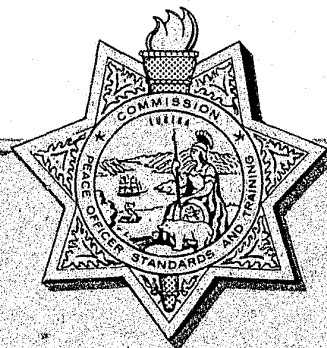
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JUVENILE LAW AND PROCEDURES

This unit guide covers the following learning goals contained in the POST Basic Course performance objective document:

3.41.0 Juvenile Law and Procedures

Revised October 1990



THE COMMISSION
ON PEACE OFFICER STANDARDS AND TRAINING
STATE OF CALIFORNIA

U.S. Department of Justice
National Institute of Justice

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This unit of instruction is designed as a *guideline* for Performance Objective-based law enforcement basic training. This unit is part of the POST Basic Course Guidelines system developed by the California Commission on Peace Officer Standards and Training with the assistance of the law enforcement training community.

This Guide is designed to assist the instructor in developing an appropriate lesson plan to cover the performance objectives, which are required as minimum content of the Basic Course.

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Learning Goals and Performance Objectives

3.41.0

JUVENILE LAW AND PROCEDURE

Learning Goal: The student will understand and have a working knowledge of the laws and procedures relative to juveniles.

- 3.41.1 The student will identify the purpose of the "Juvenile Court Law." (Welfare and Institutions Code Sections 202 and 203)
- 3.41.2 The student will identify the scope of the authority of the Juvenile Court. This identification will include the age requirement (Welfare and Institutions Code Sections 603 and 607) and the circumstances under which a juvenile comes within the jurisdiction of the Juvenile Court (Welfare and Institutions Code Sections 300, 601, and 602).
- 3.41.3 The student will identify the circumstances under which an officer may take a juvenile into temporary custody. (Welfare and Institutions Code Section 305 and 625)
- 3.41.4 The student will identify the requirements relating to the advisement of the constitutional rights of a juvenile taken into custody. (Welfare and Institutions Code Section 625, 627.5 and Vehicle Code Section 40302.5)
- 3.41.5 The student will identify the requirements pertaining to the segregation of juveniles from other prisoners. (Welfare and Institutions Code Sections 206 through 208)
- 3.41.6 The student will identify various stages of a typical juvenile case proceeding from temporary detention through the juvenile court hearing. (Welfare and Institutions Code Sections 626-634, 636, and 657)
- 3.41.7 Given word-pictures or audio-visual presentations depicting an officer taking an injured or sick juvenile into temporary custody, the student will identify the legal requirements for securing medical aid for the juvenile. (Welfare and Institutions Code Section 625c and 305d)
- 3.41.8 Given word-pictures or audio-visual presentations depicting the possible contributing to the delinquency of a minor, the student will determine if the crime is complete and, in any situation where the crime is complete, will identify the crime by its common name and crime classification. (Penal Code Section 272)

Material/Equipment

Each training institution should develop its own list of equipment and materials for each unit. This list is dependent upon the instructional strategies methods/media considerations.

No special material or equipment needed.

Learning Goal 3.41.0: The student will understand and have a working knowledge of the laws and procedures relative to juveniles.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>I. JUVENILE LAW AND PROCEDURE (3.41.0)</p> <p>A. Distinguish Criminal Law From Juvenile Law.</p> <ol style="list-style-type: none"> 1. Different philosophies - concept of punishing offender as opposed to providing guidance to youth. 2. History and development of juvenile court law. <ol style="list-style-type: none"> a. Concepts of Parens Patria b. Court of Chancery c. Common Law, over 300 offenses punishable by death d. 1860's States begin treating juveniles differently e. First Juvenile Court in Illinois - 1899 f. California Juvenile Court - 1903 g. Court Decisions 3. Modern philosophy of juvenile law <ol style="list-style-type: none"> a. The philosophy of juvenile court differs from that of the adult criminal court in several ways. The most obvious difference is the court's goal of "rehabilitation" of the child rather than punishment. b. In regard to procedure, the juvenile justice system is traditionally "nonadversary" in form. The stress has been on informality. Great discretion is granted to police and intake officers to dispose of the case at its early stages in order to divert the juvenile from the court proceedings. 	<p>3.41.1 The student will identify the purpose of the "Juvenile Court Law." (Welfare and Institutions Code Sections 202 and 203)</p> <p>Note: See Glossary of terms. Handout #2.</p> <p>Note: Conduct of juvenile procedures has become more adversary in nature, due to passage of AB 3121 in the 1976 Legislative session.</p>

Learning Goal 3.41.0 : The student will understand and have a working knowledge of the laws and procedures relative to juveniles.

Unit Outline & Presentation	Objectives & Instructional Cues
c. In theory, the juvenile justice system is totally committed to "serving the best interests of the child while providing for the protection and safety of the public."	
B. Source of California juvenile law	Handout #1 - Case decisions.
1. The majority of the laws with regard to juvenile court proceedings are in the California Welfare and Institutions Code.	
2. Basic Philosophy, Section 202, W & I Code	
a. Protection of public from consequences of criminal activity.	
b. Protection and safety of minor	
(1) Preserve and strengthen minor's family ties when possible.	Illustration #1
(2) Provide care and guidance in minor's own home when possible; removing minor from parents only when necessary for child's welfare or public safety.	
(3) When removed from home, the minor shall be given equivalent care, custody, and discipline.	
c. To hold minor accountable for own actions.	
3. Wards of Court, Section 203 W & I Code	
a. <u>Noncriminal</u> proceedings	
(1) Wardship not a conviction	
b. Juvenile court has authority to administer punishment; it must provide for custody and welfare of the minor, however the punishment shall not be retributive.	3.41.2 The student will identify the scope of the authority of the Juvenile Court. This identification will include the age requirements (Welfare and Institutions Code Sections 603 and 607) and the circumstances under which a juvenile comes within the jurisdiction of the Juvenile Court (Welfare and Institutions Code Sections 300, 601, and 602)
	See: Cal. Peace Officers Legal Source Book 14.1

Learning Goal 3.41.0 : The student will understand and have a working knowledge of the laws and procedures relative to juveniles.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>C. Authority of Juvenile Court (Scope)</p> <p>1. Jurisdiction</p> <p>a. Dependency - Section 300 W & I Code The court has jurisdiction in dependency matters where the parent or guardian causes or allows the following conditions:</p> <ul style="list-style-type: none"> (1) Substantial risk of physical harm (2) No parental care or control (3) Lack of care, destitute or no suitable home (4) Sexual abuse (5) Conviction for death or child neglect (6) Acts of cruelty (7) Sibling abuse (8) The minor has been freed for adoption from any or both parents for one year <p>b. Incurrigible offenders - Section 601 and 601.1 W & I Code</p> <ul style="list-style-type: none"> (1) Runaway (2) Beyond parental control (3) Curfew based solely on age (4) Truancy--beyond control of school <p>c. Criminal Act - Section 602 W & I Code</p> <ul style="list-style-type: none"> (1) City or county ordinances (2) State law (3) U. S. law 	

Learning Goal 3.41.0: The student will understand and have a working knowledge of the laws and procedures relative to juveniles.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>2. Age requirements</p> <ul style="list-style-type: none"> a. Original jurisdiction of court extends up to age 18 (Section 300 and 603 W & I Code) b. Court may retain jurisdiction until age 21 (Section 607 W & I Code) <ul style="list-style-type: none"> (1) Up to age 25 -- if 16 years, an offense is found (707 W & I) and committed to CYA. c. Juvenile may be tried as an adult at age 16 (Section 707 W & I Code) <ul style="list-style-type: none"> (1) Determination as to when a minor is to be tried as an adult is based on minor's fitness to be dealt with under Juvenile Court law. The fitness evaluation is established by the juvenile court using the following criteria: <ul style="list-style-type: none"> (a) Degree of criminal sophistication exhibited by the minor (b) Probability that minor can be rehabilitated prior to end of juvenile court's jurisdiction (c) Previous delinquent history (d) Success of previous attempts by the court to rehabilitate the minor (e) Gravity of the offense <p>3. Authority for Arrest and Temporary Custody Section 625 of the W & I Code</p> <ul style="list-style-type: none"> a. An officer may take into temporary custody, without a warrant, a juvenile who is under 18: <ul style="list-style-type: none"> (1) Comes within the jurisdiction of the court under Section 601 and 602 W & I Code; 	<p>3.41.3 The student will identify the circumstances under which an officer may take a juvenile into temporary custody.</p> <p>(Welfare and Institutions Code Section 305 and 625)</p>

Learning Goal 3.41.0: The student will understand and have a working knowledge of the laws and procedures relative to juveniles.

Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> (a) Includes arrests for misdemeanors not committed in the officer's presence. (2) Is a ward of the court and has violated a court order or escaped from any court-ordered commitment (636 or 702 W & I Code). (3) Is found in a public place suffering from any sickness or injury which requires medical treatment. 4. Authority for dependent children temporary custody - Section 305 W & I Code. <ul style="list-style-type: none"> a. A peace officer may without a warrant take into temporary custody a minor: <ul style="list-style-type: none"> (1) Who the officer has reasonable cause to believe is a person described in section 300 <u>and</u> is: <ul style="list-style-type: none"> a) in immediate need of medical care or b) in immediate danger of physical or sexual abuse, or c) a threat to the child's health and safety exists if the child is left unattended, or the child is physically threatened. (2) Who is in a hospital and the release of the minor to the parents poses an immediate danger to the child. (3) Who is a dependent minor of the Juvenile Court, or for whom an order has been made under section 319, when the officer has reasonable cause to believe the minor has violated the order or has escaped from commitment. 	

Learning Goal 3.41.0 : The student will understand and have a working knowledge of the laws and procedures relative to juveniles.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>(4) Who is found in any street or public place suffering from any sickness or injury which requires care, medical treatment, hospitalization, or other remedial care.</p> <p>5. Admonishment requirements</p> <p>a. Immediately upon being taken into custody for:</p> <p>(1) 601 or 602 W & I Code.</p> <p>(2) When minor is apprehended after escaping from a court-ordered commitment.</p> <p>b. Officer <u>shall</u> advise minors of their constitutional rights -- Miranda warning.</p> <p>(1) Minor must be advised regardless of officer intent to question minor.</p> <p>(2) Waivers <u>do not</u> have to be obtained unless the officer desires to question the minor.</p> <p>(3) If the minor is physically or mentally under 14 years of age, then an indepth evaluation of the minor's ability to understand these rights must be done before an officer can accept the minor's waiver as valid.</p> <p>(4) The right to counsel being present is extended to adult family members.</p> <p>6. Alternative dispositions - Section 626 or 307 W & I Code.</p> <p>a. The arresting officer may dispose of temporary detention cases by:</p> <p>(1) Releasing the minor.</p> <p>(2) Delivering to minor shelter, counseling, or diversion agency (per 626 W & I).</p>	<p>3.41.4 The student will identify the requirements relating to the advisement of the constitutional rights to a juvenile taken into custody. (Welfare Institutions Code Sections 625, 627.5 and Vehicle Code Section 40302.5)</p> <p>NOTE: check department policy and current case law.</p>

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>(3) Preparing a promise to appear notice in duplicate; one copy to be given to the minor or responsible relative and one copy to be filed with the probation department. The minor will then be released.</p> <p>(4) Taking the minor without unnecessary delay to a probation officer.</p> <p>a) juvenile hall</p> <p>(5) The officer shall select the alternative which least restricts the juvenile's freedom and is compatible with best interests of the minor and the community.</p> <p>D. Officers responsibilities and minor's rights - Section 627 or 308 W & I Code</p> <p>1. Notification of parents.</p> <p>a. Immediately</p> <p>b. Parents must be notified of custody and where minor is being held.</p> <p>2. Phone Calls (627(b) W & I Code).</p> <p>a. The minor shall be advised of right to at least two completed telephone calls to attorney, parents, guardian, responsible relative or employer</p> <p>b. Local calls to be made at public expense</p> <p>c. In the presence of public officer or employee</p> <p>d. Within one hour of being taken into custody.</p> <p>3. Officer's liabilities regarding calls</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> a. An officer who <u>willfully</u> deprives a minor's right to call is guilty of a misdemeanor. 4. Separation and segregation of minors <ul style="list-style-type: none"> a. Segregation of dependents and delinquents - Section 206 W & I Code <ul style="list-style-type: none"> (1) Dependent minors (300 W & I) may not be brought into direct contact with delinquents (601 and 602 W & I) (2) Dependent minors and delinquents must be provided with separate, segregated facilities. (3) Detention of 300 W & I - shall not be placed in a detention area. 5. Places of detention - Section 207 and 207.1 W & I Code <ul style="list-style-type: none"> a. Prohibits placement of minor in an adult jail or lockup unless found unfit under 707 W & I Code. b. Prohibits confinement in a hospital except for medical treatment or observation. c. Prohibits 601 W & I Code minors to be detained in secured facility. <ul style="list-style-type: none"> (1) Exception for secured detention - time limits <ul style="list-style-type: none"> (a) 12 hours for wants and warrants (b) 24 hours for reuniting with local parents (c) 72 hours for reuniting with out-of-county parents. (2) Separation of 601 and 602 W & I Code minors required. 	<p>3.41.5 The student will identify the requirements pertaining to the segregation of juveniles from other prisoners. (Welfare and Institutions Code Sections 206 through 208)</p>

Learning Goal 3.41.0: The student will understand and have a working knowledge of the laws and procedures relative to juveniles.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>d. Prohibits contact with adult prisoners -Section 208 W & I Code</p> <ul style="list-style-type: none"> (1) Prohibits contact between minor and adult prisoners when minor is housed in adult detention facilities, except supervised group therapy. (2) Prohibits minor detained in or sentenced to state hospital to come in contact with adult sex offender, except supervised group therapy. <p>6. Detention by probation department - Section 628 W & I Code</p> <ul style="list-style-type: none"> a. Criteria for detention by probation officer - Minor must be released to parent or guardian unless one or more of the following conditions exist: <ul style="list-style-type: none"> (1) No parental control or parents inability to control. (2) Minor is destitute (3) Minor is victim of neglect or abuse (4) Detention is a matter of immediate and urgent necessity for the protection of the minor and reasonable necessity for protection of the community. (5) Minor will flee the jurisdiction of the court if released (6) Minor has violated a juvenile court order (7) Minor is dangerous because of mental or physical disorder b. Home supervision Section 628.1 W & I Code 	<p>3.41.6 The student will identify various stages of a typical juvenile case proceeding from temporary detention through the juvenile court hearing. (Welfare and Institutions Code Sections 626-634, 636, and 657)</p>

Learning Goal

3.41.0: The student will understand and have a working knowledge of the laws and procedures relative to juveniles.

Objectives & Instructional Cues

3.41.7
Given word-pictures or audio-visual presentations depicting an officer taking an injured or sick juvenile into temporary custody, the student will identify the legal requirements for securing medical aid for the juvenile. (Welfare and Institutions Code Section 625c) and 305d)

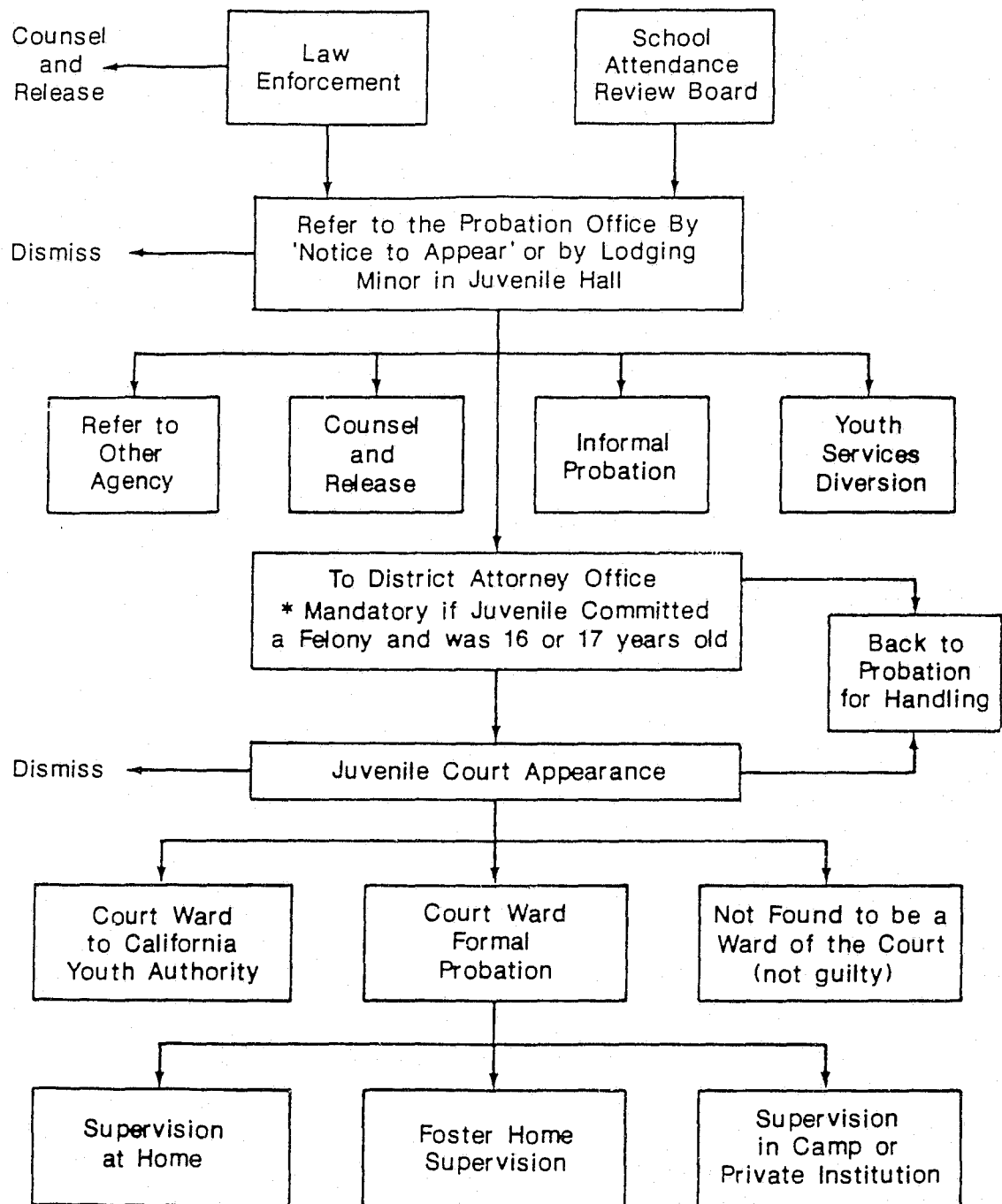
See Handout #3

SUPPORTING MATERIAL

AND

REFERENCES

JUVENILE COURT PROCESS FOR 601 AND 602 WIC



KENT VS. UNITED STATES
(1966)

- I. THE ISSUE: Waiver of jurisdiction
- II. ESSENTIALS: Due process and fair treatment
- III. AMENDMENTS: Fourth, fifth, sixth, eighth, fourteenth
(The big five)
- IV. FUTURE REQUIREMENTS:
 - A. Must be a hearing on waiver issue.
 - B. Child must be represented by an attorney at the hearing.
 - C. Attorney may discover court's records and reports that are used at the waiver hearing.
 - D. Judge must give reasons for waiver in writing.

IN RE GAULT
(1967)

- I. THE ISSUE: Do Procedural due process considerations apply to juvenile proceedings that lead to commitment?
- II. ESSENTIALS: Due process demands with minimum safeguards
- III. AMENDMENTS: Fourth, fifth, sixth, eighth, fourteenth
- IV. MINIMUM SAFEGUARDS:
 - A. Notice of charges
 - B. Right to counsel
 - C. Right to confrontation, self-incrimination, cross examination

McKEIVER VS. PENNSYLVANIA

- I. THE ISSUE: Does the due process clause of the fourteenth assure the right to a jury trial? No.
- II. RATIONALE: Trial by jury in the juvenile court's adjudicative stage is not a constitutional requirement. There is a possibility that the jury trial will make the juvenile proceeding into a full adversary process if the formalities of the criminal adjudicative process are imposed upon the juvenile court system. There is little need for its separate existence.

IN RE WINSHIP
(1970)

- I. THE ISSUE: Is proof beyond reasonable doubt among essentials of due process?
- II. ESSENTIALS: Proof beyond reasonable doubt is required.
- III. AMENDMENTS: Fourth, fifth, sixth, eighth, fourteenth
- IV. FUTURE REQUIREMENTS: Observance of the essential standard of proof beyond a reasonable doubt.

Preponderance of Evidence

Legally admissible in trial of civil cases to support a finding that the minor is a person described in 300-601 WIC - this doctrine not applicable in WIC 602 cases.

Traditional standard of proof required in civil cases. The trier of fact decides in favor of the side on which the evidence is made persuasive. Although that side may have prevailed by the slightest of margins. Requires a belief that it is more probable than not that a certain result is correct. However, this doctrine can be applied in a trial where the court is determining whether a confession was obtained illegally. If the court concludes that the police are more likely to be telling the truth when they say no threats were made. The court will proceed on that factual assumption even though it has some reasonable doubt as to what actually occurred.

Proof Beyond Reasonable Doubt:

The ultimate standard of proof in the criminal process, that required to find a person guilty, is proof beyond a reasonable doubt. A reasonable doubt is a fair, honest doubt growing out of the evidence or lack of evidence in this case, or growing out of any reasonable or legitimate inferences drawn from evidence or the lack of evidence. It is a state of mind that would cause you to hesitate in making an important decision in your personal life. In other words, there is no uncertainty in your mind that the prosecution has presented more facts than are necessary to prove that this person is guilty. "It is better that a guilty man be mistakenly acquitted than an innocent man be mistakenly convicted."

GLOSSARY OF TERMS

C.Y.A. - California Youth Authority. State agency charged with supervising and coordinating the many functions of the State in its dealings with youth in trouble, including operation of State juvenile detention facilities.

DELINQUENT - A person described in Section 602 W.I.C. A juvenile who violates a law.

DEPENDENT - A person described in Section 300 W.I.C. A juvenile who is destitute, from an unfit home, victim of physical or sexual abuse, lacks parental supervision or is physically dangerous to the public.

DIVERSION - The alternative handling of selected offenders away from the justice system to community-based organizations as a viable delinquency prevention technique.

D.P.S.S. - Department of Public Social Services. County Welfare Department, charged with the care and housing of dependent juveniles.

INCORRIGIBLE - A juvenile who is beyond the control of his parents. One of the persons described in Section 601 W.I.C. (Status offender)

JUVENILE - A person under the age of 18.

JUVENILE DELINQUENT - Generally considered to be any juvenile whose anti-social acts come to the attention of any law enforcement agency.

MAJORITY - The status of being of full age, the age at which a person attains capacity to exercise full civil and personal rights.

1. In California, a minor becomes of full age on the day before his 18th birthday, except that he may not buy liquor until the day before his 21st birthday.

MINOR - A person who has not reached the age of majority. (25 C.C.)

PETITION - The document used to initiate proceedings in juvenile court.

STATUS OFFENDER - Non-criminal conduct unique to the status of being a minor.

PRE-DELINQUENT - A person described in Section 601 W.I.C. Incorrigible, runaway, transient, or curfew violator.

SUBJECT - Term used to describe juveniles in official crime reports.

VICTIM - Term used to describe minors in dependency (300 W.I.C.) cases.

WARD OF THE COURT - A person who has been found by the juvenile court to fall within the descriptions of Sections 601 or 602 W.I.C.

W.I.C. - California Welfare and Institutions Code.

EMANCIPATION - The legal status of being freed of parental control; having most of the rights of adulthood. California Civil Code, Sections 61 through 70.

TRAFFIC HEARING OFFICER - 255/256 W.I.C. Appointed by the presiding judge of the juvenile court; handles most traffic offenses and certain other minor offenses.

TRUANCY, HABITUAL TRUANCY - Section 48260 - 48262 Ed. Code. Any pupil subject to compulsory education who is absent without valid excuse more than three days; reported truant three or more times in school year is deemed habitual truant.

SCHOOL ATTENDANCE REVIEW BOARDS - (S.A.R.B.) Section 48320 Ed. Code. Coordinated school and community services providing assistance to pupils with attendance and/or behavioral problems.

CIVIL CODE

25.9 Mental Health Treatment

- Minor 12 or older may consent to treatment without parents
- Parents not liable for cost of treatment unless participating

34.9 Treatment for Sexual Assault

- Minor may consent to diagnosis and treatment relating to sexual assault
- Parental approval shall be sought (but minor may be treated over parents' objection)

60 - 70 Emancipation of Minors

The California Civil Code now statutorily defines emancipation of minors and expressly enumerates the rights, liabilities, and privileges of emancipation.

The act is a ten (10) part measure. Starting with Section 61 of the Civil Code and progressing through Section 70.

Section 61 States the legislative intent

Section 62 Defines emancipation

Section 63 Enumerates the rights, privileges, and liabilities of emancipation

Section 64 Outlines the petition process for Judicial Declaration of Emancipation

Section 65 Rescission of Declaration

Section 66 Provides protection for innocent persons who rely on misrepresentation of emancipation

Section 67 Controls welfare benefits from flowing to emancipated minors

Section 68 Provides governmental immunity for incorrect information of emancipation

Section 69 Declaration of emancipation obtained by fraud voidable

Section 70 Intent for simplified and inexpensive process

Directing your attention first to Section 62 Civil Code, emancipation can result if any person under the age of 18:

- A. Enters into a valid marriage
- B. Is on active military duty
- C. Petitions the Superior Court for a declaration of emancipation (Section 64 CC). MINOR MUST BE AT LEAST 14 YEARS OF AGE, WILLINGLY LIVING SEPARATE AND APART FROM HIS PARENTS OR LEGAL GUARDIAN, WITH THE CONSENT OR ACQUIESCENCE OF THE PARENTS OR GUARDIAN, AND MANAGING HIS OWN LAWFUL FINANCIAL AFFAIRS.

If a minor fits any of the above categories, he is an emancipated minor.

Once emancipated, Section 63 would allow him the following rights, privileges, and liabilities. A minor so emancipated would be considered as being over the age of majority for the purposes of:

- A. Consenting to medical, dental, or psychiatric care
- B. Contracting
- C. Suing and being sued
- D. Parental supportal rights
- E. Control of earnings
- F. Establishing residence
- G. Buying and selling real property
- H. Application of Section 300 and 602 WIC
- I. Applying for a work permit (under 49110 Education Code)
- J. Ending all vicarious parental liability
- K. And, school enrollment

Civil Code

- 1714.1 Liability for Minor's Torts
 - Parents/Guardians liable for maximum of \$5,000 per injury
 - Liability of \$15,000/\$30,000 if injury involves minor's use of firearm (1714.3 CC)

- 4101 Marriage Consent
- Minor under 18 requires parental approval or Superior Court order

Education Code

- 48200 Compulsory Education
- Applies to all children between the ages of 6 and 16
- 48260 Truancy
- Students 6 - 16 absent without excuse
- 48262 Habitual Truancy
- Three or more unexcused absences
 - School official must set up conference with parents
- 48264 Arrest of Truants
- Law enforcement may take suspected truants into temporary custody
- 48265 Disposition of Truants
- Truants may be delivered to parents, school, or location designated by school

Loitering/
Curfew Ord.

Loitering

- Obstructing passage
- No apparent business
- Loiter means, to idle, to loaf, to stand idly by, or to walk, drive, or ride about aimlessly, without lawful purpose

Curfew

- Under 18 years of age
- Loiter about any public place
- Between 10 p.m. and sunrise
- Exceptions: accompanied by parent, guardian or adult spouse

Court Process

- A. Petition and notification of hearing (Section 630 W & I and 650 W. & I.)
 - 1. Petition (complaint) must be filed with Juvenile Court clerk if minor is to remain in custody.
 - a. 602 W & I petitions filed by District Attorney, on request of Probation Officer
 - b. 601 W & I petitions filed by District Attorney or Probation Officer
 - 2. Minor and parent or guardian will be served with a copy of the petition and notified of the time and place of the detention hearing (Gault)
 - 3. Minor's counsel shall be notified of the time and place of the hearing (Section 630.1 W & I)
 - 4. At the time of the hearing, minor has right against self-incrimination, right to cross-examination and right of confrontation of any person examined by the court (Gault)
- B. Time limit on custody (Section 631 and 631.1 W & I)
 - 1. Petition must be filed against minor in custody within 48 hours or he must be released.
 - 2. Misdemeanor offenders to be released within 48 hours or next judicial day whichever is later.
 - 3. Time limit does not include non-judicial days
 - 4. If minor misrepresents his identity or true age, time limit does not start until true information is obtained.
- C. Time limit on detention hearing (Section 632 W & I)
 - 1. Detention hearing held to determine if minor is to remain in custody
 - 2. Must be held the next judicial day after petition is filed
 - 3. Misdemeanor must be filed within 48 clock hours or next judicial day whichever is later.
 - 4. For felony must be filed within 48 hours (2 court days).

- D. Rights of the minor at the detention hearing (Section 633 W & I)
 - 1. Minor and guardian shall be informed of charges
 - 2. Nature of court proceedings
 - 3. Right to be represented by counsel
- E. Appointment of counsel (Section 318(a) W. & I. and 634 W & I)
 - 1. Counsel may be appointed to represent minor in 601 and 602 W & I cases.
 - 2. District Attorney may be appointed to represent minor in 300(d) W & I cases.
- F. Jurisdictional Hearing (Trial)
 - 1. The minor cannot be held in custody longer than 15 judicial days between detention and jurisdictional hearings (Section 657 W & I)
 - 2. Jurisdictional hearing must be held within 30 calendar days if the minor is not in custody (657 W & I Code).
 - 3. Unless time waived by defendant
 - 4. Minor may admit allegations, with consent of counsel
- G. Disposition Hearing (Sentencing) (702 & 356 W&I)
- H. Fitness Hearing (707 W&I)

Reference Materials

This section is set up as reference information for use by training institutions. These materials can be utilized for prime instruction; remediation, additional reading, viewing or for planning local units of instruction. They are presented here as instructional materials that may assist the learner or the academy staff in the teaching-learning process. Each training institution is encouraged to expand this list but only after careful viewing and reading to determine its acceptability.

California Penal Code, Legal Book Corporation, Los Angeles.

California Reporter, West Publishing Co., St. Paul, Minnesota.

California Welfare and Institutions Code, West Publishing Company, St. Paul, Minnesota.

California Laws Relating to Youthful Offenders, California Department of the Youth Authority, State of California Documents Section, North Highlands, California.

"Child Abuse," Attorney General Series, Sacramento, California, 1974.

Fox, Sanford J., The Law of Juvenile Courts in a Nutshell, St. Paul, Minnesota, West Publishing Company, 1971.

A definitive listing of Penal Code laws with pertinent court citations

Hunt, Derald D., California Criminal Law Manual, 4th ed. Burgess Publishing Company, Minneapolis, Minnesota 1976, 206pp.

Kenny, John P. and Pursuit, Dan G., Police Work with Juvenile and the Administration of Juvenile Justice, 4th Edition, Illinois, Charles C. Thomas, 1972.

In no way is this list an endorsement of any author, publisher, producer, or presentation. Each training institution must read or view these materials, and others to establish their own list of reference materials.