



## **Operations Order Juvenile Court Intake**

### **Purpose and Scope**

The Intake Unit is responsible for investigating the circumstances of youth taken into custody by law enforcement. The youth will be detained or released based on statutory and/or detention criteria and the use of an objective risk assessment instrument.

### **Affected Personnel**

Juvenile Court Intake Unit

### **Authority**

Welfare and Institutions Code (WIC) Sections 300, 601, 602, 625-636  
Penal Code (PC) Section 11165.7(a)(15)(34)  
California Rules of Court (CRC) Section 5.752

### **Effective Date**

April 17, 2025

### **Definitions**

**Welfare and Institution Code (WIC) Section 300:** Authorizes the juvenile court to take jurisdiction over a child when it finds the child has suffered, or there is a substantial risk the child will suffer serious physical harm or illness as a result of any of the following:

1. The failure or inability of the child's parent or guardian to adequately supervise or protect the child.
2. The willful or negligent failure of the child's parent or guardian to adequately supervise or protect the child from the conduct of the custodian with whom the child has been left.
3. The willful or negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter, or medical treatment.
4. The inability of the parent or guardian to provide regular care for the child due to the parent's or guardian's mental illness, developmental disability, or substance abuse.

**Welfare and Institution Code (WIC) Section 601:** Youth falling under the provisions of this code are status offenders and are charged with refusing to obey the reasonable orders of their parent, being out of parental control, juvenile curfew violation, truancy or being a runaway.

**Welfare and Institution Code (WIC) Section 602 (a):** a minor who is between 12 years and 17 years of age, who violates any law of this state, the United States, city, or county, or

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ordinance other than an ordinance establishing a curfew based solely on age, is within the jurisdiction of the juvenile court, which may adjudge the minor to be a ward of the court.

***Welfare and Institution Code (WIC) Section 602 (b):*** a minor who is under 12 years of age when they are alleged to have committed any the following offenses is within the jurisdiction of the juvenile court, which may adjudge the minor to be a ward of the court:

1. Murder.
2. Rape by force, violence, duress, menace, or fear of immediate and unlawful bodily injury.
3. Sodomy by force, violence, duress, menace, or fear of immediate and unlawful bodily injury.
4. Oral copulation by force, violence, duress, menace, or fear of immediate and unlawful bodily injury.
5. Sexual penetration by force, violence, duress, menace, or fear of immediate and unlawful bodily injury.

### **I. Juvenile Intake Procedure**

- A. With the exception of a Waiver in Lieu instead of filing a Violation of Probation, Intake Officers shall ensure the following when a youth has been arrested by a Law Enforcement Agency (LEA) and transported to the Youth Detention Facility (YDF):
  1. Prior to beginning the intake process, the Intake Officer will ensure the youth has been cleared by YDF medical personnel;
  2. The arresting officer will complete the booking packet which includes the Arrest Report, Probable Cause Declaration (PC), and Department of Justice form (DOJ);
  3. An Intake Officer shall verify the booking offense including confinement time.
  4. An Intake Officer will review the booking packet to determine the following:
    - a. Whether the Juvenile Court has jurisdiction, and
    - b. If there is probable cause a crime or Violation of Probation has been committed, or
    - c. An Arrest Warrant is active and valid;
  - d. An Intake Officer will send the PC Declaration to the Magistrate for approval;
  - e. The Magistrate will determine if the youth may be legally detained pending a Detention Hearing;
  - f. Immediately after being taken into custody, and within no more than an hour, the Intake Officer shall notify the youth they have the right to a minimum of two telephone calls: one to their parent, guardian, or responsible relative, or to their employer; and another to an attorney; and
  - g. The intake officer will notify the arresting officer to make additions or modifications to address missing information in the probable cause declaration
- B. An Intake Officer shall administer the West Coast's *Commercial Sexual Exploitation-Identification Tool (CSE-IT)* unless one has been performed within the last thirty (30) days.
- C. Intake Officers are mandated reporters with a duty to report any known or suspected child abuse and neglect.

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- D. Intake Officers shall file a report with Child Protective Services, in accordance with the law and policy, including situations in which a youth's parent(s) and/or guardian refuse to accept custody or care for them prior to a Detention Hearing.
- E. Intake Officers shall refer youth who are dependents pursuant to WIC 300 to the Department of Child, Family and Adult Services (DCFAS) Cultural Brokers program when pending a WIC Section 602 charge.
- F. A youth described under WIC Sections 601, 654 and 654.2 shall not be booked into the YDF, unless the youth is from another state.
- G. If eligible for release, Intake Officers shall use due diligence when investigating all release options. This includes obtaining the names and addresses of relatives, including any parent, as well as non-related extended family members whom the youth could be released to pending their detention hearing.
- H. If the youth is detained at the YDF, the Intake Officer shall inform the Public Defender's Office within two hours of booking when practicable.
- I. Intake Officers will confirm the arresting officer notified the youth's parent, guardian, or a responsible relative that such minor is in custody and the location of where the minor is being held.

## **II. Detention Hearing**

- A. The detention hearing shall be scheduled no more than 72 hours from the time of the youth's detention, counting only court business days for the following offenses:
  - 1. A felony or misdemeanor involving violence;
  - 2. The threat of violence;
  - 3. Use of a weapon; or
  - 4. Any new law violation committed by a ward of the court.
- B. The detention hearing shall be scheduled no more than 48 hours from the time of the youth's detention, counting only court business days:
  - 1. If the offense is a misdemeanor not involving violence;
  - 2. Warrant, transfer-in;
  - 3. Violation of Probation;
  - 4. Motion to Modify Custody Status, or
  - 5. Violation of Probation by a ward of the court.
- C. An Intake Officer shall inform the youth's parents, legal guardian, or responsible relative of the date and time of the youth's detention hearing.
- D. An Intake Officer shall inform the District Attorney's Office of the date and time of the youth's detention hearing. This notification is completed via JARS (Juvenile Arrest Referral System).

- E. An Intake Officer shall contact the victim of the alleged crime, if one exists, advising them of the youth's detention hearing date and time. An email to the victim advocate will be sent if the victim is unable to be notified.

### **III. Detention or Release**

- A. An Intake Officer shall complete a Detention Risk Assessment for every youth booked into custody unless the youth is referred for a Citation Hearing.
- B. An Intake Officer shall determine if the youth qualifies under the Indian Child Welfare Act (ICWA):
  - 1. If the youth qualifies under the ICWA, the Intake Officer will follow all Federal ICWA Regulations & Guidelines, California Statutes, and Rules of Court.
- C. The Intake Officer shall immediately release the youth to the custody of their parent, legal guardian, or responsible relative unless it can be demonstrated that continuance in the home is contrary to the youth's welfare and one or more of the following conditions exist:
  - 1. The youth's continued detention is a matter of immediate and urgent necessity for the protection of themselves or reasonable necessity for the protection of a person or property of another;
  - 2. The youth is determined to be a flight risk;
  - 3. The youth violated an order of the juvenile court;
  - 4. The Court has ordered the youth remain in custody until their detention hearing;
  - 5. The youth is a WIC 300 dependent from out of county with no available placement;
  - 6. The youth has an out-of-county warrant or an out of state warrant;
    - a. The youth must be transported to the county or state which issued the warrant within five calendar days. This extends to seven calendar days if the warrant issued is from another state.
  - 7. The youth is an out of state runaway;
    - a. The youth must be picked up by their parent, legal guardian, or responsible relative within seven calendar days, but can be extended for a safe return home.
  - 8. The youth has out of county WIC 602 status and their detention is requested by another county/agency. The youth can be held in custody for up to 48 hours, upon the request of said county; or
  - 9. An Intake Officer may request a detention override which must be reviewed and approved by an Intake Supervisor.
- D. The Intake Officer has the following options to release a youth:
  - 1. Citation hearing;
  - 2. Promise to Appear for an arraignment or detention hearing;
  - 3. Home Supervision pending a detention hearing;
  - 4. Home Supervision pending electronic monitoring;
  - 5. Electronic Monitoring pending a detention hearing;
  - 6. Global Positioning System pending a detention hearing;
  - 7. Release to self, if 18 years of age or older;
  - 8. Probation generated warrant does not recommend Ricardo M. (YDF) time;
  - 9. Recall a warrant; or

10. To the Department of Child, Family, and Adult Services (DCFAS);
  - a. If the youth is a WIC 300 dependent; or
  - b. A non-ward whose parents refuse to accept custody shall be released to one of the DCFAS Welcome Homes. Child Protective Services will be contacted by an Intake Officer in an attempt to have them pick up the minor from the YDF. Should CPS be unable to transport the minor, YDF staff will then transport the minor to the selected Welcome Home.

#### **IV. Intake Report**

- A. The Intake report shall include the following:
  1. Offense Summary;
  2. Victim notification;
  3. Criminal history of the youth;
  4. School information of the youth;
  5. Child Protection Services history of the youth and the youth's family;
  6. Indian Child Welfare Act; and
  7. Interviews with both the parent/guardian or responsible relative and the youth regarding:
    - a. Behavior in the home;
    - b. Home environment;
    - c. Academics;
    - d. Medical and mental health;
    - e. Trauma history;
    - f. Pro-social activities; and
    - g. Criminal history of the parent or guardian or reasonable relative.
- B. The Intake Supervising Probation Officer shall review and approve the Intake Report.
- C. The Intake Report will be sent to the District Attorney (DA), Public Defender (PD), Criminal Conflict Defender (CCD) or retained attorney, and the Court via email.

#### **V. Bodiless Detention Hearings**

- A. When LEA notifies an Intake Officer of an injured/ill youth who has been detained or arrested, is currently at the hospital under a physician's care, and will remain at the hospital for more than 48 hours, the Intake Officer shall:
  1. Determine the date and time the youth was detained in order to ensure the statutory time requirements for a detention hearing are met;
  2. Request the LEA immediately deliver a completed booking packet to an Intake Officer in person;
  3. Submit the PC Declaration to the Magistrate for review within 24 hours;
  4. Schedule a detention hearing within the statutory timeframe;
  5. Contact the DA with the date and time of the youth's scheduled detention hearing and inform them the youth is currently hospitalized;
  6. Advise the arresting LEA, Probation will not assume custody of the youth until the Magistrate has ordered the youth detained at the detention hearing; and

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7. Coordinate with YDF Administration, YDF Medical, and the hospital physician regarding the youth's medical assessment and projected transfer to the YDF.
8. The DA will coordinate with the PD, CCD, or retained attorney and the Court regarding the manner in which the detention hearing will be held.

### **Attachments**

N/A

### **Amends/Replaces**

N/A

**Authorized By**  **Date** 4/2/25  
*Brad Marietti, Chief Deputy Probation Officer*