



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: January 24, 2012

Title	Agenda Item Type
Juvenile Law: Commitment to California Department of Corrections and Rehabilitation, Division of Juvenile Facilities	Action Required
	Effective Date
	January 24, 2012
Rules, Forms, Standards, or Statutes Affected	Date of Report
Revise Form JV-732	December 15, 2011
Recommended by	Contact
Family and Juvenile Law Advisory Committee	Carrie Zoller, 415-865-8829
Hon. Kimberly J. Nystrom-Geist, Cochair	carrie.zoller@jud.ca.gov
Hon. Dean Stout, Cochair	

Executive Summary

The Family and Juvenile Law Advisory Committee recommends that form JV-732 be revised to correct an inadvertent error that rendered this mandatory form optional as of January 1, 2012. This form has been mandatory since it was first adopted effective January 1, 2003.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 24, 2012, revise form JV-732, *Commitment to the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities*, to restore this form to its mandatory status as described in California Rules of Court, rule 1.31.

Previous Council Action

On November 1, 2002, the Judicial Council adopted form JV-732, then entitled *Commitment to the California Youth Authority*, as a mandatory form because at that time there were no specific

rules or forms establishing a procedure for commitment and because use of a mandatory statewide form would ensure that the state youth correctional agency, now known as California Department of Corrections and Rehabilitation, Division of Juvenile Facilities, would receive valuable information about youths in a uniform manner instead of on various local forms. This form was revised effective January 1, 2006 and January 1, 2009 to conform to the name change of the state agency and for other minor issues.

At the October 28, 2011 Judicial Council meeting, form JV-732 was further revised. That revision included a title change from “Division of Juvenile Justice” to “Division of Juvenile Facilities” to reflect the correct name of the division. Item 18 was added to enable the court to indicate if it is aware that the child has been in a foster placement. This information will help the Division of Juvenile Facilities comply with its requirement to notify former foster youth of their rights to assistance prior to being released. Finally, the revisions included inadvertently changing the footer of the form to indicate that this was an optional, rather than mandatory form as discussed below.

Rationale for Recommendation

As noted above, this form was created to provide the Department of Corrections and Rehabilitation, Division of Juvenile Facilities with one consistent court order form for commitments. The form was created at the request of the then California Youth Authority with significant input from that agency as to what information must be provided.

This form was presented to the Judicial Council at the October 28, 2011 meeting in a proposal group of a large number of forms used in juvenile delinquency proceedings. In that proposal this committee recommended that the Judicial Council change the designation of a number of delinquency court order forms from mandatory to optional. Form JV-732 was intended to be excluded from that change as noted at page 3:

To respond to concerns expressed about costs associated with implementing Judicial Council forms, the committee proposes that all delinquency court order forms except the *Commitment to the California Department of Corrections and Rehabilitation, Division of Juvenile Justice [sic]* (form JV-732) be made optional rather than mandatory.

In addition to the substantive form changes, the revisions included inadvertently changing the footer of Form JV-732 to indicate that it is an optional, rather than mandatory, form. Due to the continued need for a consistent commitment form, the committee recommends correcting this error.

Comments, Alternatives Considered, and Policy Implications

This proposal was not circulated for public comment because it is noncontroversial, involves technical revisions, and therefore is within the Judicial Council’s purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).)

Implementation Requirements, Costs, and Operational Impacts

Implementation of the revised form will incur standard reproduction costs or costs of updating form software.

Relevant Strategic Plan Goals and Operational Plan Objectives

Because this proposal will provide standardized forms that ensure compliance with state and federal legal requirements, it supports the integrity of court orders, objective A4 of Goal III: Modernization of Management and Administration.

Attachments

1. Form JV-732, at page 4

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO. (Optional): _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
YOUTH'S NAME: PARENT'S NAME:	
COMMITMENT TO THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, DIVISION OF JUVENILE FACILITIES	CASE NUMBER: JUVENILE:

1. a. Youth's name: _____
- b. Youth's date of birth: _____

2. a. Date of hearing: _____ Dept.: _____ Room: _____
- b. Judicial officer (name): _____
- c. Persons present:

Youth
 Youth's attorney
 Mother
 Father
 Guardian
 Deputy district attorney
 Others as reflected on the attached minute order

THE COURT FINDS AND ORDERS:

3. The youth was under the age of 18 years at the time of the commission of the offense for which the youth is being committed to the Division of Juvenile Facilities.

4. The mental and physical condition and qualifications of this youth render it probable that the youth will benefit from the reformatory discipline or other treatment provided by the Division of Juvenile Facilities.

5. a. The youth is committed to the Division of Juvenile Facilities for a 90-day period of observation and diagnosis.
- b. The youth is committed to the Division of Juvenile Facilities for acceptance.
- c. The youth is a ward of the Division of Juvenile Facilities under a prior commitment and
 - is recommitted to the Division of Juvenile Facilities.
 - is returned to the Division of Juvenile Facilities with the following recommendation.
 - the status of being discharged to supervision should be revoked.
 - the status of being discharged to supervision should not be revoked.
 - the discharge status of the youth should be determined by the Division of Juvenile Facilities.

6. The youth has been declared a ward of the court and is committed based on the following sustained petitions:

<u>Sustained</u>	<u>Petition Date</u>	<u>Offense</u>	<u>Code</u>	<u>Degree</u>	<u>707(b)</u>	<u>Enhancement</u>	<u>Term</u>
a.							
b.							

YOUTH'S NAME: 	CASE NUMBER: JUVENILE:
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6. c. Sustained
Petition Date Offense Code Degree 707(b) Enhancement Term

d.

e.

Continued in attachment 6.

7. The youth has credit for (*state number*): _____ days in secure custody.

8. Confinement period:

a. The maximum period of confinement is (*state years and months*):

b. The court has considered the individual facts and circumstances of the case in determining the maximum period of confinement.

9. The youth is ordered to pay a restitution fine of \$

10. The youth is ordered to pay victim restitution as stated in attachment 10.

11. Exceptional needs:

a. The youth is an individual with exceptional needs.

b. The youth has an individualized education program.:

included as attachment 11b.

to be furnished to the Division of Juvenile Facilities when obtained.

c. The youth is not an individual with exceptional needs.

d. It does not appear that a determination has been made regarding any exceptional needs the youth may have.

12. The court requests that the youth be considered for programming related to

13. The court requests that a copy of the Clinical Summary Report be sent to the youth's attorney (*name and address of attorney*):

14. The probation officer is directed to forward a copy of the youth's medical records to the Division of Juvenile Facilities before delivery.

YOUTH'S NAME: _____	CASE NUMBER: JUVENILE:
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15. Youth has has not been prescribed psychotropic medication.
 Type and dosage of medication (*specify*):

Additional documentation provided in attachment 15.

16. Such psychotropic medication, if still necessary based on an evaluation by a Division of Juvenile Facilities physician, may be continued for a period not to exceed 60 days from the date of delivery to the Division of Juvenile Facilities reception center and clinic.

17. The child is ordered to submit to AIDS testing under Welfare and Institutions Code section 1768.9.

18. The court has determined that the youth has been in at least one foster care or other Title 42, U.S. Code, Part IV-E-eligible placement during the course of a dependency or delinquency case.

19. Other findings and orders:

a. See attached.

b. (*Specify*):

Date:

 JUDICIAL OFFICER

