

Court for the Individualized Treatment of Adolescents
(Juvenile Mental Health Court)
Juvenile Justice Court, Superior Court,
Santa Clara County, California

PROTOCOL

24 February 2010

DRAFT

This Protocol is the result of a collaborative effort by all the participants in Juvenile Justice Court in Santa Clara County. Please see the end of the Protocol for the details of participation.

I. PURPOSE of CITA

To treat minors in Juvenile Justice Court (delinquency court) who suffer from serious mental illness, while keeping the minor and the community safe. To treat the underlying causes of criminal behavior in an attempt to keep young mentally ill persons from becoming institutionalized and to keep them from becoming adult criminals.

II. IMPORTANCE OF CITA

CITA is unique. Santa Clara County's CITA is the first juvenile mental health court in the United States, launching on February 14, 2001. It was created with no special funding or grants, but rather with each member organization donating their resources to create CITA. This demonstrates the commitment of the entire legal and mental health community, and that each saw the great value of the CITA concept.

Early on, defense attorneys were surprised by the resistance of families to the program when it was called a mental health court, so the name "Court for the Individualized Treatment of Adolescents" was adopted. Nonetheless, mental illness is not swept under the rug – each CITA minor and family

must accept the minor suffers from mental illness and must work with the CITA team in dealing with mental illness.

Minors who suffer from a variety of mental disorders, from Attention Deficit Disorders to Schizophrenia participate in CITA. CITA's approach is unlike the traditional handling of juvenile delinquency cases. The emphasis in all Juvenile Justice Court cases is rehabilitation, accountability of the offender through the use of consequences, and restoration of victims. However, in CITA the rehabilitation effort is magnified, and the consequences applied are appropriate to persons suffering from mental illness. CITA is a specialized court with a separate calendar from standard juvenile delinquency calendars. CITA reviews occur about every other week. CITA is different because it fosters these concepts:

1. Informal discussion among professionals in a non-adversarial setting.
2. Among the CITA members there is mutual respect, trust, professionalism, and a shared goal of healing minors who suffer from mental illness.
3. Collaboration is the strength of CITA.
4. The more minds you put toward finding solutions, the better the result.
5. Cross-fertilization of opinions among experts from different fields allows members from different disciplines to find creative solutions for CITA minors.
6. High-level, intense, and broad areas of expertise are brought to bear for each minor. The most expert persons in their field in Santa Clara County are members of the CITA Multidisciplinary Team.
7. There is immediacy in having all experts in the room at the same time, rather than spending days and weeks trying to collect information.
8. Having a complete psychological assessment of each minor is invaluable.
9. Minors in CITA court are better served than the regular population of minors in the Juvenile Justice Court.
10. CITA provides positive reinforcement for minors. CITA celebrates small accomplishments of each minor. We applaud "baby steps."
11. Constant, intense, and specialized review of the minor's progress.
12. The shortest time spent in detention is best for a mentally ill minor, unless the CITA team believes the minor should remain in custody for the standard two weeks of detention time. Most commonly, the CITA judge gives the CITA probation officer discretion to release the minor between arraignment/detention and jurisdiction, once services are in place.
13. A belief that successful graduation from CITA is possible for every

- minor, and it is the task of CITA to help the minor succeed.
14. Early and intense intervention is the best way to keep a mentally ill minor from re-offending and becoming an adult criminal.

Empirical data and evidence-based evaluations prove CITA works. Recidivism for CITA minors decreased. When minors do re-offend, the level of their new crimes is lower than when they came into CITA. Many minors successfully graduate from CITA.

III. GOALS of CITA

1. Find solutions for minors with mental health issues in the Juvenile Justice Court (delinquency court) that are strength-based, child-centered, family-focused and culturally appropriate.
2. Hold the minors accountable for their actions.
3. Keep the community safe.
4. Decrease recidivism.
5. Protect minors from themselves, if applicable.
6. Return minors to their homes, if appropriate.
7. Place minors in the least restrictive placements.
8. Connect minors to mental health services in the community; match minors to appropriate diagnostic, therapeutic, and aftercare interventions.
9. Restore victims through restitution and restorative justice.
10. Enable minors to graduate successfully from CITA.
11. Maintain statistics to determine successes and best practices.
12. Serve our local community while remaining a National Model Court.
13. Look for improvements to CITA, consider new resources, and explore beneficial community options.
14. Promote training and education among the professional participants in CITA.

IV. GENERAL SERVICES OF CITA

1. Triage, comprehensive assessments and screenings. Usually there are two substantive evaluations – one from juvenile hall clinicians and a more in-depth one from the psychiatric social workers assigned to CITA from the Department of Mental Health. Sometimes the minor comes into the court system with pre-existing evaluations, so there can be 3 or 4 evaluations.

Regardless, CITA requires its own comprehensive assessment. This assessment is updated as needed.

2. A collaborative approach with a multidisciplinary team.
3. Intensive probation officer supervision with probation officers who have special training in juvenile mental health issues. The probation officers are specially selected because of their juvenile experience, mental health expertise, and aptitude to be a special probation officer for this special court. The CITA probation officers are assigned solely to CITA minors and divide the caseloads evenly.
4. All CITA matters are handled in a non-adversarial setting. The primary focus of the District Attorney in CITA is finding solutions to the minor's mental health issues.
5. Services are provided not only to the minor but to the whole family, where appropriate. A high percentage of minors who are in CITA have parents and siblings who are in need of intensive services themselves, sometimes because of their own mental health issues. We recognize this and seek to treat the whole family, if such treatment benefits the minor.
6. There is a sharing of confidential information between agencies.
7. Mental health experts have strong voices in the collaborative process.
8. There are frequent judicial reviews and monitoring of progress.
9. Community based supervision. There is an emphasis on maintaining the minor in his or her home, if possible.

For the multitude of specific services of CITA, see "STEP SIX- ACCEPTANCE" below.

V. THE TEAM APPROACH - HOW IT WORKS

There are 23 members of the CITA team. The number fluctuates up or down by a few members depending on the addition or subtraction of non-profit community participants (based on grants and assignments within those

agencies). The government agency membership remains at a constant number.

In general, there are three CITA groups:

1. The **Screening Team** of about 6 members. The Screening Team meetings are scheduled for every Thursday at 9:30 am in the Probation Department second floor conference room).
2. The **Multidisciplinary Team** of about 14 members. The Multidisciplinary Team meets every second and fourth Wednesday of each month at 11:00 am to 12:00 noon or longer in the judge's chambers of Department 79.
3. The **Courtroom Team** of about 6 members. The Courtroom Team meets during CITA Parte Reviews every second and fourth Wednesday of each month from 1:30 pm to 5:00 pm in the courtroom of Department 79. The attorneys, minors, families, and all CITA team members must be present at 1:15 pm to prepare for the 1:30 calendar.

Some CITA members sit on one team, some on two teams, some on all three teams. There are some CITA members who do not sit on a particular team. Their presence is not needed for every group meeting; they provide support remotely unless their issue or "their minor" comes before CITA. Some members work in tandem, such as the non-profit legal rights attorneys from the community. In this case, two or more representatives within each agency takes turns sitting on a team, or appearing when "their minor" is on calendar, or both. Oftentimes, two non-profit attorneys from the same agency will attend the Multidisciplinary Review Team meetings or courtroom hearings.

VI. STATIC MEMBERS

So that there is consistency for the minors and families, and to maintain a high level of professionalism and knowledge within CITA, all CITA members are static members. For the deputy district attorney, CITA probation supervisor, and psychiatric social workers, one person from each of those agencies is assigned as the sole or primary CITA member for all cases. There is no substituting or "handing off" of tasks and appearances.

For defense counsel, and CITA probation officers, there is at least one person assigned to each minor and that person does not change during the case. There is no substituting or “handing off” of tasks and appearances. For non-profit juvenile rights agencies, one or more persons are assigned to divide up the work as the agency deems appropriate. The same judge will hear all CITA matters. The same court clerk will handle all CITA matters. For all other members, consistency is a primary goal. Exceptions are allowed in cases of emergency, illness, vacation, retirement, assignment rotations out of the Juvenile Justice Court, etc.

With prior permission of the judge, team members can bring interns and assistants to CITA. The interns and assistants must accept the terms of confidentiality. The interns and assistants cannot replace or make appearances for the actual members of CITA, but may assist the actual members of CITA.

VII. BILINGUAL SUPPORT

For CITA members who meet directly with the minor and families outside of the courtroom, it is a goal to have bilingual members. However, if expertise and bilingual status are at odds, expertise takes precedence. (Spanish and Vietnamese are the highest in priority among the non-English languages in Santa Clara County). Currently, one of the CITA psychiatric social workers is bilingual in English and Spanish. Regardless, all County agencies that participate in CITA have all-language interpretation services within their agencies, and the court provides all-language interpretation within the courthouse waiting room, attorney meeting rooms, and the courtroom.

VII. MEMBER DESCRIPTIONS

There are many members of CITA. These are the main categories:

Deputy Public Defender

Deputy Alternate Defender

Independent Defense Counsel Office attorney

Private defense counsel

The Juvenile Justice Court in Santa Clara County automatically appoints the Office of the Public Defender to represent every minor in court. The attorney for a particular minor may be from the Office of the Public Defender; or Office of the Alternate Defender (if the Court grants a conflict for the Public Defender); or the Independent Defense Counsel Office (if the Court grants a conflict for the Public Defender and Alternate Defender); or private counsel if the minor retains private counsel.

Defense attorneys represent the rights of minors in CITA. For each minor, each attorney determines whether it is in the minor's legal interest to participate in CITA, discusses the CITA program with the family, obtains consent forms to apply to CITA, and notifies the regular probation officer that the minor is applying to CITA. For their CITA minor, each CITA defense counsel attends CITA Screening Team meetings, CITA Multidisciplinary Team meetings and all court hearings. All CITA defense counsel help formulate CITA policy at all CITA Forums. If a conference presentation occurs, one defense counsel is part of the presentation team.

Supervising Public Defender – Assigns and supervises the CITA deputy public defender. Occasionally attends CITA hearings; helps formulate CITA policy at all CITA Forums.

Deputy District Attorney – Represents the State of California in CITA and Juvenile Justice Court and has a say in all matters of CITA, even though there is no litigation ongoing once a minor is accepted into CITA. Attends all Multidisciplinary Team meetings and court hearings. Participates in CITA conference presentations, and helps formulate CITA policy at all CITA Forums.

Supervising District Attorney – Assigns and supervises the CITA deputy district attorney. Makes decisions about which minors may be referred to CITA if the minor does not otherwise qualify for CITA, and attends all CITA Screening Team meetings. Occasionally attends court hearings in CITA; helps formulate CITA policy at all CITA Forums.

CITA Probation Officers –

Two CITA probation officers are assigned solely to CITA. Each supervises a maximum of 25 CITA minors.

The CITA probation officers are members of the CITA Screening Team. They provide feedback to the screening team regarding the suitability of the minor to participate in CITA, and the level of services needed in order to assist the minor's return to the community while also taking into account public safety.

CITA probation officers make initial and supplemental dispositional recommendations to the Court upon a minor's acceptance into CITA and assist in the development of the minor's treatment plan.

CITA probation officers prepare Parte Review reports to the court and the CITA Multidisciplinary Team, of which the CITA probation officers are members.

CITA minors require a higher level of services than can be provided in a geographical probation officer unit. CITA minors required specialized probation supervision. CITA probation officers supervise CITA minors according to the department's maximum classification level. Each case is reclassified quarterly, but despite the results of the classification assessment, each CITA case remains at the maximum supervision classification level.

At a minimum, CITA supervision includes three CITA probation officer contacts with each CITA minor each month -- two contacts being face to face and one contact being over the telephone or written. In addition, there must be one CITA probation officer contact with the parent or guardian per month, and one contact with school personnel per month. In almost all CITA cases there are many more contacts than the minimum per month. Contacts may include home visits and school visits between court reviews. Collateral contacts that occur in team settings (such as with treatment providers) are conducted as needed.

CITA probation officers attend CITA minors' educational meetings and community service provider meetings. CITA probation officers act as liaisons to community mental health treatment programs to provide for a continuum of service for each CITA minor. CITA probation officers arrange for urinalysis, as needed, to determine if the minor is taking his or her prescribed medications and to make sure the minor is not using illegal drugs or alcohol.

CITA probation officers attend all CITA Screening Team meetings and all CITA Multidisciplinary Team meetings. CITA probation officers attend all court hearings for their CITA minors unless a pressing matter requires their attendance elsewhere. CITA probation officers contact community service provider representatives to notify them of upcoming court hearings. CITA probation officers help formulate CITA policy at all CITA Forums.

CITA Probation Supervisor –

The CITA probation supervisor directly supervises the CITA probation officers.

The CITA probation supervisor (“supervisor”) receives all CITA referrals from regular probation officers and performs the eligibility review to determine if the applicant-minor initially qualifies for CITA. If the minor is initially eligible, the supervisor is responsible for gathering and delivering court and probation documents to the Department of Mental Health’s CITA psychiatric social worker in order for Mental Health to begin the CITA Psychiatric Social Worker Assessment. Following this, the supervisor places each applicant minor’s case on the weekly screening schedule. Using email, the supervisor notifies the CITA Screening Team, the CITA judge, and the CITA juvenile civil rights advocates the names of minors being screened and the date and time of each minor’s CITA Screening Team meeting. The supervisor notifies the CITA judge and the referring judge regarding the results of each CITA Screening Team decision.

The supervisor facilitates the CITA Screening Team meetings and is a member of that Team. The supervisor attends all CITA Multidisciplinary Team meetings. The supervisor attends some CITA Parte Review hearings when needed. The supervisor assists in setting policy for the Probation Department regarding CITA; coordinates CITA activities and functions with the judge; reviews and signs all probation reports generated by the CITA probation officers; and is available to provide the court with requested information about probation services and programs for high level decisions or complex cases. The supervisor maintains basic statistics on CITA cases. The supervisor helps formulate CITA policy at all CITA Forums.

Project YEA Coordinator (Probation Department) – Assesses the educational needs of the minor; and sets up and attends Individualized

Education Plan and Special Education meetings, etc. Meets with minors and families; coordinates with CITA probation officers; monitors minor's progress and updates educational plans; and reports to CITA. Attends the Multidisciplinary Team meetings, and helps formulate CITA policy.

Psychiatric Social Workers (Department of Mental Health) – Two certified psychiatric social workers (also known as mental health clinicians) are assigned solely to CITA. Assess minors during the comprehensive screening process; follow each minor's mental health issues closely throughout each minor's case; meet regularly with each minor's treating psychologist/psychiatrist; report to the CITA team at least every two weeks at the Multidisciplinary Team meetings (and usually many times in each week); make recommendations based on the each minor's mental health needs; work closely with the CITA probation officers and defense counsel; and help formulate CITA policy.

Juvenile Civil Advocate Attorneys from:

National Center for Youth Law (NCYL)

Bay Area Legal Aid (BALA) for low income individuals, and

Legal Advocates for Children and Youth (LACY)

Each of these organizations assigns one to two lawyers, plus interns, to the CITA team. There are usually 3 or 4 civil advocate attorneys at each Multidisciplinary Team meeting, and 2 or 3 civil advocate attorneys at each court hearing. Civil advocates are experts in federal and state youth law. Civil advocates attend the CITA Multidisciplinary meetings to contribute information on supports and services for youth and families; and to identify youth with potential civil legal needs. Immediately before or after the CITA Parte Reviews, civil advocates meet with families in the courthouse waiting room to conduct intake interviews of CITA families to determine the civil rights needs of each CITA minor, and provide service in obtaining benefits such as: Supplemental Security Income, disability funding (California Government Code Title 1, Division 7, Chapter 26.5), Cash Assistance Program for Immigrants, Medi-Cal, CalWORKS, General Assistance, Food Stamps, Housing, Individualized Educational Plans, and Regional Center services. The civil advocate attorneys are aware of barriers to obtaining services, especially when a minor moves between counties or when a school attempts to drop a minor. They are well versed in rights relating to education, education funding, and transportation to education. LACY knows what educational programs exist in every school and every school district in Santa Clara County and is instrumental in matching a specific minor's needs

to a specific school program. Civil Advocates may attend conferences where CITA is presented. All civil advocates help formulate CITA policy at CITA Forums.

Judge – Makes sure the legal rights of the minor and the State are upheld in CITA; makes sure that CITA proceeds. Sets and attends all CITA meetings and court hearings. Presides over court hearings and makes judicial orders. Convenes and sets agenda for CITA Forums. Organizes CITA educational programs and CITA conference presentations. Writes CITA Protocol in collaboration with CITA members. Inspects Juvenile Hall. Coordinates with entities in the community, and in jurisdictions outside Santa Clara County. Helps formulate CITA policy at all CITA Forums.

Dr. David Arredondo, M.D. – Private medical doctor and child psychiatrist. One of the initial designers of CITA. Consults with and advises CITA, conducts CITA statistical analysis, writes peer review articles, and generates reports regarding CITA. Member of the CITA presentation team for conferences, and a member of the CITA Forum. Helps formulate CITA policy.

SUPPORTING NON-CITA-MEMBERS

CITA Court Clerk (Superior Court) – Trained in CITA issues and the frequency of reviews. Calendars CITA court dates and CITA Forum dates. Handles court-related communications between CITA members.

Probation Court Officer (Probation Department) – A Probation court officer is present in the courtroom for each hearing to shuttle in parties, call the case, make probation recommendations to the judge, answer questions of the judge and attorneys, and keep track of court orders.

VIII. INFORMATION SHARING

Because of the collaborative approach, all CITA members can review confidential information about the minors and their families, and share that

information with each other, per this protocol and standing orders of the court. (See “Access to Records Order” attached.) Members of CITA may discuss confidential information with each other at any time -- in court, during periodic group reviews, or outside of court one-to-one. Standard rules prohibiting *ex parte* communications with the judge still apply.

IX. CONFIDENTIALITY

All CITA members agree to, and shall, keep all confidential oral and written communications received as confidential. All CITA members are signers of a confidentiality agreement. (See “Confidentiality Agreement – MOU” attached.)

X. PARENT-TO-PARENT SUPPORT PROGRAM

CITA offers a program to assist new CITA parents who need support in these areas:

Parents who do not trust that CITA will be beneficial;

Parents who do not trust probation officers, courts, or attorneys;

Parents who suffer from mental illness that affects their ability to cooperate;

Parents who need positive reinforcement to help them realize their child can “make it” in CITA.

This is a pilot program. The goal is to help a supported parent become an active and cooperating team member in finding solutions for his or her child. If the CITA minor’s parent is not “on board” with CITA and is unwilling to accept services in his or her home, success is much more difficult.

A support parent who graduated from CITA with success will be matched to the parent who needs support. Only very special graduating parents are chosen to be support parents. Not every graduating parent can be a support parent. Careful consideration is exercised in matching the supporting parent with the supported parent – it must be a good match, based on the individual skills and personalities of both parents.

Each parent must volunteer and consent to the Parent-to-Parent program.

Supporting Parent

The CITA probation officer or the judge asks the supporting parent if he or she is willing to participate. If he or she agrees, the CITA probation officer will meet with the supporting parent alone in a place outside the courtroom to explain the benefits, responsibilities, and limitations of the program. Typically this will happen in a probation department office.

Supported Parent

The CITA probation officer or the judge asks the supported parent if he or she is willing to participate. If he or she agrees, the CITA probation officer will meet with the supported parent alone in a place outside the courtroom to explain the benefits, responsibilities, and limitations of the program. Typically this will happen in a probation department office.

A suggested match is discussed among the judge, the psychiatric social worker, the CITA probation officer, and/or defense counsel. Consensus is reached regarding a “good match.”

A waiver of confidentiality is required from the minor and parent who needs support. The waiver is contained in the general waiver for all families entering CITA. (See “Consent for Release of Confidential Information” attached.) Moreover, the supported parent and supporting parent sign a waiver of confidentiality (supported parent) and a contract of confidentiality (supporting parent) when the parents go through the Parent-to-Parent orientation.

Orientation

The CITA probation officer arranges for the supporting parent and supported parent to meet with the probation officer. The three of them go through orientation together. It is explained to the supporting parent that the supporting parent is not to be an advocate, not to get probation reports, not to attend court hearings, not to become enmeshed, not to attempt to solve another families’ problems, etc. It is explained to the supported parent that he or she should not seek this kind of advocacy from the supporting parent, and that the supporting parent is there to give moral support and assure the supported parent of the great possibility of success in CITA. The parents sign the agreement form, and exchange names and phone numbers.

The CITA probation officer maintains the Parent-to-Parent relationship and monitors progress. The CITA probation officer reports to the judge how the relationship is going. During and at the termination of the Parent-to-Parent

relationship, feedback about the program is received from the CITA probation officer, judge, psychiatric social worker, minor's attorney, the supported parent and the supporting parent. In this way, best practices can be created for future Parent-to-Parent relationships.

XI. COMPLAINT HOUR

Every Tuesday from 10:00 am to 11:00 am, the parents / guardians of CITA minors can call the minor's psychiatric social worker to complain. The psychiatric social workers must be available during Complaint Hour to handle complaints. Complaint Hour is a collaborative process; the goal is to empower the parents / guardians. (Complaint Hour was wisely suggested by a CITA parent and was adopted by CITA.)

The parents / guardians can complain about anything they want, and the psychiatric social worker will help find solutions. Parents / guardians can also get support and assistance in: navigating with other systems; the difficulties associated with parenting special needs children; medication issues; behaviors that are challenging; etc.

Parents have used this resource to: "let off steam;" organize their papers for eligibility for Regional Center services; organize their papers for clinical or educational resources; get referrals for their own personal therapy; to share difficult issues like financial hardship that prevents them from paying co-payments or deductibles for therapy, and they feel embarrassed to bring up in court or with their attorneys; rehearse how and what they are going to say at court or meetings; get advice on how they should dress for court or a meeting; support the minor's readiness for graduation from CITA.

If it is determined that a parent / guardian need more time beyond one hour, an appointment is set to meet with the parent / guardian face to face either at juvenile hall or in the minor's residence.

XI. STEPS OF CITA

Each year, approximately 100 minors are referred to CITA for acceptance into the program. Approximately 8.3 referrals are made per month. Currently, there is a capacity limit of 50 minors in CITA, with each CITA probation officer handling 25 minors.

STEP ONE – ADMISSION AND CONSENT

A suggestion that a minor participate in CITA can come from any source: deputy district attorney, deputy public defender, deputy alternate defender, attorney from “conflict panel” Independent Defense Counsel Office, private defense counsel, probation officer, court officer (probation), probation manager, a minor, a parent / guardian, or any of the four judges who sit in Juvenile Justice Court (delinquency).

Participation in CITA is voluntary. No minor is ordered into CITA. There has to be a willingness to participate. Most families see the benefit of CITA and readily agree to the referral. The minor’s parent / guardian and the minor’s attorney must consent to the minor’s participation in CITA.

The minor’s attorney must determine if the minor will qualify for the initial eligibility requirements of CITA. The minor’s attorney must assess whether it is in the minor’s best interest to be in CITA. If the minor’s attorney would like the minor to apply to CITA, the attorney explains the purpose and process of CITA to the minor and family.

In order to be referred to CITA, the minor must admit the allegations; there will be a sustained petition and judgment will be entered during a court proceeding. Because the referral cannot occur if there is a Welfare & Institutions Code § 707(b) offenses, if the minor is charged with a § 707(b) offenses, a negotiated settlement must occur between defense counsel and the supervising district attorney at this time.

A minor must agree to CITA before or at the time of admitting the allegations. If the matter is set for contested jurisdictional hearing (trial) the minor is no longer eligible for CITA. Minors cannot come into CITA at or after the time of disposition. There may be some rare exceptions, such as when a minor transferred into Santa Clara County court from another jurisdiction after the minor has already admitted the allegations in the foreign jurisdiction prior to the transfer. However, the application to CITA must be upon arrival in Santa Clara County, not after dispositional orders are made. This limitation exists because, among other reasons, CITA is a dispositional court not a post-dispositional court; families have to be receptive and willing to work with CITA, not as an afterthought; the court does not want to encourage “judge shopping” or “result shopping.” For

these reasons, parties should be cognizant of potential CITA minors at the earliest possible stage in the proceedings and apply early.

With the assistance of the minor's attorney, a CITA consent form is completed by the minor and parent / guardian so that confidential information can be collected, assessed, and shared among the members of CITA. See attached "Consent for Release of Confidential Information." The minor's attorney provides the consent form to the CITA probation supervisor. The consent form must be collected by the CITA probation supervisor.

STEP TWO – REFERRAL

The case is referred to CITA. When a minor is referred to CITA, the judge will set a Dispositional (sentencing) Hearing at 8:30 am in approximately two weeks (in custody minors) or three weeks (out of custody minors). If the minor is referred from Department 79, the minor's matter will be calendared for Disposition Hearing on the second or fourth Wednesday of the month in Department 79 (because those are CITA days). If the minor is referred from Departments 77, 78 or 79-A, the Dispositional Hearing will be set on whatever morning that judge prefers in that judge's department.

The judge must order "that 1) a complete jurisdictional probation social study and 2) an unsealed forensic psychological evaluation that includes a DSM IV assessment be completed prior to the CITA Screening Team meeting date."

The probation department's court officer (who attends all court hearings) transmits via a court memo to the regular probation officer that the minor is being referred to CITA.

If the regular probation officer has not done so already, the regular probation officer must prepare a complete jurisdictional probation social study prior to the screening date. Typically, the referral to CITA comes at the time of jurisdiction, but occasionally the referral will come from a detention hearing, in which case the probation officer needs to generate a social study.

The regular probation officer emails a referral to the CITA probation supervisor and follows up with a copy of the jurisdictional social study to the CITA probation supervisor.

The probation department's court officer transmits via court memo a request to the court officer supervisor that the court officer supervisor arrange an unsealed forensic psychological evaluation that includes a DSM IV assessment be completed prior to the CITA Screening Team meeting date. The court officer supervisor chooses a psychologist or psychiatrist from the approved list of evaluators, FAXes the necessary reports to the evaluators, and indicates to the evaluators that the evaluation needs to be turned in to the CITA probation supervisors three days prior to the CITA Screening Team meeting.

STEP THREE – ELIGIBILITY

The CITA probation supervisor determines initial eligibility for each applicant. The eligibility determination is made within a few days of the referral. The supervisor will reject applicants who do not meet these criteria:

- The minor must have already admitted the criminal conduct and there must be a sustained petition; Disposition (sentencing) is pending.
- The minor must be 17 years and 6 months or younger at the expected time of the upcoming Disposition (sentencing) in about one week.
- The minor's attorney and the minor's parent / guardian must consent to the minor participating in CITA and have delivered the Consent for Release of Confidential Information to the CITA probation supervisor.
- The minor cannot have any prior or current serious or violent felonies [California Welfare & Institutions Code § 707(b) offenses]. If the minor is under 14 years old the minor can be accepted into CITA with a prior or current 707(b) offense only upon review by and approval of the District Attorney. If the District Attorney does not approve, the minor cannot be in CITA. (For a list of California Welfare & Institutions Code § 707(b) offenses, see attachment at end of this document)

Almost all minors who are referred to CITA pass the eligibility criteria because the criteria are known to all professionals in Juvenile Justice Court and they will not refer a minor to CITA unless the criteria will be met. Regardless, the CITA supervising probation officer must run a criminal history to determine if there are any unknown crimes from other jurisdictions.

Notice regarding initial inclusion or exclusion from CITA must be provided by the CITA probation supervisor to the regular probation officer. The regular probation officer will prepare a report for court indicating the status of the case. Prior to giving the result to the regular probation officer, if there is something that can be cleared up between the CITA probation supervisor and a member of the CITA Screening Team, informal communications occur. For example, if the defense attorney has not delivered the Consent for Release of Confidential Information to the supervisor, it can be obtained.

If the minor is found to be initially eligible, the CITA probation supervisor collects court and probation documents and delivers them to the Department of Mental Health's CITA psychiatric social worker in order for Mental Health to begin the CITA Psychiatric Social Worker Assessment.

STEP FOUR – PSYCHIATRIC SOCIAL WORKER ASSESSMENT

If the minor is found to be initially eligible for CITA, a psychiatric social worker(s) from the Department of Mental Health completes an assessment that takes an average of 30 hours per minor.

The psychiatric social worker will:

- Review previous psychological assessments, IEPs, and records from private and public psychiatrists, psychologists, and therapists;
- Meet the minor;
- Meet the family members;
- Visit the minor's home;
- Visit the minor's school to talk with teachers, counselors, principals and staff (if the minor is in school);
- If the minor is in Juvenile Hall, meet with the facility psychiatrist for a counseling plan and to complete a diagnostic consultation with the psychiatric social worker;
- If the minor is seeing a psychologist or psychiatrist outside a County facility, consult with that professional;
- Attend school Individualized Educational Plan and Special Education meetings, etc.;
- Attend all Probation and Department of Mental Health MDTs;
- Attend Family and Child Team Meetings;
- Attend Disability meetings (California Government Code Title 1, Division 7, Chapter 26.5);

- Complete an Individual Comprehensive Mental Health Evaluation;
- Complete a Needs Assessment for minor and family;
- Anything else that will assist in assessing the applicant.

The CITA psychiatric social worker also obtains either a recent private psychological evaluation which diagnoses or rules out DSM IV disorders, or a court ordered Department of Mental Health psychological evaluation which diagnoses or rules out DSM IV disorders. The psychiatric social worker delivers it to the CITA probation supervisor.

If there are any problems with completing the Psychiatric Social Worker Assessment, the CITA psychiatric social worker will notify the CITA probation supervisor by email immediately.

STEP FIVE – SCREENING TEAM SUITABILITY FINDING

The findings of the psychiatric social worker(s) are shared with the CITA Screening Team for a group discussion. The CITA probation supervisor sets the CITA Screening Team meetings by emailing all CITA Screening Team members, the CITA judge, and the juvenile civil rights advocates. The CITA probation supervisor convenes and facilitates the CITA Screening Team meetings. The Screening Team meetings are scheduled to meet every Thursday at 9:30 am in the Probation Department’s second floor conference room.

If the minor is in custody, the Screening Team meeting must take place within 10 court days of receiving the email referral from the regular probation officer. If the minor is out of custody, the screening team meeting must take place within 14 court days of receiving the email referral from the regular probation officer. Every effort will be made to screen cases as soon as all parties have had an appropriate amount of time to prepare for the screening. [Note: as a new CITA psychiatric social worker gains CITA experience the turn-around time drops to 7 court days (in custody) and 10 days (out of custody).]

If there are any problems with meeting the schedule of the CITA Screening Team meeting (such as the minor’s mother did not meet with the psychiatric social worker) the CITA probation supervisor will notify the CITA Screening Team by email immediately. The supervisor will re-schedule the screening meeting to the next available screening meeting date (the following Thursday).

In order for the minor to be screened for CITA, there must be a complete probation social study as well as a forensic psychological evaluation prior to the screening date. The forensic psychological evaluation must be either a recent private psychological evaluation which diagnoses or rules out DSM IV disorders, or a court ordered Department of Mental Health psychological evaluation which diagnoses or rules out DSM IV disorders.

Present at the Screening Team meeting are: the CITA probation supervisor, one or two CITA probation officers, the minor's defense attorney, the supervising district attorney, and one or two CITA psychiatric social workers from the Department of Mental Health.

The deputy district attorney assigned to the case does not participate in the CITA Screening Team meetings. This is so because if the minor is not accepted into CITA the trial deputy district attorney will not have information from the screening process to use in potential future litigation. The CITA judge does not participate in the screening process.

In each case the Screening Team considers the following criteria for acceptance into CITA:

SUITABILITY CRITERIA

1. The minor must be professionally diagnosed as suffering from a Serious Mental Illness. A Serious Mental Illness as defined for purposes of CITA is limited to:
 - a) Brain conditions with a genetic component (major depression, bipolar disorder, schizophrenia, severe mood or anxiety disorder, severe ADHD);
 - b) Developmental disabilities (pervasive developmental disorder, mental retardation, autism);
 - c) Organic brain syndromes (severe head injury, severe cognitive deficit, and degenerative diseases of the brain)
 - d) Fetal Alcohol Syndrome (and the constellation of fetal alcohol conditions)

A diagnosis that EXCLUDES a minor from CITA is: conduct disorder, oppositional defiant disorder, impulse control disorder, adjustment reactions, personality disorders (and similar disorders),

and all other diagnoses, unless the disorders are otherwise complicated by another biologically based diagnosis. This is so because a minor with one of these excludable diagnoses is not likely to be amenable to the services provided by CITA.

2. The minor has a supportive adult at home.
3. The minor has a suitable home environment.
4. Participation in CITA must be appropriate for the minor's needs. (For instance, a 17 year 3 month old minor who was found eligible under the 17 year 6 month old cut-off criteria may nonetheless be unsuitable in light of other factors revealed during the full assessment, such as there is not enough time to properly handle the magnitude of the minor's issues or the minor refused to participate in the assessment.)

The Screening Team's finding regarding suitability is by group consent.

If the Screening Team agrees a minor should be accepted into CITA, the minor's regular probation officer shall prepare a report to the court notifying all parties of the acceptance. This report will be received at the previously set Dispositional Hearing at 8:30 am. The case will be transferred from the regular probation officer to a CITA probation officer. At the Dispositional Hearing, the minor's first CITA Review shall be calendared for 1:30 pm on the next second or fourth Wednesday of the month in Department 79. In no event should the time for the first CITA Review extend beyond two weeks. As with all cases in Juvenile Justice Court, and especially for cases in CITA, continuances will be allowed only upon a showing of good cause, especially when a minor has just started CITA.

When a minor is accepted into CITA, the CITA probation supervisor takes the Consent for Release of Confidential Information that the supervisor collected from the minor's attorney and hands it to the CITA probation officer. The CITA probation officer will open a new file for the minor.

If the Screening Team agrees a minor should NOT be accepted into CITA, the minor stays with the minor's regular probation officer. A probation report will be prepared for the previously calendared 8:30 am Dispositional Hearing in the court department from which the referral came. The report will indicate the minor was not accepted into CITA, and will contain dispositional recommendations or a request for a one or two week continuance so that dispositional recommendations can be prepared. Even

though the minor will not be in CITA, the mental health assessment and all information collected about the minor's mental health issues will be used by the regular probation officer to provide services (including mental health services and wrap around services if appropriate) for the minor.

If the Screening Team cannot come to an agreement whether a minor should be accepted into CITA, the CITA judge will make the final decision. All members of the Screening Team shall come to the next CITA Multidisciplinary Team meeting and present the case to the judge. The judge will listen to each party and make a final determination. The judge may continue the matter, request further information, read reports, or take the matter under submission. If the judge takes the matter under submission it should be no longer than one week, unless good cause exists to continue the decision further. Preferably, the judge will make the decision upon hearing each party's presentation, or within 24 hours.

STEP SIX - ACCEPTANCE

If the minor is accepted, CITA is responsible for:

- Standard legally mandated requirements for any juvenile before the court;
- Engaging the minor and family in services;
- Connecting the minor and family with services – mental health and otherwise – in the community;
- Connecting the minor to wrap around services or other intensive home-based services, as necessary, to make sure there is a safety net in place at home;
- Initial and updated case management plan from Probation;
- Case management plan from the Department of Mental Health psychiatric social worker(s);
- Case management plan from community services providers, if applicable;
- Individual counseling for the minor;
- Counseling for the whole family, as necessary;
- Crisis intervention;
- Safety plans, if applicable;
- Medication assessment;
- Psychotropic medication assessment, if applicable;
- Periodic comprehensive mental health evaluations;
- Frequent progress reports from the Department of Mental Health psychiatric social worker(s);
- Frequent progress reports from the assigned probation officer;

Making sure the family follows through on court orders and probation officers directives;

Drug treatment and counseling, as appropriate;

Drug testing, as appropriate;

Gang intervention counseling, as appropriate;

Having the minor perform community service with a non-profit;

Having the minor and family pay restitution to victims;

Arrange for restorative justice, if necessary;

Arrange for letters of apology to victims, if appropriate;

Parent-to-Parent support persons for new parents in CITA, if appropriate;

Aftercare services, as necessary;

Special services for specific needs, such as obesity, eating disorder, etc.

Maintaining current and accurate Individualized Educational Plans (IEPs);

Determine if Special Education is needed;

Assure school attendance and satisfactory grades, given the abilities of the minor;

Connecting the minor to vocational services, depending on the age and graduation status of the minor;

Assure employment, depending on the age and graduation status of the minor;

Post Permanency case management plan from Probation (at least every six months), if applicable;

Social contracts signed between the minor and his/her parent, as needed;

Immediate evaluations should the minor violate probation or pick up a new offense;

Qualifying the minor and/or family for specific services, benefits, etc.

Intake Interview with a youth advocate lawyer(s) who will represent the minor's civil legal rights and matters;

Review of the minor's legal rights and a coordination with youth legal advocates to arrange for SSI benefits, disability benefits, welfare benefits, housing benefits, etc.;

Referral to Fresh Lifelines for Youth (FLY), as appropriate;

FLY will:

- Teach minors about the laws
- Connect minors with an adult mentor
- Provide legal help
- Provide parent education
- Provide counseling

- Help the minor with drug and alcohol issues
- Help the minor get a job
- Help with emancipation
- Arrange for tattoo removal
- Help with immigration, and
- Help minors whose parents are in jail.

Referral to Youth Educational Advocates (Project YEA) within the Probation Department, as appropriate.

Project YEA will:

- Check if the minor can get special education and testing.
- Meet with probation officers, social workers, the minor and the parents.
- Meet with the teachers and watch the minor in school.
- Go to the minor's Individualized Education Plan (IEP) meetings.
- Help the minor and the parents try to solve problems.
- Keep an eye on the minor's education plan.
- Make sure minors are getting the services they need.
- Contract with Legal Aid for Children and Youth for services Project YEA cannot provide.

Continuity of care for minor after the minor graduates from CITA;
Transitional Independent Living Plan if minor is 16 years or older;

Any medical issue of a minor brought to the attention of a CITA team member will be shared with the CITA Multidisciplinary Team for a possible solution: internal solution, or referral to a medical service provider, or a referral to another County agency for treatment.

STEP SEVEN – PRE-COURT CITA MULTIDISCIPLINARY TEAM REVIEW

Before each 1:30 pm CITA court review, the entire CITA Multidisciplinary Team meets in the CITA judge's chambers at 11:15 am to discuss minors who will be on the 1:30 CITA Parte Review calendar.

Review by the Multidisciplinary Team occurs frequently. Reviews are anywhere from every two weeks (for minors needing a high level of review) to every two months (for minors needing less review). The duration until the next review is determined during each review, and can change depending on what is happening with the minor. In some cases, CITA review is more often than once every two weeks (such as when follow-up or input is needed right away, a minor needs immediate attention, a minor has violated probation, a minor engaged in new criminal conduct, a minor is terminated from the Electronic Monitoring Program, etc.).

The Multidisciplinary Team meets on the second and fourth Wednesday of every month from 11:15 am to 12 noon (or through lunch if need be).

The goal of the Multidisciplinary Team meeting is to have all the experts and people with information about the minor in one room; to quickly share information; to collaborate; and come up with a plan for each of that afternoon's CITA Parte Review hearings.

The CITA Multidisciplinary Team members

The CITA Multidisciplinary Team consists of:

- Two certified psychiatric social workers (also known as mental health clinicians) (Department of Mental Health)
- Two CITA probation officers
- A CITA probation supervisor
- The Project YEA coordinator (Probation Department)
- Three to five juvenile civil advocate attorneys, their assistants and interns (Bay Area Legal Aid, Legal Advocates for Children and Youth, National Center for Youth Law)
- A deputy district attorney
- Two to four attorneys for minors on the calendar:
 - Office of the Public Defender
 - Office of the Alternate Defender
 - Independent Defense Counsel Office (County Counsel)
 - Private defense counsel
- The presiding judge of CITA.

There are usually 12 to 14 people in the chambers.

Among this group there are experts in the areas of mental health, medical, educational, school programs, SSI and benefits, immigration, probation, law, juvenile matters, and services.

The minor and the family members are not at the Multidisciplinary Team meeting.

For each minor, the CITA probation officers provide written reports. The psychiatric social workers present oral reports and updates.

The Probation Report

For each CITA minor, the CITA probation officer prepares a written CITA Parte Review report that is (by law and local rules) distributed to the minor's attorney, the CITA deputy district attorney, and the judge at least one day prior to the hearing / meeting date. All other members may ask to review the report prior to the meeting date. The CITA Parte Review uses a standardized format so that all information is displayed in the same format for easy review. (See CITA Parte Review example, attached.)

For each CITA Parte Review, the CITA probation officer must address:

- Date of report
- Petition number
- File number
- Minor's name, age, date of birth, address
- CITA start date
- Prior Allegation Sustained
- Last Parte Review date
- Whether the last Parte Review resulted in a general Positive, Fair or Negative review
- Name of defense attorney
- Phone number of defense attorney
- Diagnosis of minor applicable to CITA
- Whether the minor is on medication, and if so what kind
- Whether the minor is taking prescribed medications
- Name of the minor's school
- Comments from the minor's teachers and school counselors
- Grades (A through F) achieved in school

Report of CITA probation officer and Project YEA Coordinator (if applicable) regarding IEP, school issues, credits toward graduation, etc.
Minor's progress in school regarding Attendance, Behavior and Academics (each rated Good, Average, or Poor)
Whether the minor is in Special Education
All drug and alcohol tests administered (dates and results) [the reporting of tests will meet the high standards and detail set forth in the Juvenile Treatment Court of Santa Clara County]
Counseling / Services (current information)
Minor's Home Behavior (Positive, Fair, or Negative)
Minor's Community Behavior (Positive, Fair, or Negative)
Parent / Guardian Comments
Additional Information
Recommendations for court orders
Recommended next date for CITA Parte Review

Each CITA Parte Review report is prepared and signed by the CITA probation officer. Each CITA Parte Review report is reviewed by the CITA probation supervisor. Suggested revisions and follow-up must be worked out between the CITA probation officer and CITA probation supervisor prior to the final draft being published to the court and CITA Multidisciplinary Team. The CITA probation supervisor signs the final draft of the Parte Review report to indicate the report is acceptable.

Report Attachments

If the minor is receiving services from a community service provider, the CITA probation officer must attach a copy of the community service provider Service Plan to the CITA Parte Review report. The Parte Review report should have additional attachments as appropriate: school attendance, school grades, drug testing result levels (if necessary), certificates of achievement, AA/NA attendance sheets, psychological or psychiatric reports, detention reports, police reports, Electronic Monitoring Program reports, Community Release Program reports, letters from victims, restitution reports, community service provider reports, letters of commendation, etc.

Access to Court Calendars

All members of CITA are entitled to and given access to court calendars two days before the CITA court / meeting date. Attorneys for the minors, the

deputy district attorney, and the judge automatically get copies of the calendars delivered to them on the day before the hearing / meeting. All members of CITA may go to the clerk's office of the Superior Court located inside the Juvenile Justice Court building to receive advance copies of the calendars so that they can prepare for the hearing / meeting day. Each person receiving a calendar must maintain its confidentiality and arrange for the calendar to be securely shredded or burned. (See "Confidentiality Agreement – MOU," attached.)

Summary Sheet

In addition, on the day of each CITA Parte Review, a 2 to 4 page summary sheet is prepared by one of the CITA probation officers to cover all the cases that are on for review that day. The summary sheet lists the name of the minor, the mental disorder(s), progress of the minor, challenges the minor has had, recommended short-term goals, follow-up suggestions, and immediate concerns. Because families in CITA are often in crisis, the summary sheets regularly contain new information since the report (from the day or week before) was written. The summary sheet is made available to all CITA members on Wednesday morning prior to the Multidisciplinary Team meeting.

Collaboration

During the Multidisciplinary Team meeting, the judge conducts the order of the cases to be discussed, usually starting at the top of the calendar set for the afternoon and going down. If a minor's attorney is handling another matter in an adjoining courtroom and will join the Multidisciplinary Team meeting shortly, the judge will skip a matter and come back. There shall be no *ex parte* discussions when the minor's attorney is not present. As the judge calls each minor's name, the judge summarizing the judge's thoughts from his or her notes for the meeting, and then invites each CITA member to share their thoughts, concerns, ideas and solutions. Based on the collaborative nature of CITA, frank and open discussion is welcome. Every member of CITA is a valuable contributor. Decisions regarding each minor are the result of group discussion and consensus.

During these informal CITA Multidisciplinary Review sessions, the judge makes a checklist of successes and problem areas to discuss with the minor and family when they come to court in the afternoon. The judge makes a checklist of viable solutions and ideas to discuss with the minor and family in the afternoon. The judge makes a checklist of follow-up tasks for

different members of the Multidisciplinary Team. If there is a disagreement regarding what the next steps should be, the judge makes the final decision.

One of the goals of the Multidisciplinary Team meetings is to identify and encourage referrals to viable intensive multidisciplinary approaches outside of the CITA multidisciplinary process. For example County educational and mental health multidisciplinary teams.

FAMILY MULTIDISCIPLINARY TEAM

The Family Multidisciplinary Team includes the families of minors in CITA. (At the Department of Mental Health, the Family Multidisciplinary Team is called the “Post CITA Acceptance MDT.”) The Family Multidisciplinary Team is convened by the psychiatric social worker from the Department of Mental Health and includes all necessary family members. The Family Multidisciplinary Team is re-convened periodically, as well as each time it is deemed necessary. A Family Multidisciplinary Team meeting can be requested by any professional or family member involved in the care of the minor. Besides the CITA psychiatric social worker, CITA members do not attend, unless it would be appropriate for them to be included (in unusual circumstances).

The Family Multidisciplinary Team includes the minor’s parents / guardians and the significant family members, and non family members identified by the family as knowledgeable of the minor and represent the minor’s best interests. The Family Multidisciplinary Team also includes all the professionals involved in the minor’s mental health, education and community life. The minor’s participation in the Family Multidisciplinary Team is determined by the primary therapist and the parent.

The minor and the family members are briefed and prepared for the Family Multidisciplinary Team meeting by the psychiatric social worker. The minor and the family members are debriefed after the Family Multidisciplinary Team meeting by the mental health therapist. During the Family Multidisciplinary Team meeting, notes are kept, goals are noted, therapeutic assessments and plans are developed, and contact information is added. All members of the Family Multidisciplinary Team receive the Family Multidisciplinary Team notes and the contact sheet on the day following each Family Multidisciplinary Team meeting.

The general purpose of the Family Multidisciplinary Team is to have communication flow horizontally and create shared responsibility within the system of care for the CITA minor. Another purpose is to provide the family with a clear understanding of each professional's role and function so the family can use the resources appropriately. Also, the professionals teach the families how to navigate, negotiate, and access resources for the minor.

The following clusters of situations necessitate the Family Multidisciplinary Team:

1. "Butterfly kids." Minors who run away before anchored to the services, and "fly away" from mental health service providers. There is a questionnaire with a specific set of assessments that identify this situation.
2. "Synergy." Service providers are working harder than the parents. The level of care and the treatment plan is appropriate but is not being absorbed by the family.
3. "Conflicting systems." When the minor is involved in more than one system (which is often the case with CITA minors), one system excludes the minors for services because they belong to the other system. In these instances the Family Multidisciplinary Team gets all the systems to look at the minor's holistic needs and provide a continuum of care without duplication or fragmentation of services.
4. "Acutely ill minor and things keep falling apart." The family presents one primary issue and by the time a solution is found, something else "falls apart." The family requires constant care and is a "moving target." The family in this situation is usually very guarded and holds many family secrets. The family may "present well" in court (through their apparent responsiveness or knowledge of issues) but are not doing well at home.

SPECIAL MULTIDISCIPLINARY TEAMS

The judge has authority under the law to convene Special Multidisciplinary Teams, join agencies, and order whatever is necessary for the protection of

the minor and the effective running of the court. This is done when the regular CITA MDTs, the Family MDTs, the probation department MDTs, the educational MDTs, and the mental health MDTs have met and no suitable solution has been found. In rare cases, the court will convene a Special Multidisciplinary Team that comprises members such as the Director of the Department of Mental Health, the Chief of Probation, treating psychiatrists, and others, as well as the regular Probation and Mental Health personnel who are on the minor's other Multidisciplinary Teams. The judge can order the heads of departments to report directly to the court in the form of noticed reports, shared with all parties.

STEP EIGHT – CITA PARTE REVIEW

The CITA Parte Review is a hearing in open court that is calendared every second and fourth Wednesday of each month from 1:30 pm to 5:00 pm in the courtroom of Department 79. The attorneys, minors, families, and all CITA team members must be present at 1:15 pm to prepare for the 1:30 calendar.

“Parte” means the minor must be present. His or her attorney and the deputy district attorney must be present. Also present are the minor's parent(s) / guardian(s). All relatives are welcome. The CITA probation officer for the minor is required to attend all CITA Parte Reviews, unless an urgent matter involving some other CITA minor's crisis requires the probation officer to not be in court. A Probation court officer is present to interact with parties, call the cases on the calendar, make recommendations to the judge, answer questions of the judge and attorneys, and keep track of court orders. If there was a request from any party that the representative from the community service provider attend, the CITA probation officer must contact the representative prior to the hearing with sufficient notice for the representative to attend.

Either immediately before or immediately after a Parte Review in court, the minor's attorney introduces one of the civil advocates to the minor and the family in the courthouse waiting room. The civil advocate conducts an intake interview to determine if the minor or family have any civil legal needs. If there are needs, the civil advocate can: direct them to the proper resources; advocate for the minor or family; prepare documents for them; provide a brief service such as researching an issue of law; or can take the matter on for representation.

The CITA Parte Reviews are court proceeding with all the due process rights attached. There is a court reporter reporting all proceedings.

The focus of the hearing is to highlight the minor's accomplishments, both large and small. The judge must make the family feel welcome, comfortable and part of the team. The judge must also be firm when there is non-compliance with court orders or probation conditions. Most hearings are bright and positive with the judge receiving helpful information from the minor and family members. All parties are mindful that many of the families suffer multi-generational levels of mental disorder and have instability in their lives, and sometimes cannot be judged by the same standards as those families who do not suffer from mental illness.

All parties are given an opportunity to be heard. Attorneys may bring motions or make requests. Input is received from the minor and the minor's family members. The judge typically asks the family and minor questions in an attempt to formulate workable orders. The minor and family are part of the solutions. At the end of the hearing the judge makes appropriate orders. The probation Court Officer is responsible for transmittal of orders to the CITA probation officer by way of follow-up memos, and ensuring follow-up of court orders. The CITA probation officer is responsible for getting copies of the court orders to the community service providers, if any.

The minor and one of the parents are always ordered to appear at the next court hearing. If the minor or parent fails to appear to the next hearing, a bench warrant may issue. All other family members in attendance are encouraged to return to provide support for the minor. Sometimes relatives are ordered back to the next hearing if those relatives are integral to the raising of the minor and/or family decision-making. There is no need for a waiver of any time rights because all CITA Parte Reviews are post-Jurisdiction and post-Disposition.

Community service provider case managers / counselors should be present when there will be a substantive parte review involving community services. At the end of each CITA Parte Review, the judge asks if any party wants the community service provider case plan manager / counselor to be in court at the next CITA Parte Review. If a party or the judge wants the case plan manager / counselor to attend the next hearing, and the case plan manager / counselor is present in court, the judge directs the representative to attend. If the case plan manager / counselor is not present in court, the CITA probation

officer is responsible for getting advance notice to the case plan manager / counselor so that he or she may attend the next hearing.

If there is more on calendar than a CITA Parte Review, those matters are generally calendared for the morning (8:15 am) and the CITA Parte Review will also take place in the morning. (For example, if there is a Detention, Jurisdiction or Disposition Hearing on a new offense, those must be in the morning because the afternoon needs to be reserved for the lengthy Parte Reviews.) Typically, only the CITA probation officer, the judge, the defense attorney and the deputy district attorney participate in these “emergency” morning CITA reviews. The matter is usually continued about two weeks to an afternoon CITA Parte Review so that input of the whole team can be received within a short amount of time.

STEP NINE – FREQUENT PARTE REVIEWS

The hallmark of CITA is the frequent review process. Short turn-around times and constant review makes sure services are quickly in place, the minor is “not falling off the tracks,” and service adjustments can be made quickly as needed. Typically, a minor is seen in court every two weeks until the minor is stabilized, then the reviews are about once a month or every two months. If the minor is on an every-two-month review cycle but then needs more frequent review, the very next CITA date is scheduled. There is no set cycle for any minor. Each next hearing date is set according to the issues raised at each CITA Parte Review.

STEP TEN – GRADUATION

Graduation from CITA occurs when the minor is:

- connected with appropriate mental health services and community supports;
- stabilized and has an individualized treatment plan in place;
- attending school, working, or in vocational training;
- not a danger to self or others;
- free of new law offenses and probation violations for 4 months;
- connected with the Department of Revenue with an account set up to pay restitution, if applicable, and payments are being made;
- receiving at least 3 consecutive positive CITA reviews;
- the CITA team agrees it is appropriate for the minor to graduate.

The goal is to graduate the minor from CITA as quickly as reasonably possible, once the minor is stabilized. Chronic mental illness is not a bar to graduation. Many minors served by CITA will face a lifetime of mental illness challenges, with periods of stability punctuated by episodes of crisis. The goal of CITA is not to cure mental illness but to stabilize minors who suffer from mental illness so they can get along in life and avoid returning to juvenile or adult court.

If a minor successfully graduates from CITA, probation is terminated. All prior court orders are vacated. Although probation is terminated, community mental health services will continue when applicable.

Attorney fees will be assessed if the minor had a public attorney at any time. The judge does not waive attorney fees, but should take into consideration the fact that the family may suffer a serious impact if the judge orders attorney fees for every court appearance, as is done in general Juvenile Justice Court cases. This is so because in CITA there are so many more court appearances. The minor and parents/guardians will be ordered to go to the Department of Revenue within 20 days to set up (or refresh) an account and for the Department of Revenue to determine the parents'/guardians' ability to pay attorney fees.

If restitution is still owed, as a general rule, if the amount owed is relatively small, the judge will continue the matter one or two months for the minor and parents to pay off the restitution. If the amount owed is relatively large, the court will convert the court ordered restitution to a civil judgment for the victim to collect. To accomplish this, at the time of dismissal the CITA probation officer will prepare for the judge's signature a Judicial Council JV 790 form.

The CITA judge presents a letter of congratulations and a certificate of graduation to a minor who successfully graduates from CITA.

TERMINATION OF CITA, ABSENT GRADUATION

As a general rule, CITA is not terminated for a minor because the minor is not doing well. Because the goals of CITA are child-centered and individualized, the CITA Team believes each minor can succeed despite the minor's setbacks, shortcomings, and plummeting performance.

However, there are instances where a minor is no longer considered appropriate for CITA. A minor may be removed from CITA if the CITA Team determines it is in the minor's best interest to terminate CITA, or CITA cannot do anything further to help the minor. If there is disagreement about what is in the best interest of the minor, the CITA judge decides. The CITA judge applies leniency, but accountability. For example, if a minor with ADHD continues to commit numerous burglaries, and her mental health issues are not the root problem of the offenses, the minor will not be allowed to use CITA as a shield. She will be terminated from CITA. In such a case, the minor's case will be returned to a regular probation officer. Relevant information about the minor's mental health needs (subject to CITA's confidentiality MOU) will be transmitted to the regular probation officer so the minor can continue to receive mental health services.

Participation in CITA is not automatically terminated for a minor because the minor turns 18 years old. The subject (a person in juvenile court who has reached majority age) may remain in CITA while 18 or 19 years old. At some point, the age of the subject may mean the subject is no longer appropriate for CITA. That may be 18, or 19, or 20, depending on the subject.

CITA is not automatically terminated for a minor because the minor commits a new offense. Many minors in CITA commit new offenses or violate their probation. Typically it involves use of marijuana or alcohol; or threatening bodily injury against a parent, teacher, or another adolescent; or running away from home.

However, a minor may be removed from CITA if the minor commits a new serious or violent crime, such as a Welfare and Institutions Code § 707(b) offense; or commits an offense as an adult and is being handled by adult court; or runs away and, after a substantial period of time, the minor's whereabouts are unknown.

If the minor is placed in a County Ranch, the minor can no longer participate in CITA. CITA court is designed to maintain minors in their homes with services in the community. When a minor finishes a County Ranch and is returned to home, he/she can reapply to CITA. Whether a full re-screening with psychological assessments is necessary, as opposed to a truncated screening without the need for new reports, is within the discretion of the

CITA Probation Supervisor. The screening team will need to assess whether the minor should currently be allowed to participate in CITA, as opposed to the original determination.

Participation in CITA may also be terminated if the minor's family relocates out of the jurisdiction of the court, or is placed out of county for a new crime or violation of probation. CITA review cannot be done remotely.

If probation is terminated for a minor, CITA is terminated for that minor.

Attorney fees will be assessed if the minor had a public attorney at any time. The judge does not waive attorney fees, but should take into consideration the fact that the family may suffer a serious impact if the judge orders attorney fees for every court appearance, as is done in general Juvenile Justice Court cases. This is so because in CITA there are so many more court appearances. The minor and parents/guardians will be ordered to go to the Department of Revenue within 20 days to set up (or refresh) an account and for the Department of Revenue to determine the parents'/guardians' ability to pay attorney fees.

If restitution is still owed, as a general rule, if the amount owed is relatively small, the judge will continue the matter on or two months for the minor and parents to pay off the restitution. If the amount owed is relatively large, the court will convert the court ordered restitution to a civil judgment for the victim to collect. To accomplish this, at the time of dismissal the CITA probation officer will prepare for the judge's signature a Judicial Council JV 790 form.

XII. FOLLOW-UP AND IMPROVEMENTS

CITA continually maintains general statistics on cases in CITA. These statistics are maintained by the CITA probation supervisor. CITA periodically performs complete statistical analysis of cases in CITA. This is done by CITA member Dr. David Arredondo and his associates. Outcome measurements are developed and used to provide an evidence-based evaluation of program success.

CITA periodically convenes the CITA Forum to have all members of CITA discuss CITA, its progress, its shortcomings, areas for improvement,

determine “what works,” potential community resources, and updates to the protocol. CITA strives to receive feedback from minors and parents who have been in CITA, in an attempt to establish best practices in CITA.

CITA presents educational training for CITA members, the public, county commissions, and professionals.

CITA presents the principles and strength of CITA at conferences (legal, judicial, mental health, etc).

CITA has a program of receiving input from families who have been serviced by CITA, to learn what worked, what did not work, and how we can improve.

This CITA Protocol is not only a collaborative project of all the CITA parties participating in its development, but the Protocol is reviewed by outside independent experts in legal and mental health areas for feedback, questions, and suggestions. The Protocol is also reviewed by some CITA parents and minors so CITA can benefit from their perspective.

XIII. GROWING CITA

CITA is happy to help other Counties, States and Countries develop their own CITA programs in their communities. CITA welcomes all other courts, probation departments, mental health departments, and agencies to come view CITA, learn about CITA, and have meetings with CITA members. CITA shares all information with these other jurisdictions, as long as the other jurisdictions adhere to the rules of juvenile court confidentiality. Through “best practices” outreach programs sponsored by the Santa Clara County Superior Court, the CITA concept has been adopted in many California courts, in courts throughout the United States, and in courts around the world.

XIV. PARTICIPANTS IN PROTOCOL

This Protocol is the result of hundreds of hours of drafts, meetings, communications and collaboration among all the participants in CITA. CITA principles were established in 2000 and 2001. A Protocol or guidebook was never created. Each participant just knew what to do based

upon general principles and agreements, and adjustments were made informally by consensus as time went on. In 2009, there was a desire to create a working protocol. Judge Paul Bernal convened the CITA Task Force comprising of representatives from all fields in order to create this Protocol. Over 2 years and much discussion, fine tuning, changes, additions, and improvements to the guiding principles and agreements, this Protocol and adjunct forms were created.

The participants include:

[Insert list of participants.]

CITA CONTACTS

Website

<http://www.scselselfservice.org/juvdel/specialized.htm#mh>

CITA Judge Paul Bernal

pbernal@scscourt.org

ATTACHMENTS

California Welfare & Institutions Code § 707(b) offenses
Consent for Release of Confidential Information (for minor and parent)
Access to Records Order (for civil advocate attorneys)
Confidentiality Agreement – MOU (for all CITA team members)
CITA Parte Review (written by probation for each minor)
Parent-to-Parent Waiver and Confidentiality Form
Graduation Letter from Judge
Certificate of Graduation

California Welfare & Institutions Code § 707(b) offenses

- (1) Murder.
- (2) Arson, as provided in subdivision (a) or (b) of Section 451 of the Penal Code.
- (3) Robbery.
- (4) Rape with force, violence, or threat of great bodily harm.
- (5) Sodomy by force, violence, duress, menace, or threat of great bodily harm.
- (6) A lewd or lascivious act as provided in subdivision (b) of Section 288 of the Penal Code.
- (7) Oral copulation by force, violence, duress, menace, or threat of great bodily harm.
- (8) An offense specified in subdivision (a) of Section 289 of the Penal Code.
- (9) Kidnapping for ransom.
- (10) Kidnapping for purposes of robbery.
- (11) Kidnapping with bodily harm.
- (12) Attempted murder.
- (13) Assault with a firearm or destructive device.
- (14) Assault by any means of force likely to produce great bodily injury.
- (15) Discharge of a firearm into an inhabited or occupied building.
- (16) An offense described in Section 1203.09 of the Penal Code.
- (17) An offense described in Section 12022.5 or 12022.53 of the Penal Code.
- (18) A felony offense in which the minor personally used a weapon listed in subdivision (a) of Section 12020 of the Penal Code.
- (19) A felony offense described in Section 136.1 or 137 of the Penal Code.
- (20) Manufacturing, compounding, or selling one-half ounce or more of a salt or solution of a controlled substance specified in subdivision (e) of Section 11055 of the Health and Safety Code.
- (21) A violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code, which also would constitute a felony violation of subdivision (b) of Section 186.22 of the Penal Code.
- (22) Escape, by the use of force or violence, from a county juvenile hall, home, ranch, camp, or forestry camp in violation of subdivision (b) of Section 871 if great bodily injury is intentionally inflicted upon an employee of the juvenile facility during the commission of the escape.
- (23) Torture as described in Sections 206 and 206.1 of the Penal Code.
- (24) Aggravated mayhem, as described in Section 205 of the Penal Code.
- (25) Carjacking, as described in Section 215 of the Penal Code, while armed with a dangerous or deadly weapon.
- (26) Kidnapping for purposes of sexual assault, as punishable in subdivision (b) of Section 209 of the Penal Code.
- (27) Kidnapping as punishable in Section 209.5 of the Penal Code.
- (28) The offense described in subdivision (c) of Section 12034 of the Penal Code.
- (29) The offense described in Section 12308 of the Penal Code.
- (30) Voluntary manslaughter, as described in subdivision (a) of Section 192 of the Penal Code.