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**Notes and
References**

TERMINATION OF SERVICES

I. General Policy

- A. It is the intent of the Probation Department that youth placed under probation supervision are supervised for only as long as necessary for their rehabilitative goals to be met and public safety risks mitigated. Further, a youth's involvement with the juvenile justice system should be limited so as to prevent unnecessary escalation in the system and the deleterious effects that can follow.
- B. Through the use of proper risk assessment, appropriate case plan goals, and sound case management practices, coupled with their professional discretion, Officers can make informed recommendations regarding the timely termination of probation supervision and services.
- C. Determinations regarding the termination of probation services are to consider a youth's progress, participation in and completion of other services and programs, compliance with probation terms and conditions, risk level and other public safety considerations, and home stability, among other factors.

II. Length of Jurisdiction

- A. The Court may retain jurisdiction of a ward until the age of 21 years in most cases. 607(a) WIC
- B. The Court may retain jurisdiction over any person who is found to be a person described in Section 602 WIC by reason of the commission of any of the offenses listed in subdivision (b) or paragraph (2) of subdivision (d) of Section 707 WIC until such person attains the age of twenty-five (25) years if the person was committed to the Division of Juvenile Justice (DJJ). 607(b) WIC
707 WIC
707(b) WIC
707(d)(2) WIC
- C. The Court may retain jurisdiction over any person described in Section 602 by reason of the commission of an offense described by Section 707(b) or 707(d)(2) WIC, who has been confined in a state hospital or other appropriate public or private mental health facility pursuant to Section 702.3 WIC until that person is twenty-five (25) years of age, unless the court that committed the 607(d) WIC
1769b WIC
607(e) WIC

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person finds, after notice and hearing, that the person’s sanity has been restored.

D. The Court retains jurisdiction over any person who is the subject of an arrest warrant issued pursuant to Section 663 WIC until the warrant is executed or recalled by the court.

607(e) WIC

E. Deferred Entry of Judgment cases will last from 12 to 36 months.

791(3) WIC

II. Jurisdictional Termination

A. Cases remain under the jurisdiction of the Court until wardship is terminated by the Court or a case expires by rule of law, as applicable.

1. This includes Section 725(a) cases (probation without wardship), Section 654.2 cases (court-ordered diversion) and Section 790 cases (deferred entry of judgment).

2. This does not include Section 654 (Informal) cases, as they are not ordered by the Court, and they expire in accordance with the date on the contract.

B. Termination of wardship may be accomplished by court appearance or ex-parte order.

1. Whether by court appearance or ex-parte, the probation officer supervising the case must prepare and submit a report recommending termination, as well as the Court order indicating termination.

2. Terminations shall be approved by the unit supervisor.

III. Discretionary Termination

A. Cases that are being supervised as a courtesy for another jurisdiction or cases being supervised on an informal basis pursuant to Section 654 WIC may be terminated on a discretionary basis.

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- B. Cases being supervised under the Interstate Commission for Juveniles (ICJ) are to be terminated according to the manual section concerning ICJ supervision and in accordance with ICJ rules. Generally, termination of ICJ supervision requires coordination with and confirmation by State ICJ representatives as only the sending State possesses legal jurisdiction.

IV. Basic Policy Regarding Termination of Jurisdiction

- A. Cases should be considered for termination no later than after six (6) months of supervision for misdemeanor cases and 12 months for felony cases. Cases should not be considered for termination following a recent violation of probation in most cases. What constitutes a recent violation is dependent on the circumstances involved in the violation and other factors related to the management of a case.
- B. Whenever a youth is terminated from Court jurisdiction, courtesy supervision has been completed, or Section 725(a) WIC and informal cases have expired, the case records will be completed, closed, and routed through the unit supervisor as soon as possible. The JCPSS (or BCS) form is to be submitted within 30 days of the date the Court terminated probation. The assigned DPO is to enter an Officer Instruction in IMPACT indicating that the case has been terminated and the effective date upon receipt of the court order. Associated terms and conditions of probation are to be deleted.

V. Guidelines for Assessing Continuing Need for Departmental Services

- A. Youth committed to DJJ remain wards during and after their commitment to DJJ. A formal court order is required to terminate the case of a DJJ returnee. Careful consideration is to be given in determining whether to terminate supervision by virtue of the nature of the offenses that can result in a DJJ commitment.
- B. Youth should be considered for termination from probation as soon as reasonably possible after they have reached the age of 18. Youth may remain wards beyond the age of 18 in exceptional circumstances. This includes the nature of the underlying offense indicating a need for continued supervision.

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1. Youth who become wards near or after their eighteenth (18th) birthday may be exceptions to this policy as determined on a case-by-case basis.
 2. Youth with sustained sex offenses and other serious offenses may also be exceptions.
 3. Wards with recently sustained violations or new offenses may also be exceptions.
- C. It will be recommended that a ward may be terminated from wardship when he/ she has demonstrated progress to the extent that it would be in the youth's best interests, as well as the best interests of the community. Some of the factors to be considered for termination under these circumstances are as follows:
1. Good adjustment in various life domains including family, home, peers, community, employment and schooling, among others, and no law violations or probation violations over a period of six months except when the nature of the original offense contraindicates such release.
 2. Change of legal residence of minor and parents to another county, and the circumstances of the case do not warrant formal transfer or further supervision.
 3. Change of legal residence to another state, and the circumstances of the case do not warrant formal ICJ supervision.
 4. Enlistment in the armed forces. In these cases, termination of wardship should coincide with reliable evidence that the youth has successfully enlisted and will imminently enter military service.
 5. Unusual circumstances where the youth's best interests would be served by termination and the probation officer has obtained approval from the unit supervisor.
 6. Youth over the age of 18 who have been convicted of an offense in the criminal courts should have their juvenile matters terminated.

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7. Youth under the age of 18 who have had a matter transferred to the criminal courts because of an offense specified in Section 707(b) WIC may have their cases terminated upon any conviction for such an offense in the criminal court.
8. Wards who have been involved in sex crimes or serious sexual offenses are not to be terminated solely because they have had no law enforcement contact for six months.
 - a. Careful evaluation must be made in each instance to ascertain that the youth is no longer a risk to others.
 - b. Factors to be considered are the circumstances of the underlying offense, any associated violence, coercion, or duress, age and number of victim(s), participation in and completion of treatment interventions, and stable and safe living environment.
 - c. An updated forensic psychological evaluation may be obtained to further gauge risk for sexual re-offense.
9. Crimes of aggravated violence (either gang or individual) are to be carefully considered before termination despite the passage of six months without further contact with law enforcement agencies.

VI. Procedures for Termination of Wardship

- A. Review the case carefully to verify that there are no outstanding fine or restitution balances, uncompleted work or counseling assignments, or any other specific orders that remain unmet.
 1. Wards owing such sums may be terminated from wardship only upon completion of full payment or a demonstrated lack of ability to pay, unless the Court vacates the payment order at the time of termination. If restitution has not been paid, submit an *Order for Restitution to Crime Victim* with the termination order. Upon termination, send victim(s) a letter indicating the Court's action and that they may pursue restitution through civil action. The letter should also advise certain

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victims of violent crime may qualify for reimbursement through the Victim Indemnity Fund of the State of California.

2. Complete CLETS and DMV checks, and local criminal court databases for those over 18, to insure there are no recent offenses that may preclude termination.
 3. Confer with the unit supervisor on release plans.
 4. If supervisor's approval has been obtained, discuss the proposed plan of termination with the minor and parents/guardians.
- B. Termination of wardship may be accomplished by an ex-parte order to the Court. Refer to the manual section, Juvenile Record Sealing Procedure for specifics.

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