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References**

JUVENILE PROBATIONERS AND THE AGE OF MAJORITY

I. General

California law establishes 18 as the age of majority. Persons accused of crimes committed on or after obtaining the age of 18 are heard in the criminal courts, including persons who were under the jurisdiction of the juvenile court at the time of the alleged offense. Persons under the jurisdiction of the juvenile court for an offense committed before the age of 18 may remain under its jurisdiction until the age of 21 in most cases. Inasmuch as the juvenile court seeks to rehabilitate persons under the age of 18, and as a person 18 years of age or older who commits a criminal offense while also under the jurisdiction of the juvenile court can pose various legal and practical considerations, this policy addresses the following related case management practices.

- A. Identifying persons under the juvenile court’s jurisdiction who have reached the age of majority, and monitoring their cases for any subsequent criminal law violations on a regular basis.
- B. Seeking to terminate the juvenile court’s jurisdiction over persons on formal probation who have committed a serious criminal offense as an adult, or who, in the estimation of the assigned Deputy Probation Officer (DPO), will no longer benefit from juvenile court jurisdiction as an adult.
- C. Preventing a person identified as an adult offender from being housed in a local juvenile detention facility with juvenile offenders in violation of Federal or State law.

II. Identifying probationers who have reached the age of majority

- A. On a routine basis, DPOs supervising probationers will review the case file of any person 18 years of age and older to determine if that person has or may come under the jurisdiction of the criminal courts. This means querying local criminal justice system databases and current CLETS results to determine if the person has been arrested or cited for a criminal offense, or is the subject of criminal court proceedings or has a conviction for a criminal offense. This should occur at least quarterly.

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- B. If the DPO identifies any person who may meet the criteria in A, above, he or she will complete an Officer Instruction in IMPACT indicating the nature of the person’s criminal courts involvement. The person’s status is to be updated as necessary. The intent of the Officer Instruction entry is to make it known that as a juvenile probationer the person has had or is pending involvement with the criminal courts.
 - C. The assigned DPO is to prepare an email with the same details as in B, above, and send the email to the following persons: SMJH Manager and Supervising Probation Officers (SPO), Unit SPO, and Unit Administrative Senior DPO. The intent of the email is to notify SMJH Administration so that appropriate internal measures can be taken to protect against the person being detained with juvenile probationers in a manner that is inconsistent with Federal and State law. Further, when viewing the case file information the Unit SPO and Senior DPO can insure the actions required in this policy are being undertaken and they can monitor changes in a person’s status as well.
- III. Terminating Probation supervision over a person who has reached the age of majority
- A. The juvenile probation case of an adult is to be requested for termination whenever that person has been convicted of a serious offense in the criminal courts as an adult offender. A serious offense includes those enumerated in either §707(b) of the Welfare and Institutions Code or §667.5(c) or §1192.7(c) of the Penal Code.
 - B. The juvenile probation case of an adult should be requested for termination whenever that person has been convicted of an offense in the criminal courts for any other felony. The assumption should be that the juvenile case be terminated; however, the nature of the adult conviction and the nature of the underlying juvenile disposition may warrant keeping the juvenile matter open.
 - C. The juvenile probation case of an adult may be requested for termination whenever that person has been convicted of an offense in the criminal courts for any misdemeanor. The assumption should be that the juvenile case be terminated; however, the nature of the adult conviction and the nature of the underlying juvenile disposition may warrant keeping the juvenile matter open.

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- D. A DPO may consider for termination the juvenile case of a person who is legally an adult and who is not subject to criminal court jurisdiction when in the estimation of the DPO the person no longer requires or will further benefit from the involvement of the Juvenile Court and probation supervision. In making that determination, the DPO should consider the following:
1. The age of the person and the remaining length of time of the Juvenile Court's jurisdiction.
 2. The seriousness and nature of the underlying offense, and any subsequent offenses.
 3. The performance of the person on probation while under the Juvenile Court's jurisdiction, including the number, frequency, nature and last occurrence of any subsequent offenses or violations, participation in programs and treatment interventions, current risks and needs, stability in home, employment, or schooling, gang involvement, and the need for any protective measures in other life domains.
 4. Any outstanding obligations or remaining legal matters that warrant retaining Juvenile Court involvement.
- E. In all cases involving a person described in this section, the DPO seeking termination of a juvenile probation case shall first seek the authorization of the Unit SPO. Once that authorization has been secured, the DPO may pursue termination of the case by making any final program or treatment referrals, connecting the person to any useful or necessary community connections, and insuring any remaining restitution has been addressed by final payment or civil judgment. The case can then be calendared for a hearing to terminate the case or through ex-parte application, as necessary.
- F. Any legal obligations regarding the sealing of juvenile court records are also to be put into place as applicable.