

**PROBATION DEPARTMENT  
JUVENILE MANUAL**

<b>Chapter No.</b> 2702	<b>Page 1</b>
<b>Issue Date:</b> 03/01/83	
<b>Revised:</b> 08/22/19	

**Notes and  
References**

**NOTICE OF HEARING**

**I. Notice Requirements**

- A. §658 Welfare and Institutions Code (WIC) requires that upon the filing of a petition, the Clerk of the Juvenile Court shall prepare a Notice of Hearing, to which shall be attached a copy of the petition.
- B. If the minor is not detained, the hearing is to be set for 10 days or more from the date of the filing the petition, and the Juvenile Court Clerk shall forward a Notice of Hearing to all persons entitled to such notice via first-class mail or personal service.
- C. If the minor is detained, the Juvenile Court Clerk shall cause the Notice of Hearing to be served upon all entitled persons at least 24 hours prior to the time set for the hearing.
- D. Service on the minor's attorney shall constitute service on the minor's parent or legal guardian.
- E. Required notice may be given orally.
- F. Court rules permit facsimile (fax) transmission of certain Court documents by specified agencies and persons.
- G. Service may be waived by any person by a voluntary appearance and entered in the minutes of the Court or by written waiver of service filed with the Clerk of the Juvenile Court at or prior to the hearing.

California  
Rules of Court  
(CRC) Rule  
5.524

§660(c) WIC

660(a) WIC

660(d) WIC

CRC Rule  
5.524  
§630 WIC

CRC Rule 5.522

**II. Persons Entitled to Notice of Hearing**

- A. Minor brought before the Juvenile Court under §601 or §602 WIC, if eight (8) or more years of age.
- B. All parents or legal guardians.
- C. Adult relative living within the county, if parents or guardians are not living within the state, or if place of residence is not known.

§658 WIC  
§656(e) WIC  
CRC Rule 5.524

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**Notice of Hearing (continued)**

**Notes and  
References**

- D. Adult relative residing nearest to the location of the Court, if no parents or guardians are living within the state or if place of residence is not known and no adult relative is living within the county.
- E. District Attorney.
- F. Minor's attorney.
- G. Probation Officer.
- H. Foster parents, pre-adoptive parents, or relatives providing care to the minor.

**III. Time Requirements**

- A. If the minor is detained:
  - 1. The Probation Officer has the responsibility to ensure compliance with statutes regarding detention of minors in order to prevent an unlawful detention.
  - 2. Except when a minor has misrepresented themselves to be 18 or more years of age, the following shall apply:
    - a. If the minor is taken into custody without a warrant on the belief that the minor committed a misdemeanor that does not involve actual/threat of violence, possession or use of weapon, or currently on probation or parole, the minor shall be released within 48 hours after being taken into custody, excluding non-judicial days, unless a petition has been filed and the minor has been ordered detained. A minor arrested for a misdemeanor must appear in court within 48 judicial hours from time of detention.
    - b. Any decision to detain a minor described in section “a” more than 24 hours must be approved by a Supervising Probation Officer.
    - c. If minor in section “a” is held in custody for more than 24 hours and is subsequently released without a petition being filed, the Probation Officer shall prepare a written explanation within 72 hours after release of the reasons minor was held in custody for more than 24 hours.

CRC Rule 5.752  
§631 and §632  
WIC

§631(b) WIC

§631(b) WIC

§631(c) WIC  
Pro-69

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**Notice of Hearing (continued)**

**Notes and  
References**

- d. A minor detained for a felony, or offense involving violence or threat of violence, or weapons, or on probation/parole shall be released within 48 hours after having been taken into custody, excluding non-judicial days unless a petition has been filed.
- e. A minor described under "d" shall be released from custody if not brought before the Court within 24 hours following the filing of the petition.

§632 WIC

B. If the minor is not detained:

- 1. The Clerk of the Juvenile Court shall serve copies of the Notice of Hearing and petition to all persons required to receive such notice by first-class mail at least 10 days prior to the time set for hearing.

IV. **Probation Violations**

- A. An order modifying a previous order by removing a minor from the physical custody of a parent or legal guardian and directing placement in a private or county institution, among others, shall be made only after a noticed hearing.
- B. Notice for modifications pursuant to §777 WIC shall be made as follows:
  - 1. By the Probation Officer when a minor has been declared a ward of the court or a probationer pursuant to §601 WIC, or by the Probation Officer or prosecuting attorney if the minor is a ward of the court or a probationer under §602 WIC.
    - a. In both cases, the notice shall contain a concise statement of facts sufficient to support the conclusion that the minor has violated an order of the court.
    - b. If the petitioner is the Probation Officer, the prosecuting attorney may make a motion to dismiss the notice and refer the matter to the Probation Officer for handling.

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**Notice of Hearing (continued)**

**Notes and  
References**

2. Upon the filing of a notice, the Clerk of the Juvenile Court shall immediately set a hearing within 30 days and the Probation Officer shall notice the required persons as prescribed by §658 WIC and §660 WIC.
3. In cases where the youth is detained, notice is accomplished through the filing of a petition and verbal confirmation with required parties. In cases where the minor is a ward pursuant to §602 WIC, a petition is to be filed within 48 hours and a hearing held within 72 hours.

§660(c) WIC

**V. Failure to Respond to the Notice of Hearing**

- A. The Court shall direct that the Notice of Hearing and copy of the petition be personally served on all persons required to receive such notice and copy of the petition.
  1. This function is normally handled by the Probation Officer.
  2. If whereabouts of minor are unknown, personal service is not required and a warrant may be issued. In some cases, prior to a warrant being issued, the request for a warrant will need to come from the referring law enforcement agency.
- B. The Court may take the matter off calendar and issue a Warrant of Arrest, after there has been a failure to respond to personal service of the Notice of Hearing.
  1. The Court may also elect to take the matter off calendar and take no further action until the Probation Officer provides the request for a warrant and appropriate supporting documents.
- C. The Court may set a further hearing date and issue a citation for the minor and parents or guardians to appear for the hearing.
  1. The Probation Officer may be directed to make personal service of the citation.
    - a. It is permissible to seek assistance from the Sheriff's Office in serving a citation, unless the Court specifically orders "to be served by Probation Officer."

§663 WIC  
Pro-22

§661 WIC  
CRC Rule 1408