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Revised:	12/02/19

**Notes and
References**

**SUPPLEMENTAL PETITIONS AND
SUBSEQUENT FILINGS**

I. Introduction

- A. Any order made by the Court in the case of any person subject to its jurisdiction may at any time be changed, modified, or set aside as the Judge deems fit and proper, subject to procedural requirements. 775 WIC

- B. No order changing, modifying, or setting aside a previous order of the Juvenile Court shall be made either in chambers, or otherwise, unless prior notice of the application thereof has been given by the Judge or the Clerk of the Juvenile Court to the probation officer, district attorney, and minor's attorney of record, or, if there is no attorney of record, to the youth and parents/guardians. 776 WIC

- C. The supplemental petition shall be filed by the probation officer or the prosecuting attorney after consultation with the probation officer, if the youth is a §602 WIC or §601 WIC ward or a youth on probation pursuant to §725(a) WIC, and the petition alleges a violation of a condition of probation not amounting to a crime. The petition shall be filed by the prosecuting attorney if it alleges a violation of a condition of probation amounting to a crime. 777 (a) (1) WIC
777 (a) (2) WIC

- D. Notice on all supplemental petitions are completed and sent out by the clerk pursuant to Sections 658 and 660 WIC. 777(c) WIC

II. Supplemental Petitions Which Allege a Violation of Terms and Conditions of Probation not Amounting to a Crime

- A. The petition shall contain a concise statement of facts sufficient to support the conclusion that the youth violated an order of the Court. 777 (a) (1) (2)
WIC

- B. To remove a youth from the physical custody of his/her parents or guardian, and place him/her in a more restrictive setting with a relative, in a foster home, commit him/her to a public or private institution, DJJ or add terms and conditions of probation, a 777(b) WIC Juvenile Notice of Violation of Probation must be filed. CA Rules of
Court
1430 (c) (1)

- C. An order for detention of the minor pending adjudication of the petition may be made only after a hearing is conducted. Chapter 2111

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1. When youth are in custody at the time of the hearing, all parties shall be noticed by the Probation Officer.
2. When youth are not in custody and the Probation Officer is recommending the minor be placed in custody at the first hearing, all parties must be noticed of the Probation Officer's intent to detain, either verbally or in writing.

III. Application for New Hearing

- A. Any parent or other person having an interest in a child who is a ward of the Juvenile Court or the youth himself/herself through a properly appointed guardian may, upon grounds of change of circumstances or new evidence, petition the Court in the same action in which the youth was found to be a ward of the Juvenile Court for a hearing to change, modify, or set aside any order of the Court previously made, or to terminate the jurisdiction of the Court.
 1. The petition shall be verified and, if made by a person other than the youth, shall state the petitioner's relationship to or interest in the youth, and shall set forth in concise language any change of circumstance or new evidence which are alleged to require such change or termination of jurisdiction.
- B. If it appears that the best interests of the youth may be promoted by the proposed change of order or termination of jurisdiction, the Court shall order that a hearing be held and shall give prior notice, or cause prior notice to be given to such persons, and by such means as prescribed by Sections 776 and 779, and in such instances as the means of giving notice is not prescribed by such Sections, then by such means as the Court prescribes.

778 WIC

IV. Stipulation and Order

- A. A Stipulation and Order is used to modify or clarify a matter with the Court.
 1. These matters do not rise to a level necessitating a Court hearing. Rather, Probation, the defense attorney and the District Attorney agree on the proposed change by signing the Stipulation and Order which is then submitted for the Court's approval.

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V. Informational Reports

- A. Informational reports are filed in situations where the Probation Officer needs to transmit information to the Court but a hearing is not required.
- B. Requests for action and recommendations cannot be made on an informational report.

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