

CHILD'S NAME:	CASE NUMBER:
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### INITIAL APPEARANCE HEARING—JUVENILE DELINQUENCY

Out-of-Custody Appearance       In-Custody Appearance and Detention

#### THE COURT MAKES THE FOLLOWING FINDINGS AND ORDERS:

1.  Notice has been given as required by law.
2.  The child's date of birth is (*specify*): \_\_\_\_\_
3.  The child is to remain out of custody pending the next hearing.
4.  The child was taken into custody at: \_\_\_\_\_ a.m.  p.m. on (*date*): \_\_\_\_\_
5.  The petition or notice of probation violation was filed at: \_\_\_\_\_ a.m.  p.m. on (*date*): \_\_\_\_\_
6.  Counsel is appointed for the child as follows:  
Counsel is to represent the child until relieved by the court in accordance with California Rules of Court, rule 5.663.
7.  The information on the face of the petition was  confirmed  corrected as follows:

8. a.  The court inquired of  the mother  others (*names and relationships*): \_\_\_\_\_

as to the identities and addresses of all presumed or alleged fathers.

- b.  The court finds (*name*): \_\_\_\_\_ to be the  legal  biological  
 presumed  alleged father.

#### 9. Indian Child Welfare Act (ICWA) Inquiry

On the record, the court has

- a.  asked each participant present at the hearing

- whether the participant is aware of any information indicating that the child is a member or citizen or eligible for membership or citizenship in an Indian tribe or Alaska Native village and, if yes, the name of the tribe or village;
- whether the residence or domicile of the child, either of the child's parents, or the Indian custodian is on a reservation or in an Alaska Native village and, if yes, the name of the tribe or village;
- whether the child is or was ever a ward of a tribal court and, if yes, the name of the tribe or village; and
- if the child, either of the child's parents, or the child's Indian custodian possesses an identification card indicating membership or citizenship in a tribe or Alaska Native village and, if so, the name of the tribe or village.

- b.  instructed the participants to inform the court if they receive any information indicating that the child is a member or citizen or eligible for membership or citizenship in an Indian tribe or Alaska Native village.

#### 10. ICWA Status

- a.  The court finds there is no reason to believe or reason to know the child is an Indian child and ICWA does not apply; or
- b.  The court finds there is reason to believe the child is an Indian child; and
  - (1)  the probation department has completed further inquiry as required by Welf. & Inst. Code, § 224.2(e) and there is no reason to know that the child is an Indian child; or
  - (2)  the probation department is ordered to complete further inquiry as required by Welf & Inst. Code, § 224.2(e) and file with the court evidence of this inquiry, including all contacts with extended family members, tribes that the child may be affiliated with, the Bureau of Indian Affairs, the California Department of Social Services, and/or others.
- c.  The court finds that there is reason to know that the child is an Indian child; and
  - (1)  the probation department has presented evidence in the record that it has exercised due diligence to identify and work with all of the tribes of which the child may be a member or eligible for membership to verify the child's status; or
  - (2)  the probation department must exercise due diligence to identify and work with all of the tribes of which the child may be a member or eligible for membership to verify the child's status and provide notice in accordance with Welf. & Inst. Code, § 224.2 and file proof of due diligence and notice with the court; and

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10. c. (3)  the probation department must provide, as required by law, notice of the proceeding if the child is in foster care or at risk of entering foster care and the petition alleges only status offenses, or if a hearing is set to terminate parental rights, or if the child is in a foster care or preadptive or adoptive placement because of abuse or neglect in the child's home. Proof of such notice must be filed with the court.
- (4)  The court will treat the child as an Indian child until it is determined on the record that the child is not an Indian child.
- d.  The court finds that the child is an Indian child and a member or a citizen of, or eligible for membership in the (specify tribe): \_\_\_\_\_ tribe.
11. The  mother  father  legal guardian  Indian custodian  
 Other (specify): \_\_\_\_\_
- were provided with *Parental Notification of Indian Status* (form ICWA-020) and ordered to complete the form and submit it to the court before leaving the courthouse today.
12.  The court advised the child and parent or guardian of (*check all that apply*)
- the contents of the petition.
  - the nature and possible consequences of juvenile court proceedings.
  - the purpose and scope of the initial hearing.
  - the hearing rights described in rule:
  - the reason the child was taken into custody.
  - the parent or legal guardian's financial obligation and right to be represented by counsel.
  - Other: \_\_\_\_\_

13.  Reading of the petition and advice of rights were waived by  the child  the child's counsel.
14.  The prosecutor has requested that a hearing be set to determine whether the child should be transferred to the jurisdiction of the criminal court under Welf. & Inst. Code, § 707.
15.  The child  through counsel
- denied the allegations of the petition dated: \_\_\_\_\_
  - asked the court to take no action on the petition at this time.
16.  For the reasons stated on the record, the petition is dismissed  in the interests of justice  because the child does not need treatment or rehabilitation.
17.  After inquiry, the court finds that the child understands the nature of the allegations and the direct consequences of admitting or pleading no contest to the allegations of the petition, and understands and waives the following hearing rights, which were explained (*check all that apply*):
- The right to have a hearing.
  - The right to cross-examine and confront witnesses.
  - The right to subpoena witnesses and present a defense.
  - The right to remain silent.
18. a.  The child through counsel
- admitted the petition  as filed  as amended on (date): \_\_\_\_\_
  - pleaded no contest to the petition  as filed  as amended on (date): \_\_\_\_\_
- The child's counsel consents to the admission or plea of no contest.
  - The admission or plea of no contest is freely and voluntarily made.
  - There is a factual basis for the admission or plea of no contest.
  - The court finds that the child was under 14 years old at the time of the offense but the child knew the wrongfulness of their conduct at the time the offense was committed.

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19. a.  The following allegations are admitted and found to be true:

<u>Count number</u>	<u>Statutory violation</u>	<u>Misdemeanor</u>	<u>Felony</u>	<u>To be specified at disposition</u>	<u>Enhancement (if applicable)</u>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

b.  As to any offense that could be considered a misdemeanor or felony, the court is aware of and exercises its discretion to determine the offense, as stated in 19a.

c.  The following allegations are dismissed:

<u>Count number</u>	<u>Statutory violation</u>
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20.  The child is described by section  601  602 of the Welf. & Inst. Code.

21.  The maximum confinement time is:

22.  The child's residence is in: \_\_\_\_\_ County.

23.  The matter is transferred to: \_\_\_\_\_ County for disposition and further proceedings.  
*Juvenile Court Transfer-Out Orders* (form JV-550) will be completed and transmitted immediately.

24.  The child waives their right under *People v. Arbuckle* to have the disposition heard by this judicial officer.

#### CHILD IN CUSTODY

25.  The court has considered the detention report prepared by the probation department

and the following documents (*specify*):

and the testimony of (*name*):

and the examination by the court of (*name*):

and takes judicial notice of the entire court file.

26.  The child is released from custody  to the home of (*name, address, and relationship to child*):

on home supervision  on electronic monitoring

the terms of which are stated in the attached *Terms and Conditions* (form JV-624).

27.  The child is a dependent of the court under Welf. & Inst. Code, § 300 and is ordered released from custody. The child welfare services department must either ensure that the child's current caregiver take physical custody of the child or take physical custody of the child and place the child in a licensed or approved placement.

28.  A prima facie showing has been made that the child's disposition is by Welf. & Inst. Code, § 601 or § 602.

29.  Based on the facts stated on the record, the child is detained in secure custody on the following grounds (*check all that apply*):

- a.  The child has violated an order of the court.
- b.  The child has escaped from a court commitment.
- c.  The child is likely to flee the jurisdiction of the court.
- d.  It is a matter of immediate and urgent necessity for the protection of the child.
- e.  It is reasonably necessary for the protection of the person or property of another.

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30.  Based on the facts stated on the record, continuance in the child's home is contrary to the child's welfare.
31.  Based on the facts stated on the record, there are no available services that would prevent the need for further detention.
32.  Temporary placement and care is the responsibility of the probation department.
33.  Reasonable efforts to prevent or eliminate the need for detention of the child  have  have not been made.
34.  The child is placed in a short-term residential therapeutic program or community treatment facility. A hearing to review the placement under Welf. & Inst. Code, § 727.12 will be set or is set for (*specify date*), which is a date within 45 days of the start of the placement.
35.  The probation department is granted the authority to authorize medical, surgical, or dental care under Welf. & Inst. Code, § 739.
36.  The probation department is ordered to provide services that will assist with reunification of the child and the family.
37.  The child and the parent or guardian have been advised that if the child cannot be returned home within the statutory timelines, a proceeding may be scheduled to determine an alternative permanent home, including an adoptive home after parental rights are terminated.
38.  The  mother  father  legal guardian  Indian Custodian is/are ordered to supply the names and contact information of adult relatives to the probation department so they can be notified of the child's removal and of their options to be included in the child's life.
39.  The probation officer must file a case plan within 60 days.
40.  The probation department is authorized to release the child  at its discretion  under the following circumstances:

41.  The court accepts transfer from the County of:
42.  Other orders:
43.  Child  Counsel waives time for (*check all that apply*)  
 jurisdiction hearing  disposition hearing  Other:
44.  **The next hearings will be**

Date:	Time:	Dept:	Type of hearing:
Date:	Time:	Dept:	Type of hearing:

45.  The child
- is ordered to return to court on the above date(s) and time(s).
  - remains detained.
46. All prior orders not in conflict, including any terms and conditions of probation, remain in full force and effect.
47.  All appointed counsel are relieved.

Date: \_\_\_\_\_ *Judicial Officer*

Countersignature for detention orders (*if necessary*): \_\_\_\_\_

Date: \_\_\_\_\_ *Judge*