

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
JUVENILE COURT – DEPARTMENT 67
INITIAL/DETENTION HEARING

DATE: 10/15/2020

HONORABLE Amber Rosen, Presiding	Minor	P	A/W	DOB	Petition #
CLERK Aaron Ilas	(1) JULIA MARRUJO-AGUIRRE	<input type="checkbox"/>	<input type="checkbox"/>	7/27/2020	20JD026652
REPORTER Amy Gooding	(2)	<input type="checkbox"/>	<input type="checkbox"/>		

Mother: Jazmyne Marrujo <input checked="" type="checkbox"/> P <input type="checkbox"/> N/P <input type="checkbox"/> A/W <input type="checkbox"/> I/C	Attorney for Mother Adam Rust, DLA	County Counsel Jennifer Tsou
Father: Rudy Aguirre <input type="checkbox"/> P <input checked="" type="checkbox"/> N/P <input type="checkbox"/> A/W <input type="checkbox"/> I/C	Attorney for Father	Attorney for minor(s) Leila Turner, LACY
Father: <input type="checkbox"/> P <input type="checkbox"/> N/P <input type="checkbox"/> A/W <input type="checkbox"/> I/C	Attorney for Father	Attorney for
<input type="checkbox"/> Guardian	Attorney for	Social Worker Vanesa Heng/Richelle Torcuator
<input type="checkbox"/> Stepmother	<input type="checkbox"/> Stepmother	Child Advocate
<input type="checkbox"/> Foster Parent	<input type="checkbox"/> Foster Parent	
<input checked="" type="checkbox"/> Mat. Grandmother Carmen	<input type="checkbox"/> Pat. Grandmother	
<input type="checkbox"/> Mat. Grandfather	<input type="checkbox"/> Pat. Grandfather	
<input type="checkbox"/> Sibling (s)	<input type="checkbox"/> Interpreter ordered	
Interpreter	Interpreter	
<input type="checkbox"/> Other:		

<u>JUVENILE DEPENDENCY</u> PETITION:
<input checked="" type="checkbox"/> § 300 <input type="checkbox"/> § 342 <input type="checkbox"/> § 387
<input checked="" type="checkbox"/> INITIAL HEARING (§ 319)
<input type="checkbox"/> INITIAL RE-HEARING (§ 321)
<input type="checkbox"/> APP FOR DETENTION (§ 319 (B) (3))

THE COURT HAS READ AND CONSIDERED THE DETENTION REPORT DATED 10/15/2020.

Legal Representation:

☒ LACY / ☐ Other: is appointed to represent the child(ren) and serve as CAPTA GAL - order signed.
☐ FLA ☐ ODC ☒ Other: **DLA** appointed for Mother
☐ FLA ☐ ODC ☐ Other: appointed for Father
☐ FLA ☐ ODC ☐ Other: appointed for Father

THE COURT REVIEWS MOTHER'S FINANCIAL DECLARATION.

The Court finds that mother is ☐ eligible ☐ not eligible for court appointed counsel.
The Court orders ☐ repayment of fees ☐ No repayment of fees due to financial hardship.

THE COURT REVIEWS FATHER'S FINANCIAL DECLARATION.

The Court finds that father is ☐ eligible ☐ not eligible for court appointed counsel.
The Court orders ☐ repayment of fees ☐ No repayment of fees due to financial hardship.

Indian Child Welfare Act:

☒ THE COURT HAS MADE AN INQUIRY AND FINDS THAT THE INDIAN CHILD WELFARE ACT:
☐ DOES NOT APPLY based on ☐ court report, ☐ voir dire of: ☐ mother ☐ father ☐ other: ;
☐ NO NOTICE IS REQUIRED based on ☐ court report, ☐ voir dire of: ☐ mother ☐ father ☐ other: ,;
☒ MAY APPLY; NOTICE TO BE GIVEN BY SOCIAL WORKER;
☐ DOES APPLY; NOTICE TO BE GIVEN BY SOCIAL WORKER;
☐ DATE OF PRIOR FINDING THAT ACT DID NOT APPLY: ;

Paternity:

☐ The Court has inquired of the mother and any other appropriate person with regard to paternity and finds:

THE COURT HEREBY FINDS:

- 1) That a Petition has been filed in this Court on behalf of the above-named child(ren) alleging that said child(ren) is/are described by Section 300 of the Welfare and Institutions Code.
- 2) That the child(ren) named in this matter is/are under the age of eighteen (18) years.
- 3) That notice of this Hearing was duly given to all necessary persons as required by law.

- 4) ☒ That the child(ren) and his/her parents or guardian, if present, have been informed of: (a) the contents and meaning of the petition, (b) the reason the child(ren) was taken into custody, (c) the nature of, and possible consequences of, juvenile court proceedings, (d) the purpose and scope of the detention hearing, (e) their privilege against self-incrimination, (f) their right to confront and cross-examine the preparer of any report submitted to the Court, (g) their right to be represented by counsel at every stage of the proceedings; (h) their right to have the court appoint counsel for them if they are unable to afford counsel.
- 5) ☒ Formal advisement of rights, consequences, and ☒ reading of the petition are waived.

THE COURT FURTHER FINDS:

- 1) ☒ That a prima facie showing has been made that the child(ren) come(s) within Section 300 W.I.C.
- 2) ☒ Continuance in the home of the parent or legal guardian is contrary to the child(ren)'s welfare.
- 3) ☒ Continued detention is necessary because:
- ☒ There is a substantial danger to the physical health of the child(ren) or the child(ren) is suffering severe emotional damage, and there are no reasonable means by which the child(ren)'s physical or emotional health may be protected without removing the child(ren) from the parent's or guardian's physical custody.
 - ☐ There is substantial evidence that a parent, guardian or responsible relative of the child(ren) is likely to flee the jurisdiction of the Court.
 - ☐ The child(ren) is a dependent of the court who has left a placement which was ordered by Juvenile Court.
 - ☐ The child(ren) indicated an unwillingness to return home, and the petitioner alleges that the child(ren) has been physically or sexually abused by a person residing in the home.
- 4) Reasonable efforts to prevent or eliminate the need for removal from the home were: ☒ made ☐ not made.
- ☒ Detained pending further placement (§ 319 (B) (3))
- ☐ Prior Orders Not in Conflict Shall Remain in Full Force and Effect.

RELEASE:

- ☐ The child(ren) shall remain RELEASED to the following parent/legal guardian, , on the following conditions:
- ☐ Submit to random drug testing as arranged by the Social Worker times per week;
 - ☐ Not use or possess alcohol or any controlled substance;
 - ☐ Cooperate with the Home Supervision Program ;
 - ☐ Regularly attend the following counseling as arranged by the Social Worker:
 - ☐ The following person shall not reside or spend the night in the home where the minors live:
 - ☐ Other:

GOOD CAUSE APPEARING, AND IT BEING IN THE BEST INTERESTS OF THE CHILD(REN), IT IS ORDERED THAT:

The child(ren) is/are RELEASED pending jurisdiction hearing on at 8:30 a.m. to:

- ☐ Mother: child ☐ (1) ☐ (2) ☐ (3) ☐ (4) ☐ (5) ☐ (6) ☐ (7) ☐ (8) ☐ (9) ☐ (10);
- ☐ Father, : child ☐ (1) ☐ (2) ☐ (3) ☐ (4) ☐ (5) ☐ (6) ☐ (7) ☐ (8) ☐ (9) ☐ (10);
- ☐ Father, : child ☐ (1) ☐ (2) ☐ (3) ☐ (4) ☐ (5) ☐ (6) ☐ (7) ☐ (8) ☐ (9) ☐ (10);
- ☐ Legal Guardian/Other, : child ☐ (1) ☐ (2) ☐ (3) ☐ (4) ☐ (5) ☐ (6) ☐ (7) ☐ (8) ☐ (9) ☐ (10).

DETENTION:

THE CHILD(REN) IS/ARE ORDERED DETAINED AND TEMPORARILY REMOVED FROM THE PHYSICAL CUSTODY OF THE:

- ☒ Mother: child ☒ (1) ☐ (2) ☐ (3) ☐ (4) ☐ (5) ☐ (6) ☐ (7) ☐ (8) ☐ (9) ☐ (10);
- ☒ Father, : child ☒ (1) ☐ (2) ☐ (3) ☐ (4) ☐ (5) ☐ (6) ☐ (7) ☐ (8) ☐ (9) ☐ (10);
- ☐ Father, : child ☐ (1) ☐ (2) ☐ (3) ☐ (4) ☐ (5) ☐ (6) ☐ (7) ☐ (8) ☐ (9) ☐ (10);
- ☐ Legal Guardian/Other, : child ☐ (1) ☐ (2) ☐ (3) ☐ (4) ☐ (5) ☐ (6) ☐ (7) ☐ (8) ☐ (9) ☐ (10).

Temporary placement and care are vested with the Department of Family and Children's Services (DFCS) with child(ren) in protective custody at:

- ☒ Emergency Satellite Home/Foster Home/FFA: child ☒ (1) ☐ (2) ☐ (3) ☐ (4) ☐ (5) ☐ (6) ☐ (7) ☐ (8) ☐ (9) ☐ (10).
- ☐ Interim CCF placement authorized: child ☐ (1) ☐ (2) ☐ (3) ☐ (4) ☐ (5) ☐ (6) ☐ (7) ☐ (8) ☐ (9) ☐ (10).
- ☐ Other licensed home or facility: child ☐ (1) ☐ (2) ☐ (3) ☐ (4) ☐ (5) ☐ (6) ☐ (7) ☐ (8) ☐ (9) ☐ (10).

RELATIVE HOME ASSESSMENT/PLACEMENT: ☐ The Court Authorizes Relative Placement.

☐ The Court finds that the home of: meets the following criteria:

- (a) The relative and all adult members of the household have no criminal history pursuant to a fingerprint clearance;
- (b) The relative and all adult members of the household have no prior child abuse allegations.

☒ Based on the Social Worker's assessment of the home of the relative or non-relative extended family member, including the results of a fingerprint clearance and a Child Abuse Central Index clearance, DFCS is authorized to release the child(ren) to the following approved relative(s) for temporary placement pending the dispositional hearing: **approved relative or NREFM**.

☐ Based on the Social Worker's assessment of the home of the relative or non-relative extended family member, including the results of a local criminal records check and a Child Abuse Central Index clearance, DFCS is authorized to permit the child(ren) to

have an extended visit in the home of the following relative or non-relative extended family member pending receipt of necessary fingerprint clearances:

☐ The following relatives or non-relative extended family members and all adult members of their household and other adults who may have significant contact with the child(ren) in the home shall submit to fingerprint clearances within 48 hours as directed by the social worker as a condition of placement or extended visit:

GENERAL ORDERS:

- 1) The parents/guardians shall immediately disclose to the social worker the names, addresses and other known identifying information of any maternal and paternal relatives of the child(ren). The court authorizes the social worker, while assessing these relatives for the possibility of placement, to disclose to the relative, as appropriate, the fact that the child(ren) is/are in custody, the alleged reasons for the custody, and the projected likely date for the child(ren)'s return home or placement for adoption or legal guardianship.
- 2) The parent(s)/guardian(s) shall provide the Court with a mailing address on the applicable Judicial Council form. The parent(s)/guardian(s) are advised that the designated mailing address will be used by the Court and by the Department of Family and Children's Services (DFCS) for notice purposes unless and until the parent(s)/guardian(s) notify the Court or DFCS of a new mailing address in writing.
- 3) The parents/guardians shall provide the Department of Family and Children's Services with complete medical, dental, mental health, and education information, and medical background of the child(ren) and of the child(ren)'s mother and the child(ren)'s biological father, if known.
- 4) As a condition of placement the Department of Family and Children's Services (DFCS) is authorized to enter, and the child(ren)'s parent guardian or caretaker shall consent to DFCS entering, the child(ren)'s placement without a warrant at any time to see and speak with the child(ren), to assess the child(ren)'s safety and well-being, and to assess the continued suitability of the placement.
- 5) The Court authorizes the social worker to sign necessary documents and consent forms for the provision of ordinary medical, dental and mental health treatment for the child as defined in the Juvenile Court Standing Order dated October 3, 2001.
- 6) Social worker is directed to provide the following referrals to the parent(s)/guardian(s):

<input checked="" type="checkbox"/> Drug and Alcohol Assessment.	<input type="checkbox"/> Domestic violence assessment.	<input checked="" type="checkbox"/> Parent Orientation Classes
<input checked="" type="checkbox"/> Drug testing.	<input type="checkbox"/> Domestic violence program.	<input checked="" type="checkbox"/> Parent education.
<input type="checkbox"/> Outpatient Drug/Alcohol Treatment.	<input checked="" type="checkbox"/> Mental Health counseling.	
<input checked="" type="checkbox"/> Twelve-Step substance abuse program	<input type="checkbox"/> Other:	
- 7) In order to treat the child(ren)'s current conditions, social worker is further directed to:

<input type="checkbox"/> Arrange a program of counseling/psychotherapy.	<input type="checkbox"/> Arrange a psychological evaluation for the child(ren).
<input type="checkbox"/> Ensure that the child(ren) receive(s) regular medical/dental care from a qualified provider.	
<input type="checkbox"/> Arrange an appropriate school program for the child(ren).	
<input type="checkbox"/> Refer to Victim Witness Assistance Center.	<input type="checkbox"/> Other:

Visitation:

- ☒ Mother's visits are to be ☒ supervised ☐ unsupervised ☒ a minimum of **1** hours **2** times per week at
☐ Clover House ☐ DFCS Offices ☒ Other: **All visitation shall remain indoors.**
- ☒ Father's, , visits are to be ☒ supervised ☐ unsupervised ☒ a minimum of **1** hours **2** times per week at
☐ Clover House ☐ DFCS Offices ☐ Other: .
- ☐ Father's, , visits are to be ☐ supervised ☐ unsupervised ☐ a minimum of _____ hours _____ times per week at
☐ Clover House ☐ DFCS Offices ☐ Other: .
- ☐ Other's, , visits are to be ☐ supervised ☐ unsupervised ☐ a minimum of _____ hours _____ times per week at
☐ Clover House ☐ DFCS Offices ☐ Other: .
- ☒ SW discretion: ☒ to increase frequency & duration of visits:
☒ to select location & supervisor of visits:
☐ to move visits to unsupervised:
☐ to permit overnight visits:
☒ No discussion of the case with the child(ren) during visitation.
- ☐ There shall be no discussion of this case by:
- ☐ Child(ren) shall have no physical contact or communication of any kind with: , because it is detrimental to the physical and/or emotional well-being of the child.
- ☐ Good cause having been shown, the Court finds that visitation with: would be detrimental to the child(ren)'s welfare and suspends all visits pending further court order.
- ☐ Reasonable sibling visitation shall be: **arranged**
- ☒ Reasonable relative visitation shall be arranged.
- ☒ The parents and/or caretakers shall refrain from using corporal punishment on the child(ren).

Continuance:

- Requested by ☐ Mother ☐ Father: ☐ Child(ren) ☐ On Court's own motion; ☐ DENIED; No good cause shown.
- ☐ THE COURT FINDS THAT good cause has been shown for the requested continuance. Continuance is not contrary to the best interest of the child(ren). Continuance in the home of the parent pending next hearing date is contrary to the child(ren)'s welfare.
- ☐ Detention rehearing is authorized at the request of ☐ DFCS ☐ Other: .
- ☐ Detention Hearing continued to at Dept ☐ Prima Facie Hearing set for Dept
- ☒ Mother ☐ Father: ☐ Parents IS/ARE ORDERED PRESENT FOR NEXT HEARING.

OTHER ORDERS:

****ALL PARTIES APPEAR VIA VIDEO CONFERENCE DUE TO COVID-19****

**Parties are directed to submit their initial hearing paperwork at their first in person hearing.
SW authorization for Out of County placement.**

Next Hearing:

- ☒ **300 Jurisdiction** hearing set/remains set on: **11/05/2020** at **8:30** in Dept **67**
☐ hearing remains set/ set on: at in Dept **67**
☐ hearing remains set/ set on: at in Dept **67**
☐ Receipt of report hearing set on at 4:30 pm in Dept. **67**
☐ Hearing(s) previously set _____ is/are vacated.
☐ Hearing(s) previously set on _____ remain(s) as set.
☒ Warrant(s) issued on **10/07/2020** is/are ☒ recalled / ☐ remains in effect.

☐ Corrected order; Date: