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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

In re J.Z., a Person Coming Under the  
Juvenile Court Law.

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THE PEOPLE,

Plaintiff and Respondent,

v.

J.Z.,

Defendant and Appellant.

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B236640

(Los Angeles County  
Super. Ct. No. VJ41014)

APPEAL from an order of the Superior Court of Los Angeles County,  
Fumiko Wasserman, Judge. Modified and affirmed.

Dee A. Hayashi, under appointment by the Court of Appeal, for Defendant and  
Appellant.

Kamala D. Harris, Attorney General, Dane R. Gillette, Chief Assistant Attorney  
General, Lance E. Winters, Assistant Attorney General, Paul M. Roadarmel, Jr., and  
Nima Razfar, Deputy Attorneys General, for Plaintiff and Respondent.

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Minor J.Z. appeals from a juvenile court adjudication and disposition order that placed her home on probation. The order lists a three-year maximum term of confinement. The parties agree that no maximum term of physical confinement should have been included in the order. We strike the three-year term and affirm the order as modified.

### **PROCEDURAL SUMMARY**

A petition filed under Welfare and Institutions Code section 602 alleged that minor committed felony vandalism (Pen. Code, § 594, subd. (a)) (count 1) and misdemeanor battery (*Id.*, § 242) (count 2). Minor admitted count 1, and count 2 was dismissed. The juvenile court noted that felony vandalism carried a maximum confinement time of three years. It then declared minor a ward of the court and placed her home on probation. The August 16, 2011 disposition order indicates that minor was placed home on probation, but it also includes the three-year maximum confinement term.

This timely appeal followed.

### **DISCUSSION**

Welfare and Institutions Code section 726, subdivision (c), which requires the juvenile court to specify a maximum term of confinement not exceeding the time of confinement allowable for an adult convicted of the same offense, does not apply when a minor remains in the physical custody of his or her parents. (*In re Matthew A.* (2008) 165 Cal.App.4th 537, 541 (*Matthew A.*); *In re Ali A.* (2006) 139 Cal.App.4th 569, 573–574 (*Ali A.*)). Relying on *Ali A.*, respondent argues that the inclusion of a maximum confinement term in the disposition order has no legal effect and need not be stricken. (*Id.* at p. 574, fn. 2.) We believe the better practice is to strike the unauthorized term to provide minor with a legally correct disposition order. (*Matthew A.*, at p. 541.)

## **DISPOSITION**

The maximum confinement term is stricken from the August 16, 2011 disposition order. In all other respects, the order is affirmed.

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EPSTEIN, P. J.

We concur:

WILLHITE, J.

SUZUKAWA, J.