

Developing Effective Practices in Juvenile Delinquency Caseflow Management

**A Manual Prepared for the California
Administrative Office of the Courts
Center for Families, Children
and the Courts**

**by
Greacen Associates, LLC**

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Juvenile Delinquency Court Assessment Working Group

The California Administrative Office of the Courts (AOC) gratefully acknowledges the assistance of the persons who served on the Juvenile Delinquency Court Assessment (JDCA) Working Group. The members of the Caseflow Management Subcommittee are noted in italics.

JDCA Working Group Chair: Hon. Brian Back, Judge, Superior Court of California, County of Ventura,
Subcommittee Chair: Hon. Kenneth Peterson, Presiding Judge of the Juvenile Court, Superior Court of California, County of Sacramento
Subcommittee Consultant: Mr. John Greacen, Greacen Associates, LLC
Subcommittee Staff: Ms. LaRon Hogg, Delinquency Research Attorney, AOC Center for Families, Children & the Courts

Ms. Trish Anderson, former Deputy Public Defender, Placer County
Dr. Amy Bacharach, Research Analyst, AOC Center for Families, Children & the Courts

Hon. Patricia Bamattre-Manoukian, Associate Justice, Court of Appeal, Sixth Appellate District

Ms. Margie Borjon-Miller, Court Case Management System Product Director, AOC Southern Regional Office

Ms. Karen Cannata, Supervising Research Analyst, AOC Center for Families, Children & the Courts

Ms. Judith Cox, Chief Probation Officer, Santa Cruz County

Mr. Gregor Datig, Chief Deputy District Attorney, Riverside County

Hon. Nancy L. Davis, Judge, Superior Court of California, County of San Francisco

Ms. Barbara Duey, Attorney, Children's Law Center of Los Angeles

Hon. Leonard Edwards, Judge-in-Residence, AOC Center for Families, Children & the Courts

Ms. Audrey Fancy, Senior Attorney, AOC Center for Families, Children & the Courts

Mr. Wesley Forman, Chief Probation Officer, Mendocino County

Mr. Larry Gobelman, Executive Officer, Superior Court of California, County of Siskiyou

Hon. Lois Haight, Presiding Judge of the Juvenile Court, Superior Court of California, County of Contra Costa

Mr. Clifford Ham, Principal Architect, AOC Office of Court Construction and Management

Hon. Susan Harlan, Judge, Superior Court of California, County of Amador

Ms. Elizabeth Howard, Legislative Representative, California State Association of Counties



Hon. Robert Byron Hutson, Presiding Judge of the Juvenile Court, Superior Court of California, County of Orange
Mr. Phil Kader, Juvenile Probation Division Director, Fresno County
Ms. Tracy Kenny, Senior Governmental Affairs Analyst, Office of Governmental Affairs
Hon. Kurt E. Kumli, Judge, Superior Court of California, County of Santa Clara
Ms. Patricia Lee, Managing Attorney, San Francisco Public Defender's Office
Hon. Jan Greenberg Levine, Judge, Superior Court of California, County of Los Angeles
Mr. Rick Lewkowicz, Juvenile Division Supervisor, Sacramento County District Attorney's Office
Ms. Iona Mara-Drita, Senior Research Analyst, AOC Center for Families, Children & the Courts
Ms. Debbie Mochizuki, Appellate Attorney, Court of Appeal, Fifth Appellate District
Ms. Tamara Mosbarger, Supervising Deputy District Attorney, Butte County
Mr. Harold Nabors, Executive Officer, Superior Court of California, County of Madera
Hon. Michael Nash, Presiding Judge of the Juvenile Court, Superior Court of California, County of Los Angeles
Mr. Winston Peters, Assistant Public Defender, Los Angeles County
Mr. Jerry Powers, Chief Probation Officer, Stanislaus County
Ms. Florence Prushan, Assistant Director, AOC Southern Regional Office
Mr. Calvin Remington, Chief Probation Officer, Ventura County
Mr. Michael Roddy, Executive Officer, Superior Court of California, County of San Diego
Ms. Katie Runkel, Secretary, AOC Center for Families, Children & the Courts
Ms. Sherrie Sperry, Deputy Probation Officer, Calaveras County
Hon. Dean Stout, Presiding Judge, Superior Court of California, County of Inyo
Hon. Denise Lee Whitehead, Presiding Judge of the Juvenile Court, Superior Court of California, County of Fresno
Mr. Don Will, Supervising Research Analyst, AOC Center for Families, Children & the Courts

Former JDCA Working Group Members

Hon. Becky Lynn Dugan, Presiding Judge of the Juvenile Court, Superior Court of California, County of Riverside
Ms. Jackie Escajeda, Senior Court Services Analyst, AOC Northern/Central Regional Office



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1

Overview

Each Superior Court exercising the jurisdiction created by the California Welfare and Institutions Code shall be known as and referred to as the "juvenile court." Welf. & Inst. Code Section 245. The juvenile delinquency jurisdiction of the juvenile court is created under Welf. & Inst. Code Sections 601 and 602, which vest in the juvenile court jurisdiction over all persons under the age of 18 whom:

- persistently or habitually refuse to obey the reasonable and proper orders or directions of their parents, guardians, or custodians and who are beyond the control of such persons;
- violate a city or county ordinance establishing a curfew based solely on age;
- have four or more truancies within one school year;
- a school attendance review board or probation officer has determined that the available public and private services are insufficient or inappropriate to correct their habitual truancy or to correct their persistent or habitual refusal to obey the reasonable and proper orders or directions of school authorities;
- fail to respond to directives of a school attendance review board, probation officer, or services program;
- violate any state or federal law or any city or county ordinance defining crime;¹ or

¹ Except for those very serious crimes enumerated in subsection 602(b) of the Welf. & Inst. Code when committed by a person of the age of 14 or older.



- violate any traffic infraction or traffic ordinance falling under Welf. & Inst. Code Section 603.5.

When the District Attorney files a petition alleging one of these jurisdictional grounds the court may, with the consent of the youth and the youth's parents, continue the matter for six months and order the youth to participate in a program of supervision under Welf. & Inst. Code Section 654.2, establish a six month period of non-wardship probation under Welf. & Inst. Code Section 725(a), or enter deferred entry of judgment under Welf. & Inst. Code Section 790. Or the court can proceed to determine the existence of grounds for its jurisdiction, and if they are established, declare the youth to be a ward of the court, thereafter making whatever disposition is warranted.

Under Welf. & Inst. Code Section 607, the juvenile court's jurisdiction of a youth found to be a ward of the court may continue until the youth becomes 21 or 25 if he or she was found to have violated one of the offenses listed in Welf. & Inst. Code Section 707(b), (d)(2), or (e) and the youth was committed to the Division of Juvenile Justice or confined in a state hospital or other mental health facility pursuant to Welf. & Inst. Code Section 702.3. The juvenile court shall maintain its jurisdiction over a youth whose commitment to the Division of Juvenile Justice is extended because of the youth's physical danger to the public under Welf. & Inst. Code Section 1800.²

The processing of juvenile delinquency cases, in California as elsewhere, poses multiple challenges for judges, lawyers, court staff, probation officers, and the staff of multiple agencies, schools and community organizations involved in these cases. In particular

- the delinquency court has the opportunity and the responsibility to intervene effectively with young persons who have engaged in anti-social behavior to prevent them from entering into a life of crime – for their own benefit, for the benefit of their families, for the benefit of the victims of their behavior, and for the benefit of the community as a whole.

² Welf. & Inst. Code Section 607(c). The court also retains jurisdiction under Welf. & Inst. Code Section 607(e) of any person who is subject to a warrant of arrest under Welf. & Inst. Code Section 663.



- the delinquency court deals with many young persons, and their parents, who have difficulty understanding legal proceedings. Some of these difficulties arise from the inability to speak and understand English – particularly for parents.
- the delinquency court encounters many children whose families are otherwise involved with the court in other contexts, such as dependency proceedings; family dissolution, custody and child support matters; family and domestic violence proceedings; guardianship or other probate matters; and criminal matters. For maximum effectiveness, it is important that the efforts of the judicial officers involved in all these matters be coordinated.
- California statutes require the very prompt disposition of juvenile delinquency cases, unless waived by the youth.
- effective intervention in the life of a young person requires understanding on the part of the juvenile judge of youth psychology and treatment modalities. It also requires the close coordination of the efforts of the court, the prosecutor and defense bar, the probation department, county mental health and other social services, community drug treatment and other services providers, and the public and private schools. It is the responsibility of the presiding juvenile court judge to ensure that all of these entities cooperate effectively for the good of the youth served and of the community.
- the victims of juvenile offenses are entitled by law to participate in juvenile delinquency proceedings and to obtain restitution from the juvenile for damage done to them or to their property.
- juvenile court assignments are not always favored by judges or court staff.

The recently released National Center for State Courts report *Trust and Confidence in the California Courts 2005* concluded that the public's confidence in California's courts has increased significantly since 1992. It is still true, however, that persons who have been involved in the courts other than as a juror hold a lower view of the courts than



persons who have not. Litigants who have been involved in family, juvenile and traffic court give California's courts the lowest satisfaction ratings.

The study found that citizens' views of the courts are heavily influenced by their perceptions of the courts' ability to deliver "procedural justice."³ "Procedural justice" is a highly refined concept developed by Professor Tom Tyler of NYU in the course of research that has spanned several decades. It consists of four factors:

- Interpersonal respect – persons in the court are treated with dignity and respect and their rights are protected.
- Neutrality – judges are honest and impartial decision makers who base decisions on facts.
- Participation – parties have the opportunity to express their views to decision makers, directly or indirectly.
- Trustworthiness – judges are benevolent; they are motivated to treat you fairly, are sincerely concerned with the needs of the parties, and consider their sides of the story.

It also found that citizens rate their ability to obtain timely dispositions and the convenience of the hours of operation of the courts as among their highest unmet expectations.

The high cost of attorneys is seen as the highest barrier to accessing justice.

All of these findings are relevant to juvenile delinquency case management – stressing the importance of improving the experience of persons involved in delinquency court matters, ensuring that they perceive that they are treated fairly in every encounter with the court, and ensuring that their cases are resolved in a timely manner. The costs of legal services are not as pertinent, since juveniles are entitled to counsel at public expense.

Research and experience have shown that the courts do not have to sacrifice fairness to achieve timely decisions. Nor do they need to sacrifice timeliness to achieve fair processes. The key is efficiency. Improving efficiency enables a court to improve both the fairness of its

³ Attorneys, interestingly, are more concerned with the fairness of the outcomes of the cases than with the fairness of the process by which the outcomes are attained.



processes and the timeliness of its decisions.⁴ Efficiency also improves the use of public resources – for the courts, the lawyers, court staff, and the public agencies involved in delinquency cases. And it reduces the burden on others – particularly the youth involved, but also victims, witnesses and family members – who may be involved in a delinquency case.

This manual is focused on improving efficiency in the juvenile delinquency court process. It identifies the major caseflow management issues facing California juvenile delinquency judges, attorneys, probation officers, court administrators and court staff. It describes the principal options available for addressing each topic. It is designed to familiarize judges and administrators with the underlying principles of effective caseflow management as they apply to juvenile delinquency cases and to provide examples of practices currently in use in California courts.

Efficient management of juvenile delinquency cases requires a combination of know how, the will to succeed, and teamwork. Effective delinquency caseflow management involves:

- following a set of very basic practices that have been shown to be more efficient in resolving delinquency cases,
- implementing procedures that serve the needs of all of the entities involved in the resolution of delinquency cases,
- developing and maintaining courtwide commitment to meeting delinquency case management goals, and
- maintaining adequate juvenile delinquency case data to determine the effectiveness of court operations.

This manual is designed to serve as a concise overview of the mountains of material written on this topic.⁵ It is intended specifically

⁴ See Brian Ostrom and Roger Hanson, *Efficiency, Timeliness, and Quality: A New Perspective from Nine State Criminal Trial Courts* (Williamsburg, Va.: National Center for State Courts, 1999).

⁵ There are many studies in this field. Persons interested in reviewing the literature should begin with these pivotal works: Thomas Church, Alan Carlson, Jo-Lynne Lee, and Teresa Tan, *Justice Delayed: The Pace of Litigation in Urban Trial Courts* (Williamsburg, Va.: National Center for State Courts, 1978); Joan Jacoby, Charles Link, and Edward Ratledge, *Some Costs of Continuances – A Multi-Jurisdictional*



for California judges and administrators to assist in assessing current case management processes and designing improvements.

There is no one right way for courts to organize themselves to manage juvenile delinquency cases. Individual calendars (where all cases are assigned at the time of filing to one judge for all purposes), master calendars (where cases are managed centrally and assigned to judges for specific hearings and trials), and hybrid systems (for instance, assigning all detention hearings to a single bench officer, but assigning cases for trial using an individual calendar approach) all work well in some places and poorly in others. The key is not which calendaring system is used, but how well the system used is managed.

This same maxim applies throughout juvenile delinquency case management: While the underlying principles are universal and unchanging, they can and must be applied differently in different courts in response to the different situations in which those courts find themselves.

Effectively managing juvenile delinquency cases requires adherence to seven basic principles:

1. maintaining court control of case scheduling;
2. creating and maintaining expectations that events will occur when they are scheduled;

Study (Washington, D.C.: U.S. Department of Justice, National Institute of Justice 1986); Barry Mahoney, Alexander Aikman, Pamela Casey, Victor Flango, Geoff Gallas, Thomas Henderson, Jeanne Ito, David Steelman, and Steven Weller, *Changing Times in Trial Courts: Caseload Management and Delay Reduction in Urban Trial Courts* (Williamsburg, Va.: National Center for State Courts, 1988); Dale Sipes and Mary Elsnor Oram, *On Trial: The Length of Civil and Criminal Trials* (Williamsburg, Va.: National Center for State Courts, 1988); John Goerd, Chris Lomvardias, and Geoff Gallas, *Reexamining the Pace of Litigation in 26 Urban Trial Courts* (Williamsburg, Va.: National Center for State Courts, 1989); and Brian Ostrom and Roger Hanson, *Efficiency, Timeliness, and Quality: A New Perspective from Nine State Criminal Trial Courts* (Williamsburg, Va.: National Center for State Courts, 1999). The most recent, and comprehensive summary of research and practice is David C. Steelman, John A. Goerd and James E. McMillan, *Caseload Management: The Heart of Court Management in the New Millennium* (Williamsburg, Va.: National Center for State Courts, 2004). The only study of divorce cases found that the same principles applicable to the effective management of other types of cases are equally applicable in family law. See John Goerd, *Divorce Courts: Case Management Procedures, Case Characteristics, and the Pace of Litigation in 16 Urban Jurisdictions* (Williamsburg, Va.: National Center for State Courts 1992).



3. creating opportunities and incentives for early case resolution;
4. creating maximum predictability of court procedures and outcomes;
5. finding opportunities to improve efficiency;
6. handling different types of cases differently; and
7. setting case processing goals and using court data to monitor compliance with them.

Effective juvenile delinquency caseflow management requires commitment on the part of all judges and court staff to resolving these cases expeditiously as well as fairly. An approach that works in one court will fail in another court if the judges and staff are not determined to make it succeed. The court as a whole must buy in – not just one or two judges. Someone – a presiding judge or juvenile court presiding judge – has to provide strong and persistent leadership to get an effective program in place. But all judges and staff must develop the habits and attitudes that keep the program operating successfully after the initial leader has left the scene.

A key to any successful juvenile delinquency caseflow management process is maintenance of accurate and complete data and daily use of that data to track the progress of all cases, to monitor the court's accomplishment of its case processing goals, and to identify weak links in its procedures.

The judges, chambers staff, and the clerk's office alone cannot ensure efficient disposition of delinquency cases. Within the court there are multiple staff entities that need to work effectively with chambers and the clerk's office, among them staff working with drug and other specialized calendars. Outside the court there are many more groups and entities whose cooperation is essential. They include the District Attorney, Public Defender, conflict counsel, the private delinquency defense bar, probation departments (including the management of juvenile halls as well as the investigation of delinquency cases and supervision of persons under court order), law enforcement, county public health and social services programs, community drug treatment and other services providers, private providers of counseling, treatment and educational programs, and public and private school officials.

All agencies share the same interest in efficient delinquency case disposition. Courts willing to take a leadership role and to adopt



approaches that accommodate the needs of the other juvenile justice partners find that they are able to create and maintain highly effective cooperative efforts among all the entities – which produce improved results.

No court has all the resources that it needs. All courts strive to obtain more resources to better serve their communities. However, what distinguishes effective courts from ineffective courts is how they use the resources at their disposal.

This manual contains eighteen chapters:

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Chapter 18	Resources

This manual contains numerous descriptions of practices reported by California trial courts as useful in their management of juvenile delinquency cases. The members of the Juvenile Delinquency Court Assessment Working Group consider them to be useful examples to which other courts can look for inspiration. These practices appear in boxes with the following appearance; each contains the name and email address or phone number of a person to contact for information about the practice:

In _____ Court/County, the court and juvenile justice partners do _____ . *For more information, contact _____ at _____.*

Other possible options, to our knowledge not currently in practice in any California court, are set forth in boxes with all bold text. They appear as follows and do not include any contact information.

California courts might consider a process that would _____.

Throughout the manual there are statistics provided about the local courts. These statistics were derived from a statewide quantitative survey titled *Juvenile Delinquency Court Assessment Project: 2006 CFCC Court Operations Survey*, which was separate from the open-ended question survey the results of which comprise the bulk of this manual. The survey was distributed to each court in the fall of 2006 and collected data on topics regarding the administration of a California delinquency court such as hearing management, case management technology, and staffing. The statistics are based on 46 of the 58 California courts (79%) that responded to the survey. In two-thirds of the responding courts, the survey was completed by the CEO or delinquency court administrator and in one-third of the courts the Presiding Judge of the Juvenile Court completed the survey.



Other resources available to California juvenile justice practitioners are Administrative Office of the Courts, Center for Families, Children and the Courts, *Juvenile Court Administrative Deskbook* (San Francisco 2003); National Council of Juvenile and Family Court Judges, *Juvenile Delinquency Guidelines: Improving Court Practice in Juvenile Delinquency Cases* (Reno, Nevada 2005); and Gary C. Seiser and Kurt Kumli, *California Juvenile Courts Practice and Procedure* (LexisNexis Matthew Bender, San Francisco 2006 edition).



2

A statistical snapshot of delinquency case processing in California

According to the CFCC Research Update of April 2006, juvenile arrests throughout the state of California have dropped from 1995 to 2004. The rate per 100,000 persons in the population has fallen by 32%. Because the population has increased over the past ten years, the actual number of arrests has only dropped by 17%. Arrest rates have fallen for felonies, misdemeanors and status offenses. In 1995, 36% of all arrests were for felonies. In 2004 only 27% of arrests were for felonies; 58% were for misdemeanors and 14% were for status offenses.

About one in four juvenile arrests results in a wardship petition or criminal complaint. Status offenses rarely reach court calendars. While they made up 14% of arrests in 2004, they constituted only 1% to 3% of court filings.

Predictably, juvenile delinquency filings have followed the same pattern as juvenile arrests, falling throughout California over the past ten years. In the 2004-2005 fiscal year, they were 13% below their high point for the past decade which occurred in 1997-1998. The largest decrease was for subsequent rather than original filings; subsequent filings have fallen by 29% while original filings have fallen by only 6%. Subsequent filings are new petitions filed against a juvenile who is already a ward of the court; Section 777 violation of probation petitions are not considered subsequent petitions. Total filings have been flat for the past six years; original filings have increased by 5% from their recent low in 2002-2003.

Possible explanations for the reduction in the number of subsequent filings over the past ten years include:

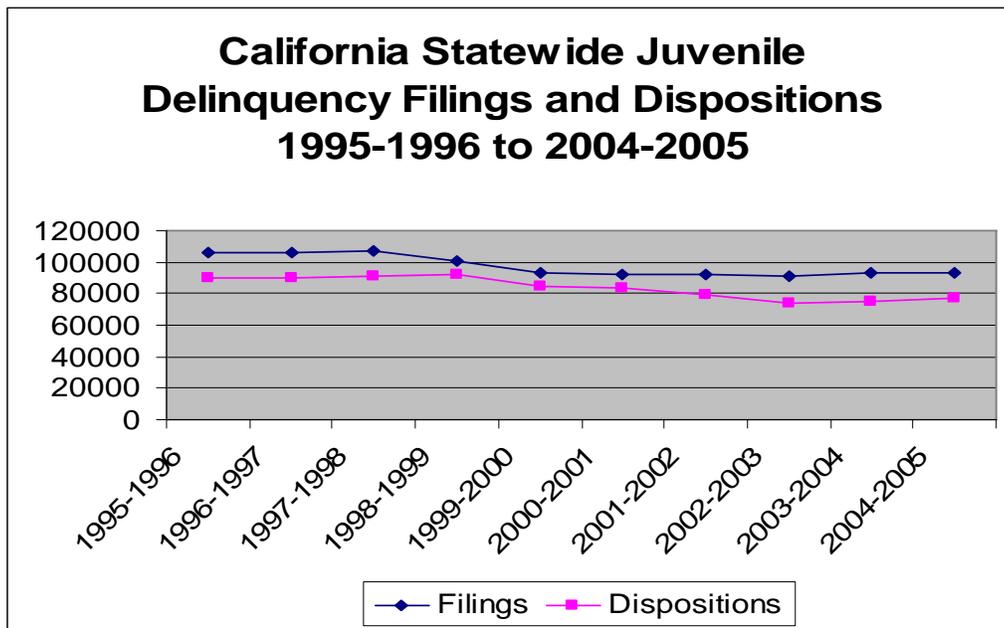
- The increasing effectiveness of the juvenile court in intervening in the lives of delinquent youth, reducing their future criminal behavior;

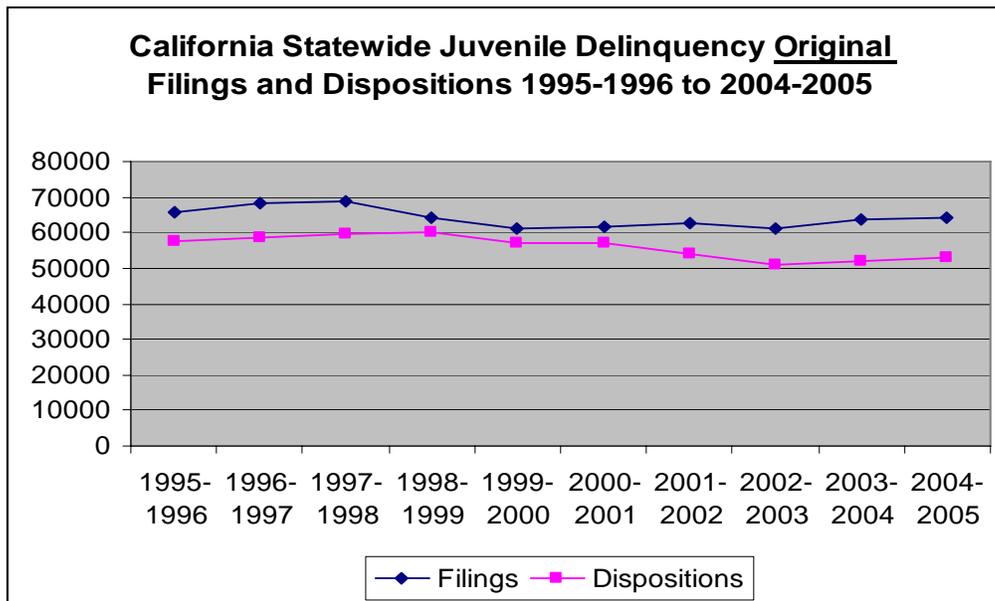


- Significant reductions in Probation Department resources in the recent past, limiting probation’s ability to investigate and refer subsequent offenses. With resources now restored to past levels, probation officers may once again have the resources to pursue these matters more aggressively.

Juvenile delinquency dispositions have also fallen over the ten year period. Total dispositions are down by 16% from their high point in 1998-1999 and dispositions of original petitions have fallen by 12% since the same year. The delinquency case clearance rate reached a peak in 1998-1999 – 94% of original petitions and 92% of total petitions were disposed in that year. It has fallen to 83% and 82% respectively in 2004-2005. Changes in clearance rates in delinquency cases often reflect changes in failure to appear rates for juveniles not in custody.

The charts below show data for total and original delinquency filings and dispositions over the last ten years as reported in the Judicial Council Annual Statistical Report for 2004-2005. There are some anecdotal reports of filings increases for the current year but no statewide data is yet available.





Relatively few juveniles are transferred to criminal court for trial as an adult. In 2003, 814 juveniles were transferred – 410 by direct filing by the district attorney and 404 as a result of 586 fitness hearings conducted in the juvenile delinquency court. In 2004, 643 juveniles were transferred – 283 by direct filing and 360 as a result of fitness hearings. That represents roughly 1% of the total original wardship petitions filed that year.

It is clear that fitness hearings and 601 status offense petitions, while clearly a part of the juvenile delinquency process, represent minor parts of the caseload and workload of delinquency judges on a statewide basis. However, there may be particular courts in which one or the other of these case types may rise to a higher level of importance because of unusual prosecutorial policies.

Another issue that affects both family and adult criminal courts – the phenomenon of self-represented litigants – also appears to be a marginal issue for the juvenile delinquency courts. However, the issues relating to comprehension of the proceedings by parents and juveniles are every bit as present here as in family matters. Retained counsel often is unfamiliar with delinquency court procedures.



Data from one superior court shows that a decrease in caseload does not necessarily translate into a decrease in workload. That juvenile delinquency court's workload has increased despite a drop in caseload. The court's data shows that its hearings increased by 9% from 2004 to 2005 even though its filings (including Section 777 petitions) dropped by 5%. The number of progress, status, and review hearings rose by 37% in that one year period.

Progress, status and review hearings can arise from many sources: special drug, domestic violence, mental health, or deferred entry of judgment calendars; informal supervision compliance hearings pursuant to Welf. & Inst. Code Section 654.2; enforcement of restitution orders; setting of a hearing to ensure enrollment in and participation in other ordered treatment programs, or periodic hearings to review progress towards finding an appropriate placement or to review the suitability of a placement made.

Data maintained by one probation department tracks the number of matters calendared and the number completed. It shows that a large portion of the court's workload arises from calendared matters that are continued rather than resolved. The court completed 94% of its calendared detention hearings. However, it completed only 60% of its calendared jurisdiction and disposition matters. The completion rates varied by department – from a low of 33% to a high of 67%. Ironically, the department with the highest completion rate also had by far the highest number of calendared hearings. A high volume of matters does not necessarily lead to a high continuance rate.



3

Principles of effective juvenile delinquency caseflow management

There are seven fundamental principles that a court must follow to manage juvenile delinquency cases effectively.

1. Maintaining court control of case scheduling

The cornerstone for effective caseflow management – the core concept on which all other caseflow management principles depend – is court control of the scheduling of events in every case. It is easy for a judge to adopt the habit of deferring to the lawyers in a delinquency case to make the judgments concerning when matters should be scheduled. Once statutory time requirements have been waived, this leaves the lawyers unbounded flexibility to determine how cases should proceed through the delinquency adjudication process. The end result is loss of court control of its own docket and caseload.

The law and sound caseflow management require that the judge maintain control of the pace of each juvenile delinquency case. The court should learn from counsel and the court probation officer special circumstances that affect the pace at which a particular case should proceed. But the court should then set the schedule for the case. Firm judicial control is not only in the best interests of the court; it also serves the interests of the prosecution, defense and probation – vesting in a neutral person the responsibility for moving delinquency cases to prompt and fair resolution.

The principal reason for the court to maintain control of the pace of juvenile delinquency litigation is to move the cases to resolution quickly. The National Counsel of Juvenile and Family Court Judges *Juvenile Delinquency Guidelines* present two reasons for resolving these cases as quickly as possible:



The swiftness and certainty of being held responsible for antisocial acts is critically important in changing a young person's behavior

Juveniles have an unusually high level of anxiety when important matters are not resolved, making it more difficult for them to function in educational and social settings

The public holds the court responsible for delays in the disposition of delinquency cases, even if those delays are sought by the prosecutor, the defense attorney, or both. Consequently, it is the court that must act to move cases to disposition, especially when a time waiver has been entered in a case.

2. Creating and maintaining expectations that events will occur when they are scheduled

Effective case management focuses on influencing not only the behavior of the judges and court staff, but the behavior of the attorneys and other juvenile justice system participants as well. The court cannot succeed in making the best use of its resources unless the prosecution and defense lawyers, the probation department, and other agencies also adopt a disciplined approach to the processing of delinquency cases.

Every juvenile justice system develops its own "culture" – its expectations for how matters will proceed. Experience has shown that the court can shape this local culture. When lawyers have an expectation that matters will occur when they are scheduled, they subpoena witnesses, they prepare for the hearing or trial, they make sure that witnesses are present and prepared, and they assemble needed documents. When the matter is called, they are ready to proceed.

When lawyers do not have that expectation – when cases are frequently continued at the last minute or when judges frequently fail to reach all of the matters set on a calendar – the lawyers will perceive that their case may not go forward, they will not invest (waste) the resources to prepare, and they will not bring or subpoena witnesses. They will be reluctant to invest time and energy – and the time and energy of their witnesses – in an event that may or may not proceed



as scheduled. Not being prepared, the lawyer will speak with opposing counsel and obtain an agreement to stipulate to a continuance. If a continuance is not granted and the matter is called, the lawyer will tell the court that s/he is not prepared to proceed and the matter will have to be rescheduled.

Delay breeds delay. Efficiency breeds efficiency. The court must set the example and work to establish a “disciplined culture” within the juvenile justice community that events will take place when they are scheduled.

3. Creating opportunities and incentives for early case resolution

A very small percentage of juvenile delinquency matters in California are resolved by trial. Most are resolved by admission – either early in the life of the case or on the eve of trial. One of the most powerful means of expediting juvenile delinquency cases is to motivate the lawyers and parties to reach agreements sooner rather than later – saving the time of the lawyers and the time of the court in conducting repetitive hearings, the time of probation staff in bringing detained youth to court and being present in court, and the time of parents, witnesses, and victims in attending court.

Earlier dispositions also provide stability and certainty for children and their families, allowing them to move forward with their lives and for youth who will be wards of the court to be placed and to begin receiving the services they need to develop stable and productive lives.

It is in the best interests of the lawyers and the youth to have a case decided earlier rather than later, provided that the outcome is not changed by doing so. If either side perceives that it can obtain a more favorable outcome by postponing case disposition, it will be difficult to obtain large numbers of early admissions. If all parties realize that the outcome will be no different if the case settles earlier rather than later, the court will obtain many early admissions in straightforward cases – allowing all of the participants to devote their available resources to the more serious or otherwise difficult cases.



4. Creating maximum predictability of court procedures and outcomes

Lawyers are reluctant to advise their clients to admit to the charges against them if they cannot predict with some degree of confidence the consequences of doing so. Courts and their juvenile justice partners can take steps to reduce that uncertainty.

As will be explained in Chapter 5, judges can obtain probation social studies early in the life of a case and participate actively in the pretrial negotiations between counsel, giving the parties an expectation of the likely dispositional outcome.

Courts can also ensure that their case assignment process maintains a youth's case or cases before the same bench officer for consistency of approach and disposition.

Judges of the same court can discuss cases among themselves so that they can assure themselves and the attorneys that dispositional outcomes are relatively consistent from judge to judge within the same court.

Courts can also provide litigants and private counsel with maximum information about the court's processes so that they will not be surprised by the events that occur.

5. Finding opportunities to improve efficiency

Any steps that the court can take to save time and effort – not just for the judge and court clerk staff but also for the lawyers, parties, witnesses, interpreters, probation officers, and outside agency staff involved in delinquency matters – will make the court system more efficient and less burdensome for everyone.

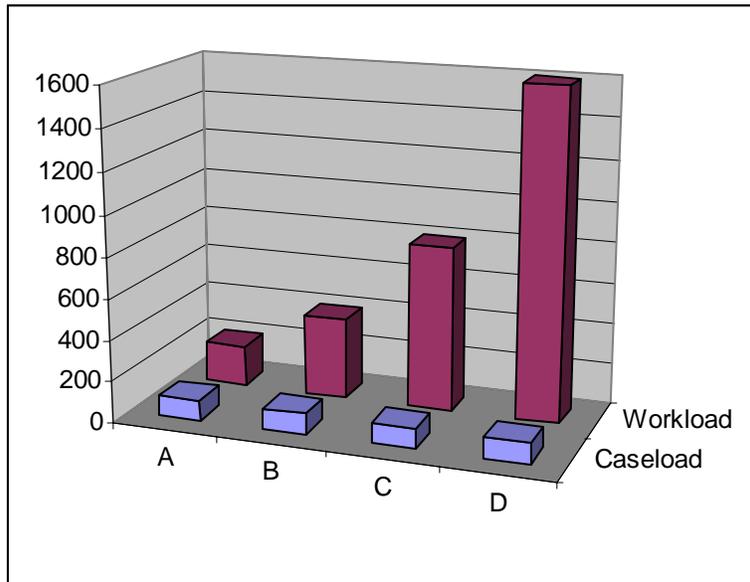
Eliminating unnecessary or unproductive hearings is a major way to improve everyone's efficiency. Cases that remain in litigation longer usually require more hearings and appearances than cases that are resolved more quickly. Every court appearance requires time of the judge and courtroom staff, the time of other court staff in scheduling, noticing, and recording the outcome of the hearing, the time of attorneys and probation officers to prepare, the time of the youth, the youth's family, and the victim to travel to court, wait for the hearing to commence, and participate in the hearing. Some hearings also require



the presence of placement agency representatives, mental health workers, or school officials.

The simple graphic below shows how dramatically the real “workload” associated with the same “caseload” escalates as the average number of hearings increases. And it is not just the judge who feels the effect of the workload increase; the impact on all the other participants is even greater than the impact on the judge when you consider unavoidable transportation and waiting time. Everyone in Court D will have to work eight times as hard as those in Court A to dispose of the same number of delinquency cases.

How to Multiply the Workload Associated with A Juvenile Delinquency Caseload



Court	Juvenile Delinquency Caseload	Average Appearances Per Case	Resulting Workload in Hearings to be Scheduled and Conducted
A	100	2	200
B	100	4	400
C	100	8	800
D	100	16	1600



With the widespread adoption of the drug court involving judges intimately in the process of treating drug dependent litigants, many courts and judges have begun to schedule recurring progress, status, and review hearings after a case has been disposed to maintain pressure on the probation department to find an appropriate placement, to monitor a ward's progress, and to participate personally in a youth's treatment. While these continuing interventions are well intended, they may prove counterproductive if they place such a strain on the time of the judge and all other court participants that they do not have time to prepare competently for the basic court proceedings – jurisdiction and disposition hearings. A judge is well advised to consider "less drastic alternatives" such as requiring the probation department to file a status report on a matter of concern. The judge can make an entry on the calendar to check for the status report rather than scheduling a hearing.

It is equally important that necessary hearings and trials take no longer than required. Efficient judges have developed numerous ways to avoid wasted time in the courtroom, including effectively organizing the way in which the cases are called on a calendar and monitoring contested hearings so that inexperienced and ineffective attorneys do not waste the time of everyone else in the courtroom.

Technology and effective information systems can ensure that all participants have direct access to current and accurate information about their cases and automated tools for completing documents during court and non-court events.

6. Handling different types of cases differently

"Differentiated case management" is a complicated name for a simple concept – delinquency cases of different degrees of complexity should be handled in different ways. For example, the procedures appropriate for a serious charge against a youth who is already a ward of the court are not necessary for first offenders charged with minor matters.

"Triaging" cases at their inception to determine how much of the juvenile justice system's resources they warrant can be a productive exercise for all of the entities involved in the process.

The classic model for "differentiated caseflow management" is the creation of multiple procedural "tracks" for cases of differing complexity or difficulty. Another application of the concept is to



establish specialized calendars for handling cases with characteristics warranting the application of specialized expertise or calling for the attendance in court of outside experts, such as drug and mental health cases.

7. Setting case processing goals and using court data to monitor compliance with them

Courts making an effort to improve their case processing find it helpful to set clear goals not only for the overall time required to dispose of a delinquency case, but also for intermediate stages of case processing as well. California statutes set such time requirements for delinquency cases, but they are frequently waived. What fallback standards do juvenile courts have for prompt disposition of time waived cases?

8. Assessing the effectiveness of a particular caseflow management process

Efficiency is not the only factor to take into account in determining the soundness of a particular delinquency caseflow management process. Here is a list of factors that judges, court administrators, and justice system partners should weigh in determining whether to retain, modify or jettison a particular caseflow management practice:

- a. Compliance with legal requirements** Is the practice consistent with the Welf. & Inst. Code, the Rules of Procedure, and applicable case law?
- b. Fairness** Does the practice comport with basic due process principles? Does it unfairly advantage or disadvantage the state or the youth?
- c. Best interests of the child** Does the practice ensure that decisions about the placement of a child are based on the best information available?
- d. Efficiency** Does the practice make the best possible use of the limited resources of all of the juvenile justice partners? A practice that saves the time of one partner – for instance, the judge – at the



expense of the other partners – the lawyers and probation officers – is not an efficient process for the juvenile justice system.

e. Cost There are some practices that would be efficient if they could be implemented, but that entail significant implementation costs. Obvious examples are facilities renovations. Is the implementation cost a reasonable investment to achieve the longer term efficiencies? Does the partner entity have the resources needed to front the implementation cost? What can the other partners do to contribute towards the implementation costs, or to obtain support for public funding of those costs?



4

Case Intake and Screening

Under California Rules of Court, Juvenile Court Rule 5.514, the presiding judge of the juvenile court shall initiate meetings and cooperate with partner agencies “to establish and maintain a fair and efficient intake program designed to promote swift and objective evaluation of the circumstances of any referral and to pursue an appropriate course of action.”

Under California law, the probation department, once it has determined that a youth is, or probably soon will be, within the jurisdiction of the juvenile court, under Welf. & Inst. Code Section 654, has the option, with the consent of the youth and the youth’s parent or guardian, to establish a six month program of supervision in lieu of referring the matter to the district attorney. Probation may prefer to refer the case to the district attorney for formal charging and consideration by the court of establishing a similar six month supervision program, under court order, under Welf. & Inst. Code Section 654.2.

The statutory time requirements for the case intake and screening process are as follows⁶:

A youth who is not currently on juvenile court probation must be released from custody unless a petition or criminal complaint is filed within 48 hours, excluding nonjudicial days (Welf. & Inst. Code Section 631)

Probation must commence an immediate investigation whenever law enforcement submits an affidavit alleging a youth committed a Section 602 offense (Welf. & Inst. Code Section 653.5)

⁶ The NCJFCJ *Juvenile Delinquency Guidelines* recommend that probation and prosecution make all charging decisions within 5 business days.



Probation must cause the affidavit to be taken to the district attorney immediately in Section 707(b) cases in which the juvenile is 16 or older and specified other cases (Welf. & Inst. Code Section 653.1)

Probation must cause the affidavit to be taken to the district attorney within 48 hours in cases enumerated in Welf. & Inst. Code Section 653.5(c)

Upon receipt of an application to commence proceedings, probation must, within 21 days, take action under Welf. & Inst. Code Section 654 and file a petition, or if the affidavit alleges the youth falls within Section 602 take the affidavit to the district attorney, or notify the law enforcement agency of the reason for not proceeding. (Welf. & Inst. Code Section 653.7)

Even if the youth is not in custody, the district attorney shall file a petition within 5 judicial days if the case is a felony and the youth is already a ward of the court. (Welf. & Inst. Code Section 653.5(d))

The typical process in California is for the probation intake department to review the police report, conduct an interview with the youth and the youth's parent or guardian, perhaps contact the victim, and to determine what course of action to pursue. There are, however, court-by-court variations and a number of recurring issues that arise in this process:

Intake screening and referral

Does the district attorney's office participate in any way in determining the sufficiency of the evidence to support a juvenile delinquency charge?



In Sacramento County, the district attorney's office screens all non-detained matters except petty theft before probation holds a citation hearing with the youth and family. The district attorney assesses the sufficiency of the evidence and prepares a petition instruction form designating the exact charges the district attorney will file if a referral is made. Probation agrees not to place any youth on §654 probation if there is insufficient evidence to support a charge. After the citation hearing, probation exercises its discretion to re-refer the case to the district attorney, or place the youth on informal supervision (e.g., Neighborhood Accountability Board, Youth Court). If the case is referred to the district attorney, the probation officer cites the youth to appear in court seven court days later with a signed promise to appear.

For more information, contact Michael Bays, Probation Division Chief, at baysm@saccounty.net.

What mechanisms, other than statutory mandates, does the probation department use to determine which juveniles to refer to the district attorney and which to handle informally? Working together, can the justice partners identify programs or processes that will reduce the number of cases brought to court while preserving public safety, recognizing the interests of victims, and meeting the needs of arrested or referred juveniles? What is the effect of juvenile hall overcrowding on screening and referral processes?

In Orange County, the court and the probation department have developed criteria for the Accountability Commitment Process. A screener reviews each case for release to the ACP program or referral to the district attorney, using the following criteria: individual case merit (elements of the offense, role in the offense, seriousness of the offense, damage to the victim, amount of restitution), prior record, parents' involvement and ability to control youth, youth's attitude, youth's education, and whether the youth would benefit from formal proceedings. The Accountability Commitment Program was developed to deal with facilities limitations. *For more information, contact Cory Nichter at 714-935-6323.*



In Placer County, probation reviews all non-mandatory referrals to determine potential community threat, needs of the youth, and ability to meet the youth's needs through diversion services. *For more information, contact Dave McManus at 530-889-7900.*

In Sacramento, the court uses the Citation Hearing Intake Report as the full social study report to resolve "simple" cases. The court uses the "Adjustment Summary" attached to the probation violation report as the social study report for violations of probation in which probation seeks no more than 30 days of incarceration as the sanction (referred to as an "early resolution violation of probation or "ER-VOP"). *For more information, contact Judge Kenneth Peterson at Kenneth.Peterson@saccourt.com.*

In Santa Clara County, when citations are issued by law enforcement agencies, the officer decides if the youth is to be booked or cited and released. The citations are filed with juvenile probation's records room. Juvenile probation decides whether the youth should be detained, released, released with conditions, placed on informal supervision or the case should be referred to the district attorney. A Restorative Justice Program representative selects minor crime cases to keep the youth out of the juvenile justice system while at the same time protecting the community and having youth take responsibility for their actions. Other programs used by probation to keep youth out of the juvenile justice system include Informal Juvenile Court, Neighborhood Accountability Boards, truancy calendars for parents, and an Evening Reporting Center as an alternative to juvenile hall for those who have violated probation or committed minor crimes. *For more information, contact Carl Tademaru, Juvenile Probation, at Carl.Tademaru@proscgov.org.*



In Stanislaus County, the Modesto Police Department has a diversion program and decides which cases to refer to the probation department. Using statutory guidelines and risk assessment, and frequently conferring with the district attorney's office, the probation department, in turn, decides which cases to divert and which to refer to the district attorney. *For more information, contact Juvenile Court Presiding Judge Linda McFadden at linda.mcfadden@stanct.org.*

In Tulare County, out-of-custody cases are reviewed by the Thunderbolt Probation Unit pursuant to §§653.1, 653.5, 653.7, and 654.3 and referred to the district attorney or diverted for §654 supervision by probation or referred to the Restorative Justice Program for handling through the Neighborhood Accountability Board. In-custody youth are administered evidence-based screening instruments. Information relevant to detention is included in a detention report for the court. Probation also screens cases pursuant to Division 31 and Title IV-E, resulting in an assessment and case plan for the youth and family in appropriate cases. *For more information, contact David Parbst at 559-740-4475.*

California courts might consider a process that would involve all of the juvenile justice partners in establishing and uniformly applying criteria for separating out cases that do not deserve significant investment of system resources from those that do.

Is the probation department screening process transparent to the other justice partners?

Probation departments might provide juvenile justice system partners copies of referral policies and with regular statistical reports on the numbers of cases received and their disposition.



What recourse do other juvenile justice partners have to change particular referral decisions made by probation officers?

Under Welf. & Inst. Code Section 653.7, probation departments are required to notify the arresting agency within 21 days if they decide not to refer a case to the district attorney. Under Section 655(a), the law enforcement agency may, within 10 days, ask the district attorney to review the probation department decision not to refer the case.⁷

Preparation of probation reports at the intake stage

What reports does the probation department prepare at this early stage of a delinquency case?

The typical practice in California is for probation to prepare a detention report for youth who are held in the juvenile hall for a detention hearing.

In Kings, detention reports contain brief social information including employment of parents, prior record, youth/family assessment, and, if known, school information and whether the parents are capable of ensuring the safety and control of the youth. *For more information, contact Todd H. Barton at (559)582-1010, ext. 5002.*

However, in most counties a full social study report is not prepared until after an admission, a court finding establishing the court's jurisdiction, or a court decision to proceed less formally under Welf. & Inst. Code Sections 654.2, 725(a) or 790.

However, there are significant variations from this norm.

⁷ Under Section 655(b), in Section 601 cases the person or agency that applied for a wardship referral can seek review by the juvenile court of the decision of the probation department or the district attorney. This is not the case under Section 655(a) pertaining to Section 602 cases; the district attorney's decision in Section 602 cases is not reviewable by the juvenile court.



The Orange County Probation Department produces a detention calendar memo and disposition report for each felony case. *For more information, contact Chief Colleene Preciado at 714-937-4701.*

In Sacramento County, the probation department furnishes an "intake report" to the court and counsel prior to the initial hearing in all non-detained cases. The report serves as a social study report to determine the appropriateness of §725(a) six month non-wardship probation or §790 deferred entry of judgment. A check-box minute order is used by counsel and the court for conditions of probation so that an order can be provided to the youth before leaving the courtroom. *For more information, contact Michael Bays, Probation Division Chief, at baysm@saccounty.net.*

In Sacramento, immediately after the initial/detention hearing, the court refers all cases to probation for a full pre-admission social study report for use at a settlement conference within 6-10 days for detained youth or within three weeks for non-detained youth. The report includes recommended care and custody orders and recommended conditions of probation. *For more information, contact Judge Kenneth Peterson at Kenneth.Peterson@saccourt.com.*

In San Diego, a case may be placed on a "fast track" at the detention hearing. Serious offenses and cases requiring psychological evaluation are generally excluded from consideration. If a case is assigned to the fast track, a readiness hearing will be set in 10 judicial days. The probation department prepares a full social study report, including recommendation. Only the youth's attorney receives the full report prior to the readiness hearing. The district attorney receives only the probation officer recommendation. The court's copy of the report and recommendation are sealed. If the parties agree to settle the case at the readiness hearing, the court makes a true finding and proceeds to disposition based on the report, which is provided to the judge and district attorney after the true finding is made. If the case does not settle, the report remains sealed until after a true finding is made. *For more information, contact Michael Adkins (Probation Director) at (858) 694-4399.*



In Santa Clara, a full social studies report is completed for the initial hearing. *For more information, contact Carl Tademaru, Juvenile Probation, at Carl.Tademaru@proscceg.org.*

Use of evidence-based assessment tools

Evidence-based tools are used for two distinct and different purposes – to assess a youth’s danger to the community and to determine a youth’s treatment needs. Does probation use evidence-based assessment tools in making its screening decisions? What tool(s) are used? Have the tools been validated empirically? How does probation train its staff in the proper administration of the tool and correct interpretation of the results in individual cases? Do judges and attorneys use evidence-based assessment results in court?

In Alameda County, evidence-based detention risk and needs assessment tools are completed upon intake and contact is made with family and school officials. *For more information, contact Vicki Ward at vward@alameda.courts.ca.gov.*

Los Angeles County uses the MAYSI-2 Youth Screening Instrument - a screening tool to assist juvenile justice agencies such as probation at intake interviews and alerts staff to potential mental/emotional distress and certain behavior that might require an immediate response. It can be used at any entry or transitional placement in the juvenile justice system. *For more information, contact Ms. Davida Davies, Bureau Chief at Probation Department, (323) 226-8886.*

Monterey County uses the Back-on-Track (allvest) tool. *For more information, contact Minnie Monarque at (831) 775-5516.*

San Benito probation uses a program called assmt.com to assess risk factors. *For more information, contact Nancy Iler at nancy.iler@sanbenito.courts.ca.gov.*



San Diego probation uses a validated and evidence-based assessment tool call San Diego Regional Resiliency Check-up (SDRRC). *For more information, contact Michael Adkins (Probation Director) at (858) 694-4399.*

Tulare County probation administers a Juvenile Detention Risk Assessment and Suicide Risk Screening Questionnaire to in-custody youth at intake. If they are still detained after 72 hours, they are given the Problem Oriented Screening Instrument for Teenagers (POSIT) and the Substance Abuse Subtle Screening Inventory (SASSI). Cases resulting in a social report are also assessed via the Wisconsin Risk/Needs Assessment Instrument, which is re-administered every six months. *For more information, contact David Parbst at 559-740-4475.*



5

The role of the juvenile judge in pretrial negotiations

Critical to the way in which the court will organize itself is the role the juvenile judge will play in pretrial negotiations.

Typically in California, juvenile judges play no role in these negotiations. They have not received any social study information from the probation department. Consequently, they are not in a position to be able to indicate to the parties what disposition would be likely. They do not receive any social study information because of Juvenile Court Rule 5.780(c) which provides:

Except as otherwise provided by law, the court shall not read or consider any portion of a probation report relating to the contested petition prior to or during a contested jurisdiction hearing.

Because a social studies report includes a discussion of the incident out of which the petition arose and other information that could be prejudicial to the youth, judges choose to receive and review those reports only after the court's jurisdiction has been established by an admission or a finding that the allegations of the petition are true.⁸

⁸ The NCJFCJ *Juvenile Delinquency Guidelines* disapprove of judicial involvement in settlement of juvenile delinquency cases because the judge does not have the information needed to make an informed disposition decision. However, in a county in which a full probation social study is available at this point, the judge has all the information needed to make an informed dispositional decision.



A consequence of this process is that the negotiations between the prosecution and defense counsel deal only with the charges to which the youth will make an admission. The attorneys can negotiate over the specific charges to which the youth will make an admission; these decisions do have significant consequences for the youth, particularly in establishing the nature of the court finding for purposes of its future use as a prior conviction. The negotiations, however, do not relate to the disposition of the case. The attorneys are not able to indicate to the youth, his or her parent, or the victim the dispositional consequences of an admission.

The juvenile court in Sacramento and some judges in Santa Clara take the opposite approach.

In Sacramento and Santa Clara Counties, the probation departments prepare a full social study either at or soon after the initial hearing in the case, including dispositional recommendations. With the information contained in the full social study report, the judges are able to participate fully in the pretrial negotiation process and to make dispositional orders, therefore preventing further continuances. In Sacramento, the court indicates the disposition it will enter if the youth admits. *For more information in Sacramento, contact Judge Kenneth Peterson at Kenneth.Peterson@saccourt.com; in Santa Clara contact Carl Tademaru, Juvenile Probation, at Carl.Tademaru@proscgov.org.*

The result is that the lawyers in the case play a much larger role in determining the dispositional outcome during the negotiation process, defense counsel is able to inform the youth and his or her parent or guardian the consequences of an admission, and the district attorney's office is able to confer with the victim about the disposition. Although no study has been done to verify this, theoretically, this practice should lead to earlier admissions in delinquency cases.

The judges in Sacramento and Santa Clara that read full probation social studies and recommendations and participate in settlement negotiations take advantage of the prefatory exception to Rule 5.780 by:

Transferring any case that requires a contested jurisdiction hearing to another judge;



Accepting a waiver of the rule by both parties; or

Treating the failure to object to the judge's reading the contents of the social study as a waiver of the rule or as the basis for the judge's concluding that any rule violation would be non-prejudicial.⁹

A juvenile justice system choice to involve the juvenile court judge actively in the pretrial negotiation process will have significant impact on the roles of the lawyers in the process, in the timing of probation officer social study reports, and in the way in which cases are assigned to judges.

⁹ See In Re Christopher S., 10 Cal. App. 4th 1337 (6th Dist. 1992) finding that the judge's reading of a probation report prior to the conclusion of the jurisdictional hearing was not prejudicial error under the circumstances of the case.



6

Case Assignment

Case assignment involves a variety of decisions by the court and its juvenile justice partners, including whether a court assigns delinquency and dependency cases to the same or to different judges, whether it assigns cases involving the same youth to the same or to different judges, whether it assigns cases involving the same family to the same or to different judges, whether it adopts a vertical or master calendar structure (or some hybrid of the two), and how the district attorney, public defender and probation department assign cases to their personnel. Each of these issues is addressed separately in this chapter.

Organizing the juvenile delinquency judicial assignment and determining its relationship to other judicial assignments

How does the court choose to assign responsibility among its judges for matters involving juveniles?¹⁰ Some alternatives include:

A separate juvenile delinquency department including one or more bench officers

¹⁰ The NCJFCJ *Juvenile Delinquency Guidelines* recommend the unified family court approach.



The courts in Butte, Los Angeles, Placer, San Diego, San Joaquin, Santa Clara, Sonoma, Stanislaus, and Ventura assign delinquency and dependency cases to different judges. *For more information in Butte, contact Debbie Decker at ddecker@buttecourt.ca.gov; in Los Angeles, contact Ms. Terry Truong, Research Attorney Juvenile Court at (323) 526-6566; in Placer, contact Lori Smith at 530-886-4810; in San Diego, contact Denise Jackson (Juvenile Court Manager) at (858) 694-4212; in San Joaquin contact Judge Barbara Kronlund at bak@courts.san-joaquin.ca.us; in Santa Clara, contact at Mara Jochums, at mjochums@scscourt.org; in Sonoma, contact Debbie Lamb at dlamb@sonomacourt.org; in Stanislaus, contact Judge Linda McFadden at linda.mcfadden@stanct.org; in Ventura, contact Patti Morua-Widdows at (805) 981-5938.* In Kern, there are separate delinquency and dependency courts located in the same facility adjacent to the Juvenile Hall; on occasion the dependency court will help with a delinquency case overflow. *For more information contact Tricia McCoy, Supervisor, Juvenile Division, Kern Superior Court, at tricia.mccoy@kern.courts.ca.gov.*

A combined juvenile department handling delinquency and dependency matters

In Kings, Marin, Mendocino, San Benito, San Luis Obispo, and Santa Barbara, the same judges hear both delinquency and dependency cases. *For more information in Kings, contact Todd H. Barton at (559)582-1010, ext. 5002; in Marin, contact Commissioner Randolph E. Heubach at randolph_heubach@marincourt.org; in Mendocino, contact Judge Leonard LaCasse at (707) 463-4515; in San Benito, contact Nancy Iler at nancy.iler@sanbenito.courts.ca.gov; in San Luis Obispo, contact David Prouty at david.prouty@slo.courts.ca.gov or Roxanne Ralph at roxann.ralph@slo.courts.ca.gov; in Santa Barbara, contact Judge Arthur Garcia at agarcia@sbcourts.org.*

Two courts combine these two approaches.



In Alameda, some juvenile bench officers hear only one type of case while others hear a mixture of both delinquency and dependency cases. *For more information, contact Vicki Ward at vward@alameda.courts.ca.gov.*

In Tulare, the juvenile court is located in the same building as the juvenile hall. It has three departments: Department A hears delinquency cases and a few specially assigned dependency cases. Department B hears dependency and juvenile traffic cases. Department C hears delinquency and a limited number of dependency cases, as well as the juvenile drug court. If there is a pending dependency case involving a youth, a delinquency case will be assigned to the judge handling the dependency case to ensure consistency in case decisions. *For more information contact Presiding Juvenile Judge Saucedo at (559) 713-3157 x264.*

A unified family court handling some combination of the following case types: delinquency, dependency, domestic relations (including dissolution, paternity, child custody, child support, and related matters), domestic violence restraining orders, domestic violence criminal matters, guardianship and conservatorship matters

In Calaveras, one judge hears all §300, §602, and family cases, so that judge hears all matters involving the same family. *For more information, contact Mary Beth Todd, Court Executive Officer, at (209) 754-6736.*

In Humboldt, the Family Law/Juvenile Division consists of one judge and one commissioner. All cases are assigned by terminal digits – odd and even. Both bench officers hear family, delinquency and dependency calendars, at separate times. For instance, one bench officer hears a family law calendar at 9:00 am followed by a dependency calendar at 10:00 am, while the other is at Juvenile Hall, which is 15 miles away. *For more information, contact Jay Gerstein, Court Manager at jgerstein@humboldtcourt.ca.gov.*



In Yolo, the juvenile court is part of the Unified Family Court, which is based on the one judge-one family model. *For more information, contact Janet Merrill at jmerrill@yolo.courts.ca.gov.*

The Santa Clara court has a unified family court judge who hears selected cases involving members of the same family, which may include all of the above case types. All dual jurisdiction cases are transferred to this division. The UFC also takes juvenile domestic violence cases where the youth charged with the crime shares a child with the victim. The UFC handles not only the reviews for the domestic violence case, but also handles the parentage and visitation issues. *For more information in Santa Clara, contact Judge Raymond Davilla at 408-882-2700 or rdavilla@scscourt.org or Mara Jochums at 408-491-4717 or mjochums@scscourt.org.*

The court in Los Angeles uses a Unified Courts for Families protocol developed through a mentor court grant to identify all families that have cases in more than one courtroom, improving communication and coordination of cross-county cases, providing high quality personalized and coordinated services to families, providing information on existing orders, expediting cases, and using judicial officers and staff more efficiently and effectively. *For more information, contact Administrator Brian Hamilton, Juvenile Delinquency Court at (323) 526-6658.*

In Fresno, case information is shared among delinquency, dependency, probate and family law departments. A single automated case management system is used for cases involving children and families. Case files can be requested from other cases and judicial notice taken of matters in those files. *For more information, contact Sandra Leon at sleon@fresno.courts.ca.gov.*



In Stanislaus, to maintain consistency in court orders, all matters pertaining to a youth are filed in the same court file. *For more information, contact Juvenile Court Presiding Judge Linda McFadden at linda.mcfadden@stanct.org.*

Some courts have combined their staffs so that they serve both delinquency and dependency courtrooms and cases.

The courts in Alameda, Butte, Kern, Mendocino, Riverside, and Tulare combine their staff for delinquency and dependency cases. *For more information in Alameda, contact Vicki Ward at vward@alameda.courts.ca.gov; in Butte, contact Debbie Decker at ddecker@buttecourt.ca.gov; in Kern, contact Tricia McCoy, Supervisor, Juvenile Division, at tricia.mccoy@kern.courts.ca.gov; in Mendocino contact Judge Leonard LaCasse at (707) 463-4515; in Riverside, contact Donna Albert-Burt at (951)358-4160; in Tulare, contact Shirley Blackerby at (559) 713-3157 x201.*

In Ventura, court staff are combined for delinquency and dependency except for juvenile traffic infractions, which are handled by the Criminal/Traffic Department staff. *For more information, contact Patti Morua-Widdows at (805) 981-5938.*

In Humboldt, the court operations office staff are cross-trained in family, dependency, and delinquency case processing. *For more information, contact Jay Gerstein, Court Manager, at jgerstein@humboldtcourt.ca.gov.*

Handling juvenile traffic matters

California trial courts use many different approaches for handling juvenile traffic matters. Twenty-one (46%) of juvenile delinquency courts responding to our survey reported having a juvenile traffic court that handles all juvenile traffic cases except DUI and felonies.



In Alameda, Humboldt, and Riverside, all traffic matters are heard in adult court, reducing the delinquency caseload. *For more information in Alameda, contact Vicki Ward at vward@alameda.courts.ca.gov; in Humboldt, contact Jay Gerstein, Court Manager, at jgerstein@humboldtcourt.ca.gov; in Riverside, contact Donna Albert-Burt at (951)358-4160.*

In Fresno, all citations are sent to juvenile probation and reviewed by a probation officer designated as traffic hearing officer; if appropriate for hearing, they are set on the juvenile traffic calendar. Except for DUI and felony traffic matters, all juvenile traffic matters are heard by a juvenile traffic hearing officer. Other courts that use probation officers to handle some or all juvenile traffic matters include Kings, Mendocino, Merced, Mono, Placer, San Benito, San Luis Obispo, and Stanislaus. *For more information in Fresno, contact Phil Kader at pkader@co.fresno.ca.us; in Kings, contact Todd H. Barton (559)582-1010, ext. 5002; in Mendocino, contact Judge Leonard LaCasse at (707) 463-4515; in Merced contact Commissioner Thomas S. Burr at thomas.burr@mercedcourt.org; in Mono contact Sharon Shaw at sshaw@monosuperiorcourt.ca.gov; in Placer, contact Dave McManus at 530-889-7900; in San Benito, contact Nancy Iler at nancy.iler@sanbenito.courts.ca.gov; in San Luis Obispo contact David Prouty at david.prouty@slo.courts.ca.gov or Roxanne Ralph at roxann.ralph@slo.courts.ca.gov; in Stanislaus, contact Juvenile Court Presiding Judge Linda McFadden at linda.mcfadden@stanct.org. In Kern, probation officers conduct an Alternative Juvenile Calendar to address some juvenile traffic matters; to the extent allowed by law, traffic cases direct filed in the juvenile court are heard by probation officers serving as Traffic Hearing Officers for the informal juvenile and traffic calendar. *For more information, contact Beth Gong at gongb@co.kern.ca.us.**



In Los Angeles, juvenile traffic violations are by appearance hearings and payment of a fine. Depending upon the violation, the youth may be eligible for TVS, traffic school. Youth who are not eligible for TVS are given an appearance date on the citation. For §256 citations, the youth is given a court date from the police agency. The court calendars the youth for that date. If they don't appear the citation is coded as FTA and DMV is notified within 60 days. *For more information, contact Jack Furay, Supervising Referee, Informal Juvenile and Traffic Court at 213 744-4151.*

In Butte, all juvenile traffic matters are heard by a commissioner. *For more information, contact Debbie Decker at ddecker@buttecourt.ca.gov*

In Calaveras, all juvenile traffic matters are heard by a judge. *For more information, contact at Mary Beth Todd, Court Executive Officer, at (209) 754-6736.*

In Sacramento, by Board of Supervisors resolution, non-misdemeanor traffic matters are referred to adult traffic court which is held at a different court facility. Other §256 matters (Vehicle Code misdemeanors, other Penal Code infractions, etc.) are heard on a separate Informal Juvenile Court calendar at the delinquency court facility by three judges. *For more information, contact Judge Kenneth Peterson at Kenneth.Peterson@saccourt.com.*



In San Diego, offenses listed in WIC §256 are handled in the Informal Juvenile and Traffic Court over which a retired judge presides. Pursuant to WIC §603, Vehicle Code infractions and violations of local ordinances involving the driving, parking, or operation of a motor vehicle are heard in the adult traffic division. *For more information, contact Denise Jackson (Juvenile Court Manager) at (858) 694-4212.*

Using judges, commissioners, referees and pro tempore judges

California juvenile courts employ a great variety of bench officer staffing models, involving judges, commissioners, referees and pro tempore judges.¹¹

Courts in Orange use Extra-Help Referees (private volunteer attorneys) to cover delinquency calendars during vacations and long cause contested hearings. *For more information, contact Beverly MacLaren at 714-935-6600.*

In Merced, the court research attorney serves as judge pro tem when the commissioner is absent. *For more information, contact Commissioner Thomas S. Burr at thomas.burr@mercedcourt.org.*

In general, subordinate judicial officers exercise the same powers as judges, either by express consent of the parties or by waiver of their right to object or to appeal a referee's ruling to a judge.

Using master, direct, horizontal, or mixed case assignment systems

There are many factors that influence the way in which a juvenile court chooses to assign cases to particular judges, including

- maintaining equal caseloads among the bench officers

¹¹ The NCJFCJ *Juvenile Delinquency Guidelines* recommend that only judges hear delinquency matters.



- assigning a case to a bench officer for all purposes to reduce the extent to which the attorneys have an opportunity to engage in judge shopping¹²
- assigning cases geographically to court facilities throughout the county for the convenience of out-of-custody youth, their families, and victims
- keeping all cases concerning the same defendant before the same bench officer
- developing expertise among the members of a specific courtroom team on particular types of cases, such as cases involving sex crimes or gang members,
- transferring long cause matters to trial departments that have the time set aside to handle them, and
- organizing case assignments to accommodate settlement processes that disqualify the settlement judge from conducting a contested jurisdiction hearing.

Nearly 75% of courts responding to our survey assign delinquency cases to a judicial officer for the duration of the case prior to or at the time of the initial hearing. Here are examples of how California juvenile courts assign cases to their judges handling delinquency matters.

The Calaveras, Kings, Mendocino, Merced, San Luis Obispo, Sonoma, Stanislaus, and Yolo juvenile courts assign all delinquency cases to the same judge. *For more information in Calaveras, contact Mary Beth Todd, Court Executive Officer, at (209) 754-6736; in Kings, contact Todd H. Barton at (559)582-1010, ext. 5002; in Mendocino contact Judge Leonard LaCasse at (707) 463-4515; in Merced contact Commissioner Thomas S. Burr at thomas.burr@mercedcourt.org; in San Luis Obispo, contact David Prouty at david.prouty@slo.courts.ca.gov or Roxanne Ralph at roxann.ralph@slo.courts.ca.gov; in Sonoma, contact Debbie Lamb at dlamb@sonomacourt.org; in Stanislaus, contact Juvenile Court Presiding Judge Linda McFadden at linda.mcfadden@stanct.org; in Yolo, contact Janet Merrill at jmerrill@yolo.courts.ca.gov.*

¹² Although a Code of Civil Procedure Section 170.6 motion is always available to a party, if the court involves multiple judges at various stages of the case, an attorney may maneuver to have his or her client disposed before a particular judge without using a Section 170.6 motion merely by prolonging the case on the docket.



The Alameda, Butte, Humboldt, Los Angeles, Mendocino, Monterey, Orange, San Bernardino, San Joaquin, Santa Barbara, Santa Clara, Tulare, and Ventura juvenile courts assign delinquency cases vertically to a bench officer for all purposes, using an odd-even, rotating, or geographical assignment process. Alameda assigns delinquency cases based on arresting agency location, i.e. North or South County and the case remains with that bench officer unless contested. A continuous numbering system is used for delinquency and dependency. *For more information in Alameda, contact Vicki Ward at vward@alameda.courts.ca.gov; in Butte, contact Debbie Decker at ddecker@buttecourt.ca.gov; in Humboldt contact Jay Gerstein, Court Manager, at jgerstein@humboldtcourt.ca.gov; in Los Angeles, contact Brian Hamilton, Administrator, Juvenile Delinquency Court at (323) 526-6658; in Mendocino contact Judge Leonard LaCasse at (707) 463-4515; in Monterey, contact Minnie Monarque at (831) 775-5516; in Orange, contact Michelle Norhausen at 714-935-6461; in San Bernardino contact Judge James McGuire at jmcguire@courts.sbcounty.gov; in San Joaquin contact Judge Barbara Kronlund at bak@courts.san-joaquin.ca.us; in Santa Barbara contact Judge Arthur Garcia at agarcia@sbcourts.org; in Santa Clara, contact Mara Jochums, at mjochums@scscourt.org; in Tulare, contact Shirley Blackerby at (559) 713-3157 x201; in Ventura, contact Patti Morua-Widdows at (805) 981-5938.*

The Alameda, Los Angeles, San Bernardino and Santa Barbara courts make case assignments on a geographical basis. Decentralizing juvenile court eliminated travel of one to four hours to attend court in San Bernardino. *For more information in Alameda, contact Vicki Ward at vward@alameda.courts.ca.gov; in Los Angeles, contact Brian Hamilton, Administrator, Juvenile Delinquency Court at (323) 526-6658; in San Bernardino, contact Judge James McGuire at jmcguire@courts.sbcounty.gov; in Santa Barbara contact Judge Arthur Garcia at agarcia@sbcourts.org.* In the Kern juvenile court, the court calendars matters for persons who reside two hours from the juvenile court on the afternoon calendar. *For more information, contact Tricia McCoy, Supervisor, Juvenile Division, at tricia.mccoy@kern.courts.ca.gov.*



The juvenile courts in Alameda, Contra Costa and Fresno assign all detention, initial hearings, or not-in-custody initial hearings to one or more bench officers who specialize in these proceedings and thereafter assign the cases to a different bench officer for all subsequent proceedings. In Alameda the case remains with the same bench officer unless contested. *For more information in Alameda, contact Vicki Ward at vward@alameda.courts.ca.gov; in Contra Costa, contact Judge Lois Haight at (925) 646-4010; in Fresno, contact Sandra Leon at sleon@fresno.courts.ca.gov.*

In Sacramento, detention hearings are assigned by odd and even number to two Home Courts – one judge and one referee. Home Courts serve as settlement courts. All miscellaneous motions and post jurisdictional matters are heard in companion trial court departments (matters from one Home Court are always heard in the corresponding trial court). Matters are calendared on an “A” and “B” Week basis to Home and trial courts so that attorneys will not be required to be in two places at the same time. A master calendar system assigns cases ready for trial to one of three trial judges. Trials are conducted on an all-day basis (morning and afternoon) until completion.

The “floater” referee fills in for judges who are sick, in training, in meetings, or on vacation. The remainder of the “floater’s” time is devoted to miscellaneous assignments, such as reviewing §827 requests for records. The “referees pro tem” hear non jurisdictional trial matters. Criminal Division judges are assigned as needed when juvenile court personnel are unavailable or insufficient for the work load.

The same Home Court judge hears all cases involving the same youth, because the cases are assigned the same number. Law and motion matters are heard by the same companion trial department. Trials may or may not be heard by the same master calendar trial judge.

For more information, contact Judge Kenneth Peterson at Kenneth.Peterson@saccourt.com.

The San Diego juvenile court uses a hybrid calendaring system. Each case is assigned to a specific department, and subsequent offenses are assigned to the same department. However, settlement conferences and contested jurisdiction trials are assigned to different judges, as are specialty court calendars. *For more information, contact Denise Jackson (Juvenile Court Manager) at (858) 694-4212.*



In the Fresno juvenile court, the presiding judge may assign specific types of cases, for example sex and gang cases, to specific departments. *For more information, contact Sandra Leon sleon@fresno.courts.ca.gov.*

The San Francisco juvenile court has two vertically assigned calendars – one for recidivists and one for first time offenders. There is also a long cause department that hears lengthy trials and 707 hearings. *For more information, contact Claire Williams, Director, Unified Family Court, 415-551-4004.*

In Sonoma, all delinquency and truancy cases are assigned to the same judge. If there are multiple youth or a contested jurisdiction hearing is expected to take longer than two afternoons, the case is transferred to the main Hall of Justice for trial by a criminal division judge. The case will usually be transferred back to the Juvenile Justice Center for disposition if the petition is found to be true. The Placer juvenile court has a similar process for transferring long cause matters to the court's master trial calendar for assignment to a judge for trial. *For more information in Sonoma, contact Debbie Lamb at dlamb@sonomacourt.org; in Placer, contact Lori Smith at 530-886-4810.*

Assigning cases involving the same youth to the same judge

To what extent does the court attempt to have the same judge preside over all matters involving the same juvenile?¹³

¹³ The NCJFCJ *Juvenile Delinquency Guidelines* recommend that all cases involving the same juvenile be heard by the same judge.



The juvenile courts in Los Angeles, San Bernardino, Santa Clara, Tulare, and Ventura have mechanisms in place to identify subsequent filings involving the same youth and assign them to the department that already handles that youth's case or cases. *For more information in Los Angeles, contact Sandra R. Montoya, Court Administrator for Juvenile Delinquency Court at (323) 526-6657; in San Bernardino, contact Judge James McGuire at jmcguire@courts.sbcounty.gov; in Santa Clara, contact Mara Jochums, at mjochums@scscourt.org; in Tulare contact Shirley Blackerby at (559) 713-3157 x201; in Ventura, contact Patti Morua-Widdows at (805) 981-5938.*

California juvenile courts might consider using alphabetically-based case assignment systems, based on first letter of the youth's last name. Alphabetical assignment system algorithms exist that equitably distribute cases among different numbers of judges. This process ensures that cases involving the same youth will be assigned to the same department. An alphabetical assignment system does not resolve issues arising from cases involving multiple youth.

It appears to be the general practice in California juvenile courts to assign all Section 777 violation of probation petitions to the judge or department that disposed of the Section 602 petition.¹⁴

It is not clear whether courts that attempt to maintain a youth's cases before the same judge assign newly filed petitions to the department that handled a previous, closed case involving the same youth. How much additional work is it for court staff to review the court's closed case records to identify previous cases involving the same juvenile? Do district attorney's offices inform the court at the time of filing of the existence of such prior, closed cases?

¹⁴ Caseflow decisions sometimes have unintended consequences. Here is an example that arises from the combination of having a judge or commissioner presiding over detention or initial hearings accept admissions and enter disposition orders in those cases, and the return of Section 777 petitions to the bench officer entering the disposition order: It is very likely that this bench officer's caseload will rise consistently compared to the caseload of other delinquency bench officers in the county, because, over time, s/he will assume responsibility for an ever-increasing percentage of the county's delinquent youth, if a significant percentage of juveniles enter admissions at the detention hearing.



It is also not clear how California juvenile courts assign Section 602 and Section 601 petitions involving the same youth. Statewide there are so few Section 601 petitions that they can be relegated to a footnote. They may, however, be a significant workload factor for some courts. In those instances, are they jointly assigned to a judge with a pending Section 602 petition? Or are subsequent Section 602 petitions assigned to the department that has a pending Section 601 status offense case?

Finally, how do juvenile courts handle Section 602 and Section 300 petitions involving the same youth when juvenile judges handle both delinquency and dependency cases? If they are assigned to the same judge, which case is cross-assigned – the new delinquency case to the dependency case judge, the new dependency case to the delinquency case judge, or the new case of either type to the judge with a pending case? Do Section 241.1(a) or 241.1(e) dual status protocols determine this issue?

Cases arising out of home supervision order violations may present special problems. These cases arise at different stages of a case – ranging from violation of a pre-adjudication condition imposed by probation to post-adjudication violation of a court dispositional order. Juvenile offenders are much more likely to be brought into court for violating pre-adjudication orders than adult offenders released on their own recognizance. How does the court calendar matters in which a petition has not been filed and the court has no existing case file?

Violations of electronic monitoring orders constitute a sub-category of these cases. In one county, the court has authorized probation to convert an electronic monitoring order to juvenile hall detention without a further court hearing when a juvenile fails to abide by the electronic monitoring requirements. (But see Welf. & Inst. Code Section 628.1 which indicates that a youth who violates a condition of home supervision may be taken into custody and placed in detention, subject to court review at a detention hearing.)

Case assignment practices of probation departments, district attorneys, public defenders, conflict defense counsel, and panel attorneys

The court's caseflow management is strongly affected by the policies that probation, prosecution and defense agencies follow in their staff



assignments. To the extent that an office's case assignments parallel the court's case assignments, minimal conflicts arise. For instance, if the court has a separate detention calendar at the juvenile hall and the prosecutor and public defender each assign one or two attorneys to that calendar, the process will run smoothly. If, however, one of the agencies assigns its attorneys vertically (to all cases or to particular case types such as sexual offenses), the court will encounter difficulty scheduling the appearance of multiple attorneys at such a detention calendar.

The most effective assignment policy, in terms of the productivity of the court, is for prosecutors and public defenders to assign attorneys to a particular department. By becoming familiar with each other's policies and practices, the judge, prosecutor and defender come to function as a team – disposing of more cases in less time than in departments in which multiple attorneys appear each day.

In Butte, Fresno, Humboldt, and San Bernardino, the district attorney and public defender assign lawyers to each juvenile delinquency department. In Sacramento, prosecutors and defense attorneys are assigned to each home court. *For more information in Butte, contact Debbie Decker at ddecker@buttecourt.ca.gov; in Fresno, contact Sandra Leon at sleon@fresno.courts.ca.gov; in Humboldt contact Jay Gerstein, Court Manager at jgerstein@humboldtcourt.ca.gov; in San Bernardino contact Judge James McGuire at jmcguire@courts.sbcounty.gov; in Sacramento, contact Judge Kenneth Peterson at Kenneth.Peterson@saccourt.com.*

In Merced County, the district attorney assigns two lawyers to each department. One appears on days in which the public defender is present. The other appears on days on which conflict and private counsel appear. *For more information, contact Commissioner Thomas S. Burr at thomas.burr@mercedcourt.org.*

In Santa Clara County, there are two rotating deputy district attorneys and deputy public defenders for each delinquency department. *For more information, contact at Mara Jochums, at mjochums@scscourt.org.*



In Orange County, the district attorney assigns sex and gang cases vertically and not according to the department to which the case has been assigned. In Tulare County, the district attorney has a dedicated juvenile gang attorney. *For more information in Orange, contact Lew Rosenblum at 714-935-7438; in Tulare, contact Shirley Blackerby at (559) 713-3157 x201.*

In San Francisco County, the district attorney assigns attorneys to each department. The public defender assigns its cases vertically for all purposes, which creates some delays in the courtrooms. *For more information, contact Claire Williams, Director, Unified Family Court, 415-551-4004.*

In Stanislaus County, the district attorney assigns cases to the deputy who issued the case, if available. *For more information, contact Juvenile Court Presiding Judge Linda McFadden at linda.mcfadden@stanct.org.*

When public defenders and conflict counsel are assigned to cases also affects how quickly cases can be resolved. Processes that wait to appoint counsel at the first hearing slow case resolution.

In Sacramento, the public defender is automatically appointed at the time of filing in accordance with a standing order of the court, allowing the defense attorney to interview the youth prior to the initial or detention hearing. San Diego also appoints the public defender prior to the first hearing. *For more information, in Sacramento, contact Judge Kenneth Peterson at Kenneth.Peterson@saccourt.com; in San Diego, contact Denise Jackson (Juvenile Court Manager) at (858) 694-4212.*



The same factors that apply to assignment of prosecution and defense attorneys apply to assignment of probation officers. In some counties different probation officers are assigned to a juvenile's case at each stage of the proceedings, and a different officer is assigned to supervise the case after disposition. In other counties, a single probation officer is assigned to each juvenile, handling all pre- and post-disposition matters, except for appearance in court (which is handled by the probation court officer).

There are many trade-offs involved in a probation department's organizational decisions. Segmenting a department into units assigned to specific functions (such as intake, investigation, supervision, court appearances, etc.) maximize the expertise of the staff in each assignment and allow the department's management to monitor closely the performance of the department in each area.

There are multiple ways in which probation departments are organized in California today.

In Butte, Fresno, Monterey, Riverside, San Diego and Ventura Counties, all three juvenile justice partners – the district attorney, public defender, and probation department – assign staff to each juvenile delinquency department so that there is an ongoing team composed of representatives from all four entities (including the court) for every case. In Yolo County, the district attorney and probation department assign the same prosecutors and probation officers to handle all delinquency cases. *For more information in Butte, contact Debbie Decker at ddecker@buttecourt.ca.gov; in Fresno, contact Sandra Leon at sleon@fresno.courts.ca.gov; in Monterey, contact Minnie Monarque at (831) 775-5516; in Riverside, contact Donna Albert-Burt at (951)358-4160; in San Diego, contact Michael Adkins (Probation Director) at (858) 694-4399; Robert Eichler (Juvenile D.A.) at (858) 694-4230; Randy Mize (Juvenile P.D.) at (858) 974-5789; in Ventura, contact Patti Morua-Widdows at (805) 981-5938; in Yolo, contact Janet Merrill at jmerrill@yolo.courts.ca.gov.*



In Calaveras, Santa Clara and Stanislaus Counties, each youth's probation officer handles that youth's case from start to finish. *For more information in Calaveras, contact Mary Beth Todd, Court Executive Officer, at (209) 754-6736; in Santa Clara, contact Carl Tademaru, Juvenile Probation, at carl.tademaru@pro.sccgov.org; in Stanislaus, contact Juvenile Court Presiding Judge Linda McFadden at linda.mcfadden@stanct.org.*

In Monterey County, the same probation officer handles a case until disposition; a different officer will supervise probation or other placement. So the same team handles the case from start to finish. *For more information, contact Minnie Monarque at (831) 775-5516.*

In Orange County, the number of probation officers assigned depends on the status of the case – in-custody, out-of-custody, §653.3 cases, §654 cases, home supervision, formal probation, etc. *For more information, contact Chief Colleene Preciado at 714-937-4701.*

In Sacramento County, probation assigns its officers by function – intake, court investigation (report writing), court presenter (in court), home supervision/electronic monitoring, field unit, placement unit, and commitment facilities. Therefore many probation officers will be involved in the life of a case. *For more information, contact Michael Bays, Probation Division Chief, at baysm@saccounty.net.*

In most cases in San Diego County, four probation officers are involved over the life of the case – a custody intake unit officer prepares the referral to the district attorney and a detention report for the court; an adjudication pending officer monitors the case pre-adjudication; once a true finding is made, an investigation officer prepares the social study report; following declaration of wardship, the case is assigned to the supervision division of Juvenile Field Services. Non-custody cases are monitored by an adjudication pending officer. *For more information, contact Michael Adkins (Probation Director) at (858) 694-4399.*



In Tulare County, probation assigns cases for investigation and preparation of a social study report based on case complexity, with more difficult cases assigned to more senior officers. *For more information, contact David Parbst at 559-740-4475.*

Statistical issues arising from case numbering practices

Some courts maintain a single case number for a youth and file all subsequent petitions within that case number. These courts need to make certain that their statistical reporting processes count the subsequent petitions as new filings so that the court's, and the Judicial Council's, filings data are accurate and consistent from court to court.

Section 777 petitions should not be treated as new case filings. If a subsequent petition is filed by the district attorney arising from the same behavior that petition is counted as a new filing.

Courts that are compiling recidivism data need to be clear how they treat Section 777 petitions for purposes of measuring subsequent criminal behavior. If a violation of probation merely constitutes a technical violation of the terms and conditions of probation, it should not be recorded as a subsequent criminal act. However, if the violation of probation is a criminal act – whether or not the probation department refers it to the district attorney for consideration of filing a subsequent petition – it should be counted as a subsequent law violation for recidivism purposes.



7

Calendar structure

The efficiency of a juvenile delinquency court operation depends in part on the way in which the court structures its available hearing time. What does it schedule when and why? Here are a series of factors that a court should take into consideration in creating or revising its calendar structure.

Differentiating the types of matters set on a particular calendar

Courts typically set different types of hearings on different calendars. The reasons for doing so are to ensure that the appropriate persons – lawyers, probation officers, victims, parents, etc. – are present in the courtroom; to accommodate the needs of probation staff responsible for transporting/supervising in-custody juveniles; to provide greater predictability for the length of the calendar (i.e., like matters are more likely to take similar amounts of time on the calendar); and to organize the work day and work week for court staff. In small counties, the court has less opportunity to organize the calendar in this fashion because of the low volume of each type of hearing.

Courts often segment a calendar so that the same sorts of matters are heard together. In courts with multiple types of matters on the same calendar, the court can group the cases for hearing by the type of hearing involved. For instance, the court could call the detention hearings first – particularly when in-custody juveniles have to be transported to the courthouse – so that they can be returned to juvenile hall as quickly as possible.



When necessary because of unique circumstances, video-conferenced hearings are conducted. They are usually set on the same calendar because of the need for both the court and the juvenile to appear before a camera and the unique arrangements that defense counsel need to make to be in contact with and appropriately represent their clients during such hearings.

As noted previously, many California courts schedule juvenile traffic matters separately from other delinquency cases.

Juvenile courts must ensure that they do not violate the *In re Mark L.*¹⁵ expectations of youth that the disposition order in their case will be entered by the same judge who accepted the youth's admission. Disposition hearings can be scheduled before a different judge if that assignment was a clear understanding at the time of the admission or if the youth or counsel explicitly waives the right to disposition by the same judge or implicitly waives the right by failing to object.¹⁶

Accommodating contested evidentiary hearings within the calendar structure

In vertical calendaring systems, every judge must find a workable approach to the calendaring of suppression motions, contested jurisdiction hearings, and other contested matters. The optimal approach for a judge depends upon the proportion of her or his workload that such hearings constitute. Options include:

Reserving mornings or afternoons for contested hearings

Reserving one or two days a week for such matters

Setting aside a week at a time for such hearings, either every other week, every third week, or one week a month. The longer the period of time between trial weeks, the more difficult it will be for the court to provide trials within statutory time limits in time-not-waived cases.

¹⁵ 34 Cal.3d 171, 666 P.2d 22, 193 Cal Rptr, 165, 1983 Cal. LEXIS 209 (1983).

¹⁶ See *In re JAMES H.*, 165 Cal. App.3d 911, 212 Cal Rptr. 61, 1985 Cal. App. LEXIS 1780 (4th Dist., Div. 2 1985).



Setting calendars to accommodate the needs of the judges, lawyers, probation officers (custody, investigative, and supervisory), and court staff

One purpose of a calendaring structure is to balance the workload of a judge, attorneys and probation officers over the course of a week and a month. Some types of calendars may need to be scheduled once a month; some (e.g., detention hearings) must be scheduled daily in most courts. Some half day calendars (e.g., juvenile drug court) can be held once a week in many courts. Calendars must be sufficiently frequent to comply with statutory hearing timeframes when time is not waived.

Minimizing lawyer and probation officer conflicts is a special challenge for calendar structures. Lawyers cannot be in two places at once, even if the court orders them to do so. When the court creates scheduling conflicts, one judge will have to wait while the attorney completes the hearing before the other. Some courts with multiple judges hearing delinquency matters stagger their procedural and evidentiary hearings to minimize overlapping settings for lawyers and probation officers. One model is for one or two judges to conduct pretrial hearings on Monday and Wednesday; the other two will conduct them on Tuesdays and Thursdays. They will set aside the alternating days for contested jurisdiction and other evidentiary hearings. A second model is for two judges to alternate their weekly calendars, with one handling procedural matters during the week that the other is conducting contested hearings; the following week they alternate. Some courts set 300 and 602 cases on different days or different half days to minimize conflicts for attorneys handling both types of cases.

Calendar structures should accommodate the needs of counsel to confer with their clients and with opposing counsel. Courts that hold detention hearings in the afternoon often experience higher plea rates at those hearings because defense counsel have had the time to confer with their clients and their clients' parents or guardians and to work out an agreement with the prosecution.

These structures should also accommodate the needs of court staff. Many courtrooms group cases needing interpreters for hearing at the same time to maximize the use of certified interpreters. Similarly, courts stagger high and low volume calendars for the benefit of courtroom staff; they can catch up on their paperwork from the high



volume matters during the low volume periods. Alternatively, the court can declare a recess to allow court staff to catch up with their paperwork.

Examples of California delinquency court calendar structures

California courts balancing these different considerations arrive at different calendaring structures that work for them.

The most frequently used model schedules routine procedural matters in the morning, reserving contested matters for the afternoon. The model appears to work for large, small and mid-sized courts. It provides the court with the flexibility to hold over until the afternoon calendar more complicated matters, matters in which a report, document, or witness are missing, or matters in which counsel needs to confer more extensively with the youth and parents or with a victim.

Juvenile delinquency courts in Humboldt, Kern, Merced, Monterey, Orange, Riverside, San Bernardino, San Diego, Sonoma, Stanislaus, Tulare, and Ventura schedule routine and procedural matters for the mornings and reserve the afternoons for contested matters. In Humboldt, an "informal intervention calendar" is called the Thursday of the week before to assign a date and department for all contested matters. In Santa Barbara, a Thursday hearing serving the same purposes is called a "trial confirmation" hearing. *For more information, in Humboldt contact Jay Gerstein, Court Manager at jgerstein@humboldtcourt.ca.gov; in Kern contact Tricia McCoy, Supervisor, Juvenile Division, Kern Superior Court, at tricia.mccoy@kern.courts.ca.gov; in Merced contact Commissioner Thomas S. Burr at thomas.burr@mercedcourt.org; in Monterey, contact Minnie Monarque at (831) 775-5516; in Orange, contact Beverly MacLaren at 714-935-6600; in Riverside, contact Donna Albert-Burt at (951)358-4160; in San Bernardino, contact Judge James McGuire at jmcguire@courts.sbcounty.gov; in San Diego, contact Denise Jackson (Juvenile Court Manager) at (858) 694-4212; in Santa Barbara contact Judge Arthur Garcia at agarcia@sbcourts.org; in Sonoma, contact Debbie Lamb at dlamb@sonomacourt.org; in Stanislaus, contact Juvenile Court Presiding Judge Linda McFadden at linda.mcfadden@stanct.org; in Tulare, contact Presiding Juvenile Judge Saucedo at (559) 713-3157 x264; in Ventura, contact Patti Morua-Widdows at (805) 981-5938.*



Several courts arrange their calendars according to the type of matter to be heard.

In San Joaquin, arraignments, jurisdiction hearings, disposition hearings, and contested matters are heard Monday through Friday at 9:00 am. Violations of probation are heard Monday through Thursday at 10:30 am. Arraignments and detentions are heard at 1:30 pm daily. Special matters are set in the afternoons. *For more information, contact Judge Barbara Kronlund at bak@courts.san-joaquin.ca.us.*

In Santa Clara, calendaring is set up by blocks. Detention calendars are heard in all three departments each day at 8:30 am. These are followed by pre-trial hearings scheduled to start at 8:45 am each day except for Treatment Court cases which are heard by one of the departments all day each Thursday. Afternoons are used to hear contested hearings of ½ day estimates except for Mental Health court and Domestic Violence/Family Violence court cases which are heard on alternating Thursday afternoons by the Presiding Judge. These schedules are set to help accommodate treatment providers, attorneys and staff from other supporting agencies. Dual status court cases are heard each Monday at 1:30 pm in a different court location. *For more information, contact Mara Jochums, at mjochums@scscourt.org.*

Butte Courts arrange calendars by the type of counsel involved as well as by the type of matter to be heard.

In Butte, court calendars are organized by type of matter and counsel. Jurisdiction and review hearings are heard on Tuesday afternoon with the public defender and private counsel. Dispositions and conflict counsel matters are heard on Wednesday afternoon. *For more information, contact Debbie Decker at ddecker@buttecourt.ca.gov.*



Fresno Courts use an alternating day calendar structure, which also takes into account the type of hearing and whether a matter is contested or uncontested.

In Fresno, one of four delinquency departments hears all detentions, arraignments, placement reviews, deferred entry of judgment reviews, and informal reviews. Detention hearings are held in the afternoon, allowing the public defender to conduct a conflict check and to confer with the client and the client's family.

If a case is not resolved at the initial hearing, it is assigned to one of two departments for the duration of the case. Each department has two district attorney/public defender teams, which appear in court on alternating days. Trials of less than 3 hours are set in the afternoons in these two departments. Trials of more than 3 but less than 8 hours are assigned to the long cause juvenile trial department (but handled by the original district attorney/public defender team on days that do not conflict with their regular calendar appearances). Longer cases are sent to the court's master calendar for assignment; there are very few of them.

All out of home placement reviews are heard by the Delinquency Presiding Judge to provide continuity for the youth, to monitor time of detention pending placement, and to comply with Title IV-E requirements. *For more information, contact Sandra Leon at sleon@fresno.courts.ca.gov.*

Sacramento courts assign cases to days of the week and to alternating in-court and out-of-court weeks to accommodate the needs and balance the workloads of counsel.

The Sacramento calendar system uses vertical attorney assignments with alternating in-court and out-of-court weeks ("A" and "B" weeks). Each case is also assigned a day of the week ("Monday case", "Tuesday" case, etc.) for all non-trial hearings following the initial/detention hearing. This equalizes the caseloads for the attorneys. The court conducts initial and detention hearings in the afternoons to give counsel the morning to interview their clients and discuss the case with opposing counsel. *For more information, contact Judge Kenneth Peterson at Kenneth.Peterson@saccourt.com.*



Scheduling events for blocks of time or for specific times

A separate calendaring issue is whether to schedule matters for blocks of time or for a time certain. An example of block scheduling is setting all matters on a morning calendar for 9:00 am; all parties, victims, witnesses, families and attorneys are required to be present at 9:00 am although their cases may not be heard until late in the morning. Time certain scheduling, on the other hand, involves setting each matter for a specific time – e.g., 9:45 am – as if it were an appointment.

Block scheduling provides greater flexibility for the court. In some other types of cases (for instance family law, criminal, traffic and small claims), block scheduling affords the judge an opportunity to provide basic background information to all litigants as a group, saving considerable courtroom time. It also gives litigants an opportunity to view other cases to obtain a better expectation of how their hearing will proceed and what will be expected of them. Because the juvenile delinquency courtroom is closed to persons other than the participants in the case being heard, these benefits do not pertain. Time certain scheduling is more respectful of the time and convenience of the participants.

When in-custody youth have to be transported to the courthouse, courts tend to set their hearings in time blocks at the beginning of the morning or afternoon so that they can be returned to juvenile hall as soon as possible.

Unless an attorney is assigned horizontally to a courtroom for the whole day (or for the whole morning), block and time certain scheduling have major consequences for attorneys. For private attorneys and prosecutors and defenders who are assigned vertically, block scheduling invariably requires them to be in different courtrooms at the same time; they will have cases set on several different 9:00 am calendars. Judges have to recognize this fact and take their cases when they are able to show up in their courtrooms. In effect, block scheduling produces the very confusion that its flexibility is able to resolve. Time certain scheduling allows an attorney to plan his or her time in advance – to be in one courtroom at 9:15, the next at 9:45, and a third at 10:30. However, that scheduling process requires more coordination in advance and breaks down if a particular court falls behind in hearing matters when they are scheduled.



A compromise involves setting fewer matters for smaller blocks of time – for instance, setting a few matters for 9:00 am, additional matters for 9:30, additional matters for 10:00, etc. This process reduces the waiting time of out-of-custody youth, victims, witnesses and family members. It does not resolve the scheduling conflicts for attorneys unless they are able to schedule all of their cases in a particular courtroom during a specific small time block.

Creating specialized court calendars

Following the collaborative justice model, a number of California delinquency courts have created problem solving or collaborative justice courts, often referred to as specialized calendars. These models address particular types of cases in which it makes sense to bring together judges, lawyers and probation officers with specialized responsibilities in a setting in which they can devote more time to assessing the needs and circumstances of youth with special types of problems. A number of these calendars are also arranged to maximize the time of other outside experts, such as mental health professionals.

Examples include:

Drug court calendar Thirty-four of the 46 responding courts (74%) report having established specialized juvenile drug courts with frequent progress or status hearings. These courts are staffed by a regularly assigned team of prosecutors, defenders, probation staff, and often treatment program staff. National research on the effectiveness of drug courts is showing that they are most useful for persons who are physically dependent. They are not as effective for persons who are not physically addicted.¹⁷ Research conducted by the Judicial Council indicates that for most agencies, including the courts, the cost invested in adult drug court programs was less than that of traditional court processing.¹⁸ The cost effectiveness of juvenile delinquency drug courts has not been studied as extensively as adult drug courts; however, current research suggests that juvenile drug courts are cost effective and result in savings to the taxpayer when compared to traditional adjudication.¹⁹ ²⁰

¹⁷ See *Secondary Prevention Services for Clients Who Are Low Risk in Drug Court: A Conceptual Model* (DeMatteo et al., Crime and Delinquency, Vol. 52, 114-134, 2006).

¹⁸ See

http://www.courtinfo.ca.gov/programs/collab/documents/drug_court_phase_II.pdf.

¹⁹ A Maryland study indicates that reduced recidivism of drug court participants results in a 60% savings to the taxpayer when compared to juveniles who did not



Juvenile delinquency courts in Fresno, Humboldt, Los Angeles, Marin, Mendocino, Merced, Monterey, Orange, Placer, Sacramento, San Bernardino, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Santa Clara, Stanislaus, Tulare, Ventura, and Yolo have drug court or drug treatment court calendars. *For more information in Fresno, contact Elena Flores at eflores@fresno.courts.ca.gov; in Humboldt, contact Jay Gerstein, Court Manager at jgerstein@humboldtcourt.ca.gov; in Los Angeles, contact Brian Hamilton, Administrator, Juvenile Delinquency Court at (323) 526-6658; in Marin, contact Commissioner Randolph E. Heubach at randolph_heubach@marincourt.org; in Mendocino contact Judge Leonard LaCasse at (707) 463-4515; in Merced contact Commissioner Thomas S. Burr at thomas.burr@mercedcourt.org; in Monterey, contact Minnie Monarque at (831) 775-5516; in Orange, contact Laura Morfin at 714-935-7508; in Placer, contact Lori Ford at 530-886-5431; in Sacramento, contact Judge Kenneth Peterson at Kenneth.Peterson@saccourt.com; in San Bernardino contact Judge James McGuire at jmcguire@courts.sbcounty.gov; in San Diego, contact Denise Jackson (Juvenile Court Manager) at (858) 694-4212; in San Joaquin, contact Judge Barbara Kronlund at bak@courts.san-joaquin.ca.us; in San Luis Obispo, contact David Prouty at david.prouty@slo.courts.ca.gov or Roxanne Ralph at roxann.ralph@slo.courts.ca.gov; in Santa Barbara contact Judge Arthur Garcia at agarcia@sbcourts.org; in Santa Clara, contact Judge Richard Loftus at rloftus@scscourt.org; in Stanislaus, contact Juvenile Court Presiding Judge Linda McFadden at linda.mcfadden@stanct.org; in Tulare, contact Commissioner Hugo Loza at (559) 713-3157 x208; in Ventura, contact Patti Morua-Widdows at (805) 981-5938; in Yolo, contact Janet Merrill at jmerrill@yolo.courts.ca.gov.*

participate in the drug court. *Harford County Juvenile Drug Court Performance Evaluation: Final Report* (NPC Research, Inc. report to Maryland Administrative Office of the Courts, October 2006).

²⁰ A cost benefit study of North Dakota's Juvenile Drug Court

<http://spa.american.edu/justice/publications/outofhomeplacement.pdf>.



The Center for Families, Children and the Courts have put together a workbook of materials on juvenile drug courts for courts interested in starting one. *For more information, contact Nancy Taylor at nancy.taylor@jud.ca.gov.*

Mental health calendar Some courts assign all cases involving mental health examinations and issues of low mental functioning or mental disorder on a single calendar to create a team of a judge and a group of lawyers and probation staff with expertise in this area and to maximize the use of the time of mental health professionals. One court calls this calendar the Court for Individualized Treatment of Adolescents to avoid stigmatizing juveniles whose cases are assigned to it.

Juvenile delinquency courts in Fresno, Los Angeles, San Bernardino, San Francisco, Santa Clara (CITA), and Ventura (Adelante!) have mental health or behavioral health calendars. *For more information in Fresno, contact Vera Kennedy at vkennedy@fresno.courts.ca.gov; in Los Angeles, contact Ms. Willie Burton, Administrator at Eastlake Juvenile Court, Los Angeles (323) 226-8931; in San Bernardino, contact Judge James McGuire at jmcguire@courts.sbcounty.gov; in San Francisco, contact Claire Williams, Director, Unified Family Court, at 415-551-4004; in Santa Clara, contact Judge Richard Loftus at rloftus@scscourt.org; in Ventura, contact Patti Morua-Widdows at (805) 981-5938.*

Truancy calendar Nineteen of the 46 responding courts (41%) hold separate calendars for truancy cases.

Delinquency courts in Kern, Orange, Sacramento, San Diego, San Luis Obispo, and Santa Clara have specialized truancy calendars. *For more information in Kern contact Tricia McCoy, Supervisor, Juvenile Division, at tricia.mccoy@kern.courts.ca.gov; in Orange, contact Beverly MacLaren at 714-935-6600; in Sacramento, contact Judge Kenneth Peterson at Kenneth.Peterson@saccourt.com; in San Diego, contact Denise Jackson (Juvenile Court Manager) at (858) 694-4212; in San Luis Obispo, contact David Prouty at david.prouty@slo.courts.ca.gov or Roxanne Ralph at roxann.ralph@slo.courts.ca.gov; in Santa Clara, contact Mara Jochums, at mjochums@scscourt.org.*



Domestic violence/family violence calendar Following the model in the criminal departments, several California juvenile courts have created a separate calendar for these cases, scheduling frequent progress or status hearings for juveniles involved in acts of violence involving family members or girl or boyfriends. They involve a continuing team of lawyers, probation officers, and treatment program staff with special expertise in the area of domestic violence.

Juvenile courts in San Francisco, Santa Clara, and Yolo have specialized domestic, family, or youth violence calendars. *For more information in San Francisco, contact Claire Williams, Director, Unified Family Court, 415-551-4004; in Santa Clara, contact Judge Richard Loftus at rloftus@scscourt.org; in Yolo, contact Janet Merrill at jmerrill@yolo.courts.ca.gov.*

Peer or teen court These courts involve youth themselves as judges, counsel and juries in adjudicating and creating alternative sentences for low level juvenile crimes.

Humboldt, Los Angeles, and Orange have peer or teen court programs. *For more information in Humboldt, contact Jay Gerstein, Court Manager at jgerstein@humboldtcourt.ca.gov; in Los Angeles, contact Ms. Lisa Cook, Administrator, at San Fernando (Sylmar) Juvenile Court 1 (818) 364-2110; in Orange, contact Darlyne Pattinichio at 714-935-6647.*

The Center for Families, Children and the Courts have put together a workbook of materials on peer or teen courts for courts interested in starting one. *For more information, contact Patrick Danna at 415-865-7992.*

Placement reviews Three courts have specialized calendars to review regularly cases in which youth remain in the juvenile hall pending the identification of a suitable placement.



The courts in Fresno, Sacramento and San Francisco have specialized placement review calendars. *For more information in Fresno, contact Judge Denise Whitehead at dwhitehead@fresno.courts.ca.gov; in Sacramento, contact Judge Kenneth Peterson at Kenneth.Peterson@saccourt.com; in San Francisco, contact Claire Williams, Director, Unified Family Court, at 415-551-4004.*

Record sealing Two courts find it useful to place requests relating to court records on separate calendars.

The courts in Sacramento and San Joaquin have specialized calendars to review matters concerning official records. *For more information in Sacramento, contact Judge Kenneth Peterson at Kenneth.Peterson@saccourt.com; in San Joaquin, contact Judge Barbara Kronlund at bak@courts.san-joaquin.ca.us.*

Dual jurisdiction calendar Two courts have specialized calendars for dual jurisdiction cases.

The courts in San Diego and Santa Clara conduct specialized dual jurisdiction calendars. *For more information in San Diego, contact Denise Jackson (Juvenile Court Manager) at (858) 694-4212; in Santa Clara, contact Judge Raymond Davilla at rdavilla@scscourt.org or Mara Jochums, at mjochums@scscourt.org.*

Other specialized calendars There are a variety of other specialized calendars established by different California courts.

The San Diego juvenile court conducts a Teen Watch calendar for pregnant or parenting girls and a competency hearings calendar. *For more information, contact Denise Jackson (Juvenile Court Manager) at (858) 694-4212.*



The Santa Clara juvenile court conducts a separate calendar for reviews of deferred entry of judgment cases. *For more information, contact Judge Richard Loftus at rloftus@scscourt.org or Mara Jochums, at mjochums@scscourt.org.*

Most of these specialized calendars are part of the statewide effort to create and expand collaborative justice courts in California. The Judicial Council's Collaborative Justice Courts Advisory Committee provides coordination, education, evaluation, and funding for these courts. The AOC, in collaboration with the Center for Court Innovation, has issued two reports on collaborative justice courts. The first, *California's Collaborative Justice Courts (2005)* documents the history of these courts in the state. The second, *Collaborative Justice in Conventional Courts: Opportunities and Barriers (2004)* explores ways in which the collaborative justice model can be adapted to apply outside of the specialty court setting. The findings from initial studies on the broader application of collaborative justice/problem solving principles indicated that juvenile courts were among the sectors of the court that were most appropriate for broad application of these principles.

The purpose of creating them is to create and apply specialized expertise among the judge, lawyers, probation officers and mental health or service provider personnel involved. The nature of specialized calendars may limit the application of that expertise to a small number of juveniles; however, courts in jurisdictions around the country have been considering ways to increase capacity and broadly apply collaborative justice, or problem solving, principles in all cases.

What are the relative costs and benefits of these calendars? Each requires the expenditure of extra resources – of the court and of the justice partners. Do the results – for juveniles – warrant the resources devoted? Research conducted by the Judicial Council indicates that for most agencies, including the courts, the cost invested in adult drug court programs was less than that of traditional court processing.²¹ Would similar or different results be expected in juvenile collaborative/problem solving courts? How are the costs and benefits impacted if problem solving principles are implemented broadly within the juvenile delinquency court, rather than in specialized calendars?

²¹ See

http://www.courtinfo.ca.gov/programs/collab/documents/drug_court_phase_II.pdf.

Greacen Associates, LLC

Developing Effective Practices in Juvenile Delinquency Caseflow Management

Manual

December 3, 2006



8

Calendar management

Calendar structure, the subject of the last chapter, involves setting aside blocks of time during the course of a week or a month for the scheduling of pending matters. Calendar management is the process of assigning particular cases to those blocks of time.

Calendar management entails a series of recurring issues.

Complying with statutory timeframes in cases in which time is not waived

All juvenile delinquency courts must abide by the following general time requirements and ensure that law enforcement, probation, and the district attorney abide by others. The statutes and rules include myriad other time limits applicable in special circumstances.



Time to detention hearing²²

A youth arrested for an act that is neither a felony, a violent misdemeanor, nor a probation violation must be released unless a petition has been filed and s/he has been ordered detained following a hearing within 48 hours, excluding nonjudicial days. Welf. & Inst. Code Section 632(b).

For other juveniles held in custody, a hearing must be held on the next judicial day after filing of the petition. Welf. & Inst. Code Section 632(a).

Time to initial hearing if youth is not detained²³

When a juvenile is not detained, the code requires both that an initial hearing and a trial be held within 30 days of filing of a petition. An initial hearing must therefore be held within 30 days of filing of a petition (Welf. & Inst. Code Section 657) (while the Code does not distinguish this hearing from the jurisdiction hearing, it does provide for a 7 day continuance of the trial for the appointment of and preparation by counsel) (Welf. & Inst. Code Section 700).

Time to jurisdiction hearing²⁴

A jurisdiction hearing must be held within 15 days of the order for detention if a youth is in custody. Welf. & Inst. Code Section 657(a).

²² The NCJFCJ *Juvenile Delinquency Guidelines* recommend that detention hearings take place the next business day following arrest, but no later than 48 hours following arrest, excluding nonjudicial days. The *Guidelines* call for juvenile delinquency courts to hold detention hearings on Saturdays for arrests made on Friday or Friday night.

²³ The NCJFCJ *Juvenile Delinquency Guidelines* recommend that initial hearings in cases in which the youth is not detained be held within 2 weeks of filing of the petition if law enforcement gives notice of the court date or within 3 weeks if the court gives notice.

²⁴ The NCJFCJ *Juvenile Delinquency Guidelines* recommend that jurisdiction trials be held within 10 business days of the detention hearing if the youth is detained and, if the youth is not detained, within 20 business days of the initial hearing. The *Guidelines* recognize the need for exceptions for cases with unusual circumstances, such as cases needing an expert or lab report.



In Sacramento, the court and its partners have agreed to informal time waivers which start the 15 day time statute for detained cases from the date of the first settlement conference rather than the date of the detention hearing. *For more information contact Judge Kenneth Peterson at Kenneth.Peterson@saccourt.com.*

A jurisdiction hearing must be held within 30 days of filing of a petition if a youth is not in custody²⁵ Welf. & Inst. Code Section 657(a).

Time to disposition hearing²⁶

If a youth is detained, the hearing must be held within 10 judicial days of the determination of jurisdiction. Welf. & Inst. Code Section 702.

If a youth is not detained, the hearing must be held within 30 days of the filing of the petition, although the court may continue the matter for an additional 15 days. Welf. & Inst. Code Section 702.

Accepting time waivers

Courts differ in their practices concerning time waivers. Some require an explicit waiver by the juvenile with the consent of counsel. Others recognize “implicit” time waivers, when defense counsel agrees to a future proceeding date beyond the statutory time period. Courts following the former process focus on the literal requirements of the law. One reason courts might follow the latter process is to use the general principle of waiver to avoid creating the possibility of a rift between defense lawyer and client, recognizing that a time waiver may be in the juvenile’s legal best interests but that the juvenile may not recognize that fact if required to consent explicitly.

²⁵ See Welf. & Inst. Code Section 660.5 authorizing hearings within 60 days when a law enforcement officer issues a citation that includes the first court appearance date. This provision is generally interpreted to be limited to Los Angeles County and many persons question the wisdom of authorizing police officers to bypass the probation department by deciding to cite a juvenile directly into juvenile court.

²⁶ The NCJFCJ *Juvenile Delinquency Guidelines* recommend that disposition hearings take place within 5 business days of the adjudication of delinquency in routine cases, or within 10 business days if the case requires the collection of an unusual amount of information.



Setting future hearings when time has been waived

The judge must have a general policy for setting initial or continued hearing dates. Many judges set matters every two or three weeks. An alternative in instances in which additional time is warranted – for example, for the preparation of an expert or lab report – is to set the next hearing date far enough in the future that the report should be in hand.

The court in Merced encounters delays in continued fitness hearings when the district attorney is prosecuting an adult (for instance for murder) and has offered the youth treatment as a juvenile if the juvenile testifies against the adult. In these cases, status hearings are set and held until the adult prosecution is completed. *For more information, contact Commissioner Thomas S. Burr at thomas.burr@mercedcourt.org.*

Setting practices for contested jurisdiction hearings

Judges must settle on a method for setting contested jurisdiction hearings for trial. Although it is typical for no more than 1% or 2% of all cases to require such hearings, scheduling the ones that do occur is difficult in vertical, master and hybrid case assignment systems.

Options include:

Obtaining estimates from counsel concerning the likely length of the hearing

To avoid cluttering the court's calendar with jurisdiction hearing dates that will not occur, in cases in which time has been waived waiting until after pretrial and readiness hearings to set the actual date for the jurisdiction hearing

Overbooking jurisdiction hearings to take into account the likelihood of last minute settlements



The court in San Francisco always sets a no-time-waiver and a time-waived case for trial at the same time to avoid a dark courtroom but minimize calendar clutter. *For more information, contact Claire Williams, Director, Unified Family Court, 415-551-4004.*

In San Luis Obispo, contested matters are often calendared for the same time period to ensure that there are cases to process when one settles. *For more information, contact David Prouty at david.prouty@slo.courts.ca.gov or Roxanne Ralph at roxann.ralph@slo.courts.ca.gov.*

In Santa Barbara, contested hearings are usually set on a trailing basis to ensure that all available court time is used. *For more information, contact Judge Arthur Garcia at agarcia@sbcourts.org.*

In Tulare, because many cases plead at the readiness conference, jurisdiction hearings are double or triple set. *For more information, contact Presiding Juvenile Judge Saucedo, at (559) 713-3157 x264.*

In Kern, trials are not scheduled until the readiness hearing to avoid cluttering the calendar with cases that may not go to trial. *For more information, contact Tricia McCoy, Supervisor, Juvenile Division, Kern Superior Court, at tricia.mccoy@kern.courts.ca.gov.*

An additional challenge is scheduling long cause matters so that they are tried on consecutive days without interruption.

The courts in Fresno, San Diego and San Francisco have dedicated long cause juvenile delinquency trial departments. *For more information in Fresno, contact Sandra Leon at sleon@fresno.courts.ca.gov; in San Diego, contact Denise Jackson (Juvenile Court Manager) at (858) 694-4212; in San Francisco, contact Claire Williams, Director, Unified Family Court, at 415-551-4004.*



The juvenile judges in Mendocino, Merced, Monterey, Placer, San Luis Obispo, Santa Clara, and Ventura refer long cause matters to the court's general master trial calendar or informally arrange for another judge to hear a matter too long to hear in half a day. *For more information in Mendocino, contact Judge Leonard LaCasse at (707) 463-4515; in Merced contact Commissioner Thomas S. Burr at thomas.burr@mercedcourt.org; in Monterey, contact Minnie Monarque at (831) 775-5516; in Placer, contact Lori Smith at 530-886-4810; in San Luis Obispo, contact David Prouty at david.prouty@slo.courts.ca.gov or Roxanne Ralph at roxann.ralph@slo.courts.ca.gov; in Santa Clara, contact Mara Jochums, at mjochums@scscourt.org; in Ventura, contact Patti Morua-Widdows at (805) 981-5938.*

In San Benito, the judge assigned to juvenile matters keeps one day a week open for special sets. A contested hearing that will require more than one hour is set on that special calendar. *For more information, contact Nancy Iler at nancy.iler@sanbenito.courts.ca.gov.*

In rare instances, Extra-Help Referees are used in Orange to cover a bench officer's regular calendar so that s/he can conduct a hearing in a vacant courtroom to meet statutory requirements. *For more information, contact Beverly MacLaren at 714-935-6600.*

One courtroom is designated for long cause matters in San Bernardino. A hearing officer will cover the regular calendar when long cause matters are heard. *For more information, contact Judge James McGuire at jmcguire@courts.sbcounty.gov.*

In San Joaquin, long and complex cases are sent to the Stockton Branch Court. *For more information, contact Judge Barbara Kronlund at bak@courts.san-joaquin.ca.us.*

In Sonoma, a retired judge occasionally handles the regular calendar so that the delinquency judge can handle an extended contested hearing. *For more information, contact Debbie Lamb at dlamb@sonomacourt.org.*



In Tulare, long cause matters are set in consultation with counsel and other calendared items are sent to other departments, especially when statutory time limits are involved. *For more information, contact David Parbst at 559-740-4475.*

Allocating responsibilities for calendar management within the courtroom

Who is “in charge of” the calendar? Many judges rely on the courtroom clerk to recommend specific future setting dates – expecting the clerk to keep track of the numbers of matters set for each future calendar so as to maintain balance in their size. Other judges perform this function themselves.



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Caseflow management

Caseflow management is the set of principle employed by juvenile delinquency judges to ensure that the time of all juvenile justice partners is used wisely in resolving delinquency cases.

Maintaining judicial control of the pace of litigation

The single most important factor in caseflow management is for the judge, and not the lawyers, to determine the timeframe within which each case will be resolved, drawing upon information about the case provided by the attorneys in the case. Moving cases to swift resolution is relatively easy for time-not-waived cases but harder for time-waived cases.

Maintaining firm, predictable hearing dates

Knowing that events will occur when scheduled is critically important for counsel and probation officers. If they have significant doubts that an event will occur – if, for instance, their experience tells them that such matters are frequently continued, they are less likely to prepare (and, in a self-fulfilling prophecy) the court may have to continue the matter. Approaches taken to ensure the firmness of calendar settings include:



Enforcing the requirements of Juvenile Court Rule 5.550(b) (which mirrors Welf. & Inst. Code Section 682) for a showing of good cause for a continuance.

Stipulations between counsel or the convenience of the parties are not in and of themselves good cause.

Rule 5.550(b)(2) also requires a continuance motion to be in writing and filed and served at least 2 days in advance of the hearing, unless the court finds good cause for the failure to comply with these requirements. This requirement is rarely enforced in California trial courts.

Written requests for continuances are required in San Joaquin and Santa Barbara. Most cases are heard as assigned. *For more information in San Joaquin, contact Judge Barbara Kronlund at bak@courts.san-joaquin.ca.us; in Santa Barbara contact Judge Arthur Garcia at agarcia@sbcourts.org.*

Santa Clara has formed a working group to determine the reasons for continuances and to identify ways to minimize them. *For more information, contact Judge Richard Loftus at rloftus@scscourt.org or Mara Jochums, at mjochums@scscourt.org.*

Courts with a tradition of liberal granting of continuances may wish to consider requiring continuance motions to be filed before the supervising juvenile court judge.

When a continuance is warranted, the judge may wish to grant one longer continuance than a series of short continuances.



Ensuring that the court and counsel have the information needed to proceed.

The nature of juvenile delinquency practice has been characterized as a “constant scramble” for the judge and the lawyers to obtain the necessary information and to prepare for hearings that occur on a very fast time schedule. If the court and counsel were able to make an initial assessment of the need for extensive information gathering early in the life of each case, they would be able to reduce the “scramble” to a few serious and complex cases.

Rule 5.546 requires disclosure of police reports, probation reports, names and addresses and statements of witnesses, prior felony convictions of witnesses, expert reports, photographic and physical evidence, and any other evidence favorable to the child, parent or guardian.

Courts work with the district attorney, public defender, conflict counsel and private counsel to ensure that the mechanics of required disclosures occur in a manner to allow scheduled hearings to proceed and for admissions to occur at the earliest possible stage of the case.

Violations of pre-adjudication home supervision orders present special information challenges. How do the court and counsel obtain information concerning a case in which the juvenile was taken into custody yesterday evening, and the hearing is this morning?

Ensuring that defense counsel has adequate time to confer with the child and the child’s parents or guardian, either in the juvenile hall or at the courthouse, prior to or during the course of a hearing is imperative.

Minimizing the time required to find a suitable placement for a juvenile removed from the home

Juveniles removed from their homes by a court’s dispositional order may spend weeks in juvenile hall waiting for a suitable placement. Judges, lawyers and probation officers struggle to find ways to reduce this time. However, it is not a good use of probation resources – or scarce placement resources – to commence placement efforts leading to the “reservation” of a placement bed before a dispositional placement order has been made.



The courts in Fresno, Sacramento and San Francisco have specialized placement review calendars. *For more information in Fresno, contact Judge Denise Whitehead at dwhitehead@fresno.courts.ca.gov; in Sacramento, contact Judge Kenneth Peterson at Kenneth.Peterson@saccourt.com; in San Francisco, contact Claire Williams, Director, Unified Family Court, at 415-551-4004.*

Setting local time to disposition standards for time waived cases

Research has shown the importance of swift resolution of delinquency cases. The NCJFCJ *Juvenile Delinquency Guidelines* present two reasons for resolving these cases as quickly as possible:

The swiftness and certainty of being held responsible for antisocial acts is critically important in changing a young person's behavior

Juveniles have an unusually high level of anxiety when important matters are not resolved, making it more difficult for them to function in educational and social settings

Neither California statutes, Rules of Court, nor the Standards of Judicial Administration set any goals or requirements for the timeliness of disposing of cases in which the youth and counsel have waived the statutorily imposed timeframes for case resolution.²⁷ However, a number of California courts have established their own internal benchmarks for resolving time waived cases.

In Placer, the court generally allows only two status conferences before a matter is set for trial. Continuances are then allowed only for discovery or other investigation issues. *For more information, contact Lori Smith at 530-886-4810.*

²⁷ The NCJFCJ *Guidelines* do not recognize a distinction between time-waived and time-not-waived cases. They call for detained cases to be disposed within 4 weeks and non-detained cases to be disposed within 11 weeks.



In Kern, the juvenile court has a goal of resolving all cases within 30 days of filing. *For more information, contact Tricia McCoy, Supervisor, Juvenile Division, Kern Superior Court, at tricia.mccoy@kern.courts.ca.gov.*

In Monterey, time-waived matters are usually set within 2 or 3 weeks of the statutory time. *For more information, contact Minnie Monarque at (831) 775-5516.*

In San Bernardino, the court tries to dispose of all cases within 60 days, however some cases take longer. *For more information, contact Judge James McGuire at jmcguire@courts.sbcounty.gov.*

In San Joaquin, cases are set for trial one month after arraignment and are generally resolved within two weeks of the arraignment. *For more information, contact Judge Barbara Kronlund at bak@courts.san-joaquin.ca.us.*

In Tulare, the court has a goal of disposing of time-waived cases within 45 to 60 days. Cases involving serious and violent offenses (e.g., sex abuse, gang related, and serious bodily injury cases) take 60 to 90 days. *For more information, contact Presiding Juvenile Judge Saucedo, at (559) 713-3157 x264.*

Maximizing the use of scarce resources (judge, staff, lawyers and probation) – applying resources where they will make the greatest difference

Is the court making the best use of its time and the time of counsel? For instance, is the court devoting hours of courtroom time to progress or status hearings in deferred entry of judgment cases involving minor offenses and finding itself pressed for the time needed for jurisdiction and disposition hearings in serious cases or Section 777 petitions? On the other hand, is the court spending too much time on serious cases in which a Division of Juvenile Justice (CYA) commitment is a foregone



conclusion? On what types of cases is the court going to get the maximum payoff – in terms of changes in a juvenile’s behavior – from increased court attention to each case and each juvenile?

The juvenile court in Los Angeles has developed policies for monitoring youth in the county's juvenile camps. *For more information, contact Judge Michael Nash, Presiding Judge of Juvenile Court (323) 526-6377.*

In Orange, the court has decided to devote additional resources to truancy cases. Parents are required to attend a Parent Empowerment Program to learn effective parenting skills. The supporting agencies work together to provide wraparound services to qualifying families. *For more information, contact Beverly MacLaren at 714-935-6600.*

In San Diego, cases referred to the Drug Court and Teen Watch tend to get more intensive supervision. The court also tends to dedicate more resources to kids on the dual jurisdiction calendar and kids with mental health problems. The number of cases in the Truancy Court is limited so that those cases can receive adequate attention. On the other hand, with budget constraints, the Probation Department has had to “bank” low and medium risk cases and provide minimal supervision resources to those cases. *For more information, contact Michael Adkins (Probation Director) at (858) 694-4399.*

In San Francisco, the specialty behavioral health and youth family violence courts devote increased resources to youth at risk for out-of-home placement and youth exposed to domestic violence. The court is beginning to use administrative reviews after disposition for youth on probation. These are managed by the probation department. *For more information, contact Claire Williams, Director, Unified Family Court, at 415-551-4004.*



In San Joaquin, the juvenile justice system devotes additional resources to the specialized drug court and cases involving mental health issues. *For more information, contact Judge Barbara Kronlund at bak@courts.san-joaquin.ca.us.*

In Tulare, the time and resources devoted to drug court have increased. *For more information, contact Commissioner Hugo Loza at (559) 713-3157 x208.*

The court and probation department in Mendocino County have agreed on a standard format for probation reports. *For more information, contact Judge Leonard LaCasse at (707) 463-4515.*

Resolving cases early in their life

To the extent that a court can organize its processes to obtain admissions (that will occur in virtually all of the cases eventually) at the first court hearing, to the same extent it will be saving the resources of juveniles, their parents, counsel, and probation officers. Some ways that courts have accomplished this include:

Appointing the public defender before the initial hearing so that defense counsel can confer with the youth and youth's parent or guardian prior to the initial or detention hearing.

Holding detention hearings in the afternoon so that defense counsel has an opportunity to check for conflicts, obtain and review discovery, and confer with opposing counsel, the client, and the client's parents or guardians.

Creating a process for early plea offers from the district attorney and incentives for accepting them, such as withdrawal of offers within a short time period and the court's refusal to permit a youth's acceptance of a previously offered plea on the day of the jurisdictional hearing.



Ensuring that district attorneys in the courtroom have the authority to act on defense offers without obtaining the concurrence of a supervisor in a distant location.

Eliminating or reducing incentives for prolonging a case for the purpose of judge shopping, by steps such as

Ensuring that all judges of the court follow the same general approach to disposing of delinquency cases;

Establishing a vertical assignment system; or

Returning a case to the originally assigned judge whenever the case is resolved on the basis of an admission, even during trial.²⁸

Setting a prehearing conference between the detention or initial hearing and the jurisdiction hearing for cases that do not resolve at the first hearing.

Having probation prepare a full social study the first time the case goes to court, including a dispositional recommendation. This process is contrasted with the more typical “bifurcated” process, in which the dispositional social study is not prepared until the judge has made a finding of jurisdiction in the case. Having judges facilitate settlement by indicating their views on the case at a pretrial conference.²⁹

Examples of other practices followed in California courts are:

The juvenile court in Contra Costa will not accept an admission to reduced charges on the date set for trial absent a compelling reason. *For more information, contact Judge Lois Haight at (925) 646-4010.*

In Orange, the court uses chambers settlement conferences to encourage early case resolution. *For more information, contact Beverly MacLaren at 714-935-6600.*

²⁸ But see the discussion in Chapter 7 at footnotes 15 and 16 of the juvenile delinquency *Arbuckle* right to have the disposition order entered by the judge who accepted an admission.

²⁹ See the more complete discussion of this approach in Chapter 5.



In Sacramento, early dispositions are maximized not only by obtaining early full social study reports and early appointment of the public defender, but also by conducting full settlement conferences and law and motion matters before setting a trial date. *For more information contact Judge Kenneth Peterson at Kenneth.Peterson@saccourt.com.*

In San Benito, the court requires the district attorney, public defender, and probation to meet on Friday to discuss all cases on the Monday calendar. Delinquency cases rarely have more than four or five hearings. *For more information, contact Nancy Iler at nancy.iler@sanbenito.courts.ca.gov.*

In Stanislaus, the court uses probation indicated disposition reports and pretrial conferences to encourage early case resolution. *For more information, contact Juvenile Court Presiding Judge Linda McFadden at linda.mcfadden@stanct.org.*

In Tulare, each court has an assigned probation officer who will inform the court and counsel whether a youth may be suitable for available programs and whether the placement recommendation would change if the youth admitted a newly filed petition or violation of probation allegation. *For more information, contact David Parbst at (559) 740-4475.*

Minimizing the number of hearings per case

A major challenge facing many courts is controlling the size or length of their juvenile delinquency calendars. While the number of juvenile delinquency filings has not increased significantly in recent years, the number of calendared matters has. Many of these additional hearings result from the adoption of collaborative justice calendars involving recurring post-dispositional hearings for youth as part of an ongoing process of involvement of the court in the treatment of youth.



Courts could consider these approaches to ensure that the numbers of hearings do not get out of hand:

Avoiding unnecessary hearings. One court holds an “arraignment” after a detention hearing that is not required or contemplated by law. On the other hand, some courts enter a disposition immediately upon accepting an admission when necessary information and reports are available, eliminating the need for a separate disposition hearing.

In Monterey County, probation officers schedule non urgent matters at a time when another matter was already scheduled. For instance, a §777 petition will be set for hearing at the time previously set for a review hearing. The court uses the *Dennis H* hearing to pretrial a case at the same time, often leading to early resolution. Probation officers will attach a recommendation to a §777 petition if the youth plans to admit the violation at the first appearance. *For more information, contact Minnie Monarque at (831) 775-5516.*

In Stanislaus County, indicated disposition reports are prepared by probation in most cases. They are used whenever the youth decides to plead. The court accepts oral updates or supplements when additional information becomes available. *For more information, contact Juvenile Court Presiding Judge Linda McFadden at linda.mcfadden@stanct.org.*

Reducing the number of progress, status, and review hearings by:

Holding such hearings in fewer cases;

Holding fewer such hearings in each case by reducing their frequency, perhaps after the first or second hearing;

Using probation officers to monitor progress and holding progress, status, and review hearings on an exception basis, when requested by juvenile probation;

When the juvenile has been making good progress, scheduling progress or status hearings which the juvenile is not required to attend;



Working cooperatively with public defender offices, as well as with probation departments, to prevent the need for hearings on unpaid restitution. It is in the best interests of the defense to get restitution paid so that the court can terminate probation.

Reducing the number of uncompleted matters by:

Tightening the policy on granting continuances;

Ensuring that defense counsel has all needed information and an opportunity to confer with client and parents and is aware of the court's expectation that s/he will take advantage of that opportunity;

Insisting that the prosecution have its witnesses present as needed for events to take place; and

Resisting the urge to continue a matter for a supplemental probation report.

Dealing effectively with backlogs when they develop

One court found itself with a backlog of 1800 referrals as a result of a probation reorganization in which intake was assigned to two understaffed units. Working together, the court and its justice system partners devised a plan for handling those referrals which brought the court back into compliance with statutory timelines within four months by emphasizing early and effective case screening by probation and prosecution, which included non-wardship dispositional options; setting a larger number of cases than normal on the courts' calendars; and expanding the use of deferred entry of judgment.

The district attorney in another county developed a backlog of cases awaiting charging decisions. That backlog has been eliminated.

A number of courts developed paperwork backlogs in the clerk's office due to statewide staffing shortages several years ago. Most courts have now eliminated all or most of those backlogs through aggressive recruitment to fill staffing vacancies and the use of staff overtime.



10

Courtroom management

Courtroom time is the most limited commodity in the juvenile justice system in most counties. How well it is used will determine how much of the available courtroom time can be devoted to the substantive matters arising in delinquency cases, rather than to participants waiting around for something to happen.

Controlling who is present in the courtroom

California courts differ in their adherence to Welf. & Inst. Code Sections 675 and 676 governing who can and cannot be present in the courtroom. Some courts permit the presence of:

Attorneys not involved in the current case waiting for their cases to be called;

Detained juveniles waiting in the back of the courtroom for their cases to be called.

Other courtroom practices that differ from court to court:

Shackling of detained youth in the courtroom;



The seating of parents – at counsel table or in the audience behind counsel table;

How extensively the court attempts to involve parents in court proceedings – for instance, whether they receive a copy of the probation report in advance of a disposition hearing and whether the judge seeks out the views of parents during detention and disposition hearings; and

The use of chambers and bench conferences.

The courts in Fresno, Marin, Santa Barbara, Stanislaus, and Tulare rarely if ever use bench or chambers conferences. *For more information in Fresno, contact Sandra Leon at sleon@fresno.courts.ca.gov; in Marin, contact Commissioner Randolph E. Heubach at randolph_heubach@marincourt.org; in Santa Barbara contact Judge Arthur Garcia at agarcia@sbcourts.org; in Stanislaus, contact Juvenile Court Presiding Judge Linda McFadden at linda.mcfadden@stanct.org; in Tulare, contact Referee Charlotte Wittig at (559) 713-3157 x205.*

The court in Merced will use such conferences on a limited basis. *For more information, contact Commissioner Thomas S. Burr at thomas.burr@mercedcourt.org.*

The courts in Orange, Sacramento and San Bernardino make extensive use of bench and chambers conferences. *For more information in Orange, contact Beverly MacLaren at 714-935-6600; in Sacramento, contact Judge Kenneth Peterson at Kenneth.Peterson@saccourt.com; in San Bernardino, contact Judge James McGuire at jmcguire@courts.sbcounty.gov.*

Ensuring an efficient pace of matters in the courtroom

Some judges rely on probation court officers to coordinate matters so that there is no lost time between matters on the calendar. The bailiff could be better used in many courts to ensure that detained juveniles



are queued for appearance in the courtroom and that parents are called into the courtroom promptly.

Courts in Fresno, Mendocino, Merced, Sonoma, and Stanislaus rely heavily on the bailiff to order and call the cases on a calendar, using data obtained from counsel. In Mendocino, the court uses the bailiff to marshal persons for upcoming hearings. *For more information in Fresno, contact Sandra Leon at sleon@fresno.courts.ca.gov; in Mendocino, contact Judge Leonard LaCasse at (707) 463-4515; in Merced contact Commissioner Thomas S. Burr at thomas.burr@mercedcourt.org; in Sonoma, contact Debbie Lamb at dlamb@sonomacourt.org; in Stanislaus, contact Juvenile Court Presiding Judge Linda McFadden at linda.mcfadden@stanct.org.*

The courts in San Diego rely on both the bailiff and the probation court officer to order and call the calendar. *For more information, contact at Michael Adkins (Probation Director) at (858) 694-4399.*

The courts in Alameda and Santa Clara rely on the probation court officer to order and call the calendar. Contra Costa juvenile courts rely on the bailiff in conference with the court and probation to call the calendar. *For more information in Alameda, contact Vicki Ward at vward@alameda.courts.ca.gov; in Santa Clara, contact, Carl Tademaru, Juvenile Probation, at carl.tademaru@pro.sccgov.org; in Contra Costa contact Judge Lois Haight at (925) 646-4010.*

In Tulare, the court has "check in" counters where youth and families register and are directed to the proper courtroom. The check in list is given to the bailiff and used to determine if the youth is present at the time a case is called. Bailiffs also provide the court with a list of in-custody youth and a list of group home providers who are present. Counsel check with bailiffs and let them know if they are "ready." A ready list is given to the judge before taking the bench. *For more information, contact Shirley Blackerby at (559) 713-3157 x201.*



California juvenile delinquency courts might consider using an “on deck” process, notifying custodial probation department staff and persons in the waiting area of the next case to be heard so that a detained youth will be produced immediately and so the youth’s family will have gathered up their materials and be ready to come into the courtroom quickly.

Determining the order of matters called for hearing It is rarely if ever the case that a calendar should be handled in the exact order in which the cases are listed. Considerations for judges’ decisions on ordering the calendar (or for bailiffs or probation department court officers if the court relies on them to manage the flow of cases in the courtroom):

Keeping track of which cases are ready to be heard;

Taking private counsel first so that they can attend to other business;

Bunching cases for the convenience of individual public attorneys (when the district attorney or public defender handles some or all of its cases vertically);

Accommodating the needs of the probation department regarding detained youth (e.g., segregation of adults and youth, males and females, protective custody cases, and gang members)

Making effective use of bench and chambers conferences

It may be necessary for the judge to talk privately with counsel about cases at the bench or in chambers for candid discussion of matters to which the juvenile, victim, and family members should not and need not be privy. It is important for the court to make it clear to the parties and interested persons present what is happening and why discussions are occurring in private.

When pretrial conferences are held in chambers, a problem frequently arises from the need to then put matters agreed to in chambers on the record in open court. It is not efficient to convene court at the close of each in-chambers conference. Nor is it efficient for the court to wait



until all in-chambers conferences have been conducted before going back into the courtroom. The latter approach requires counsel to wait around for an extended period after their conference until the judge takes the bench. Alternatives include:

Having a commissioner or other judge available to record matters on the record; or

Breaking to take the bench after every third or fourth in-chambers conference.

Conducting plea colloquies effectively

Colloquies associated with accepting a juvenile's admission can take extended periods of time and often leave the court unsure whether the juvenile in fact understood the rights waived and entered a knowing and informed plea. Alternatives available include

Full individual colloquies in each case, either

- conducted by the judge
- conducted by the district attorney or
- conducted by defense counsel

Use of a signed, written waiver form, modeled on the *Tahl* waiver forms used in adult criminal proceedings. In this process, the judge merely confirms in open court that counsel discussed the rights with the juvenile, that the juvenile signed the form and checked a box beside each right indicating his or her knowing waiver of that right, and that the juvenile has an opportunity to ask the judge to explain anything about the form or the process. The judge then obtains a formal admission, ascertains the factual basis for it, and accepts the admission on the record.



The courts in Alameda, Mendocino, Merced, Mono, Orange, San Bernardino, San Luis Obispo, Santa Barbara, Santa Clara, and Sonoma have written waiver of rights forms for use in juvenile delinquency cases. The courts in Mendocino, Merced and Santa Barbara nonetheless conduct full oral waiver of rights colloquies during the plea acceptance process. *For more information in Alameda, contact Vicki Ward at vward@alameda.courts.ca.gov; in Mendocino, contact Judge Leonard LaCasse at (707) 463-4515; in Merced contact Commissioner Thomas S. Burr at thomas.burr@mercedcourt.org; in Mono, contact Sharon Shaw at sshaw@monosuperiorcourt.ca.gov; in San Bernardino, contact Judge James McGuire at jmcguire@courts.sbcounty.gov; in San Luis Obispo contact David Prouty at david.prouty@slo.courts.ca.gov or Roxanne Ralph at roxann.ralph@slo.courts.ca.gov; in Santa Barbara contact Judge Arthur Garcia at agarcia@sbcourts.org; in Santa Clara, contact Judge Richard Loftus at rloftus@scscourt.org; in Sonoma, contact Debbie Lamb at dlamb@sonomacourt.org*

Providing orders at the close of proceedings

Many courts are able to produce minute orders at the time of a hearing by using preprinted forms or computer-generated orders. The juvenile, counsel and custodial personnel are able to leave the courtroom with a signed order documenting the court's determinations and noting the date and purpose of the next hearing. Fourteen of the 46 responding courts reported having minute orders available to youth before they leave the courtroom.



The courts in Alameda, Los Angeles, San Diego, San Joaquin, San Luis Obispo, Sonoma, and Stanislaus provide written copies of minute orders at the close of a hearing. The courts in Alameda, Humboldt, Los Angeles, Merced, Placer, Sacramento, and San Benito provide written copies of court orders at the close of a hearing. In Humboldt, the probation department prepares copies of Findings and Orders for the judge's signature in the courtroom. In Orange, the probation officer hands the youth a disposition sheet following a hearing. In truancy cases, this function is performed by the public defender. *For more information in Alameda, contact Vicki Ward at vward@alameda.courts.ca.gov; in Humboldt, contact Jay Gerstein, Court Manager at jgerstein@humboldtcourt.ca.gov; in Los Angeles, contact Brian Hamilton, Administrator, Juvenile Delinquency Court at (323) 526-6658; in Merced, contact Commissioner Thomas S. Burr at thomas.burr@mercedcourt.org; in Orange, contact Beverly MacLaren at 714-935-6600; in Placer, contact Lori Smith at 530-886-4810; in Sacramento, contact Judge Kenneth Peterson at Kenneth.Peterson@saccourt.com; in San Benito, contact Nancy Iler at nancy.iler@sanbenito.courts.ca.gov; in San Diego, contact Denise Jackson (Juvenile Court Manager) at (858) 694-4212; in San Joaquin, contact Judge Barbara Kronlund at bak@courts.san-joaquin.ca.us; in San Luis Obispo contact David Prouty at david.prouty@slo.courts.ca.gov or Roxanne Ralph at roxann.ralph@slo.courts.ca.gov; in Sonoma, contact Debbie Lamb at dlamb@sonomacourt.org; in Stanislaus, contact Juvenile Court Presiding Judge Linda McFadden at linda.mcfadden@stanct.org.*



11

Trial management

There are a number of practices that a juvenile judge can follow to ensure the expeditious conclusion of contested evidentiary hearings.

Obtaining valid estimates of the time required for a trial or hearing and requiring counsel to adhere to them

A judge may require counsel to provide an estimate of the time that will be required to conduct a matter and may hold counsel to those estimates.

Maintaining control over the courtroom

Just as it is important for the judge to maintain control over the pace of a case through the court, it is also important for the court to control the pace of a counsel-conducted proceeding in the courtroom. Section 2.20 Trial management standards, of the Standards of Judicial Administration provides³⁰:

(a) [General principles] The trial judge has the responsibility to manage the trial proceedings. The judge should take appropriate action to ensure that all parties are prepared to proceed, the trial commences as scheduled, all parties have a fair opportunity to present evidence, and the trial proceeds to conclusion without unnecessary interruption.

³⁰ Sections dealing with jury management have been deleted.



(b) [Techniques of trial management] The trial judge should employ the following trial management techniques:

- (1) Participate with trial counsel in a trial management conference before trial.
- (2) After consultation with counsel, set reasonable time limits.
- (3) Arrange the court's docket to start a trial as scheduled and inform parties of the number of hours set each day for the trial.
- (4) Ensure that once trial has begun, momentum is maintained.
- (5) Be receptive to using technology in managing the trial and the presentation of evidence.
- (6) Attempt to maintain continuity in days of trial and hours of trial.
- (7) Schedule arguments on legal issues at the beginning or end of the day so as not to interrupt the presentation of evidence.
- (8) Permit sidebar conferences only when necessary, and keep sidebar conferences as short as possible.

Taking over the questioning of a witness if the process gets bogged down

A judge may ask questions of a witness if counsel's approach is inordinately time consuming. Alternatively, a judge may call a recess and take counsel into chambers to discuss with counsel the way in which the trial is proceeding, giving suggestions for expediting the process.

Techniques reported by juvenile delinquency judges include:

In Alameda, parties will frequently ask for an opportunity to confer in order to bring about a speedier resolution. The judge may participate in these discussions. *For more information, contact Vicki Ward at vward@alameda.courts.ca.gov.*



In Humboldt County, effective pairings of district attorney and public defender attorneys move cases along. The court has pointed out to the district attorney and the public defender uniquely antagonistic combinations of attorneys, which have then been changed. *For more information, contact Jay Gerstein, Court Manager at jgerstein@humboldtcourt.ca.gov.*

In Kings, the judge does not allow counsel to pose redundant questions. He will take witnesses out of order if one party is ready before the other. *For more information, contact Todd H. Barton at (559)582-1010, ext. 5002.*

In Merced, the commissioner will make comments to move things along and recess to chambers if there is a particularly knotty problem. *For more information, contact Commissioner Thomas S. Burr at thomas.burr@mercedcourt.org.*

In Monterey, the judge will sometimes require an offer of proof. Then the judge will help streamline the presentation. Sometimes the judge gets the parties to stipulate to proposed testimony that is foundational but not at issue. *For more information, contact in Monterey, contact Minnie Monarque at (831) 775-5516.*

In San Joaquin, the judge will suggest a question or ask the attorney what s/he is trying to get to. These are bench trials and are supposed to be less formal proceedings, warranting judicial intervention. *For more information, contact Judge Barbara Kronlund at bak@courts.san-joaquin.ca.us.*

In Stanislaus, the judge may interpose the court's objection to irrelevant and cumulative questions or remind witnesses to answer the question asked. Counsel are encouraged to stipulate to uncontested matters and to pre-mark exhibits. *For more information, contact Juvenile Court Presiding Judge Linda McFadden at linda.mcfadden@stanct.org.*



In Tulare, the court encourages counsel to communicate with each other. Bench officers require all counsel to be knowledgeable and prepared, and to comply with local and state rules on timeliness and discovery. Bench officers require time estimates for contested evidentiary hearings and hold counsel to them.

The court uses different techniques with young children witnesses and victims, sometimes allowing them to testify in chambers and limiting their examination by counsel.

Counsel are expected to stipulate to the qualifications of experts.

Written briefs are required on complex legal issues.

Counsel are expected to have all witnesses present, not "on call." *For more information, contact Presiding Juvenile Judge Saucedo, at (559) 713-3157 x264.*



12

Communicating with youth, parents and victims

Judges and lawyers evaluate the fairness of a hearing based on their perception of the fairness of the outcome of the hearing. Litigants evaluate the fairness of a hearing by how they were treated during the hearing. For them, the process is more important than the outcome.

What constitutes procedural fairness in the eyes of a litigant?

- Interpersonal respect – persons in the court are treated with dignity and respect and their rights are protected;
- Neutrality – judges are honest and impartial decision makers who base decisions on facts;
- Participation – parties have the opportunity to express their views to decision makers, directly or indirectly; and
- Trustworthiness – judges are benevolent; they are motivated to treat all persons fairly, are sincerely concerned with the needs of the parties, and consider their side of the story.

Juvenile judges, defense attorneys, and probation officers play a major role in educating youth, their families, and victims concerning the juvenile delinquency court process. Defense counsel and probation officers have an opportunity to explain the legal process prior to a



hearing. The judge has an opportunity to interact personally with the youth, parents, and victim(s) during a hearing, using simplified language.

A number of California courts have taken significant additional steps to improve the comprehension of the delinquency process by the members of the public who participate in it.

The Kern juvenile court uses volunteer "docents" at the reception counter to check in minors and parents appearing for court. *For more information, contact Tricia McCoy, Supervisor, Juvenile Division, Kern Superior Court, at tricia.mccoy@kern.courts.ca.gov.*

In Marin County, a part-time probation department employee receives all out-of-custody youth, victims, and families. When a case is called, she brings them into the courtroom and formally introduces them to the judge, who greets and welcomes them. Proceedings are conducted informally and the judge attempts to engage all parties in a dialogue. *For more information, contact Commissioner Randolph E. Heubach at randolph_heubach@marincourt.org.*

The courts in Mendocino, Merced, Riverside, Sacramento, San Bernardino, Santa Clara, and Sonoma provide brochures and handouts to youth and parents, including the Judicial Council JV-060 brochure. *For more information in Mendocino, contact Judge Leonard LaCasse at (707) 463-4515; in Merced contact Commissioner Thomas S. Burr at thomas.burr@mercedcourt.org; in Riverside, contact Donna Albert-Burt at (951)358-4160; in Sacramento, contact Judge Kenneth Peterson at Kenneth.Peterson@saccourt.com; in San Bernardino, contact Judge James McGuire at jmcguire@courts.sbcounty.gov; in Santa Clara, contact Mara Jochums, at mjochums@scscourt.org; in Sonoma, contact Debbie Lamb at dlamb@sonomacourt.org.*



In Fresno, each parent is provided with a "first appearance" packet. A color flow chart is available on the court's website. *For more information, contact Sandra Leon at sleon@fresno.courts.ca.gov.*

The courts in Alameda, Fresno, Riverside, San Bernardino, and Santa Clara provide information on their court websites. Santa Clara's information is provided in multiple languages. The Riverside Court provides a public access computer terminal for the public to use to access its website. *For more information in Alameda, contact Vicki Ward at vward@alameda.courts.ca.gov; in Fresno, contact Sandra Leon at sleon@fresno.courts.ca.gov; in Riverside, contact Donna Albert-Burt at (951)358-4160; in San Bernardino, contact Judge James McGuire at jmcguire@courts.sbcounty.gov; in Santa Clara, contact Mara Jochums, at mjochums@scscourt.org.*

The courts in Riverside, San Bernardino, Santa Clara, and Stanislaus have developed videotapes explaining the juvenile delinquency process. The tapes are shown in the hallways or waiting rooms at the courthouse. The juvenile justice partners in Ventura are also developing such a videotape. Parents of detained youth in Santa Clara are required to view that court's video, which includes not only court procedures but also the parents' responsibilities within the juvenile court process. *For more information in Riverside, contact Donna Albert-Burt at (951)358-4160; in San Bernardino, contact Judge James McGuire at jmcguire@courts.sbcounty.gov; in Santa Clara, contact Carl Tademaru, Juvenile Probation, at carl.tademaru@pro.sccgov.org; in Stanislaus, contact Juvenile Court Presiding Judge Linda McFadden at linda.mcfadden@stanct.org.*

District attorneys offices in Merced, San Bernardino, and San Diego Counties have victim-witness programs to provide information and assistance to victims who wish to participate in the delinquency court process. *For more information in Merced contact Commissioner Thomas S. Burr at thomas.burr@mercedcourt.org; in San Bernardino, contact Judge James McGuire at jmcguire@courts.sbcounty.gov; in San Diego, contact Robert Eichler (Juvenile D.A.) at (858) 694-4230.*



In Los Angeles County, the Centinela Valley Youth Services program provides a victim/offender restitution mediation program. *For more information, contact Brian Hamilton, Administrator, Juvenile Delinquency Court at (323) 526-6658.*

In San Diego County, the County Office of Education has parent liaisons in each region to help parents. *For more information, contact Sean Morrill (SDCOE) at (858) 571-7274.*

In Santa Barbara County, the Juvenile Justice Commission Youth and the Law Program is directed at all sixth grade students. *For more information, contact Judge Arthur Garcia at agarcia@sbcourts.org.*

In Santa Clara County, twice a year the probation department holds an information fair where several agencies are present to answer questions that parents may have relating to resources that are available such as parenting classes, counseling, education, etc. *For more information, contact Carl Tademaru, Juvenile Probation, at carl.tademaru@pro.sccgov.org.*

California courts might consider developing (and including in their mailing containing a form for requesting restitution) an explanation of a victim's rights to participate in the juvenile delinquency process and in practical terms how to exercise them. In lieu of creating their own form, courts could provide victims with the AOC's "Information for Victims: Your Rights and Role in the Juvenile Court Process" pamphlet. For information or copies contact LaRon Hogg at laron.hogg@jud.ca.gov



Individual California courts might also consider preparing informational pamphlets on their record sealing practices, including the standard time period that they require before accepting an application to seal, so that youth and their families will not waste their money prematurely filing petitions to seal.

Providing interpreters for youth, parents or guardians, victims and witnesses who do not speak English well enough to understand the proceedings fully is an essential part of effective communication. Forty-four of the 46 courts responding to our survey (96%) provide interpreters to youth always or nearly always. Forty-one of the 46 responding courts (89%) provide interpreters to parents or guardians and 30 of the 46 courts (65%) provide interpreters to victims always or nearly always. Thirty-seven of the 46 courts (80%) provide interpreters to witnesses always or nearly always. Approaches taken in some California courts include:

In Fresno, there are two full-time on site interpreters who not only appear in court but assist with the completion of mandatory forms with the assistance of attorneys. *For more information, contact Sylvia Sorondo at ssorondo@fresno.courts.ca.gov.*

Kern has two Spanish interpreters assigned to the juvenile court who interpret for the court, the district attorney, public defender and panel attorneys. *For more information, contact Tricia McCoy, Supervisor, Juvenile Division, Kern Superior Court, at tricia.mccoy@kern.courts.ca.gov.*

Los Angeles provides interpreters for non-English-speaking parents, victims and witnesses. The court uses non-certified interpreters when needed. *For more information, contact Ms. Rita Woodfin, Administrator, Interpreter Services for Los Angeles Superior Court at (213) 974-6708.*



In Merced, a full-time Spanish interpreter is available in the juvenile court, primarily for parents. A Hmong interpreter is available as needed. *For more information, contact Commissioner Thomas S. Burr at thomas.burr@mercedcourt.org.*

Orange courts have a Court Reporter/Interpreter Services Department. *For more information, contact Chris Lopez at 714-834-3764.*

The juvenile court in San Bernardino has three full time Spanish interpreters, allowing the court to conduct proceedings requiring two interpreters (e.g., youth and a witness). *For more information, contact Judge James McGuire at jmcguire@courts.sbcounty.gov.*

The Tulare court has hired an interpreter coordinator to ensure the availability of non-English and sign language interpreters. *For more information, contact Amy MacDonald at (559) 773-6561 x289.*



13

Use of technology

Technological tools are available to enhance the efficiency of the juvenile justice process.

Obtaining information needed to process juvenile delinquency cases

Some courts have advanced case management applications for locating information needed at the time of case filing or in the courtroom. Thirty-six of the 46 courts responding to our survey schedule hearings with their case management systems and 15 of the 46 courts use their systems to produce blank orders.

The Los Angeles Juvenile Automated Index (JAI) is used to identify youth and families with related cases. *For more information, contact Brian Hamilton, Administrator, Juvenile Delinquency Court at (323) 526-6658.*

In Ventura, the court's system, Vision, has multiple search functions to ensure correct identity of a youth. Staff can view all past courtroom activity for each youth, including all minute orders. *For more information, contact Patti Morua-Widdows at (805) 981-5938.*



In Sacramento, the probation department “presenters” have laptops connected to the probation data base to answer any questions not addressed in the social study report. The judge also has access to the court’s case management system containing information on the case before the court and any related cases of co-participants. *For more information, contact Judge Kenneth Peterson at Kenneth.Peterson@saccourt.com or Michael Bays, Probation Division Chief, at baysm@saccounty.net.*

Exchanging information electronically with justice partners

Several California courts have integrated information systems automatically exchanging information with partner entities. Modern data exchange technology, to be implemented as part of the new California Case Management Systems, allows data exchanges among stand-alone systems.

Alameda’s Juvenile Case Management System (JCMS), developed by the court OIT department, provides all agencies with access to the Register of Actions. It also supports scheduling, moving calendars, sending notices, and producing statistics on type of cases heard, by department and by bench officer. *For more information, contact Vicki Ward at vward@alameda.courts.ca.gov.*

Kern’s CJIS system integrates the court, district attorney, public defender and probation departments. Minute orders are sent to other entities electronically. *For more information, contact Tricia McCoy, Supervisor, Juvenile Division, Kern Superior Court, at tricia.mccoy@kern.courts.ca.gov.*

In Merced, the court can view justice partners’ data for issuance of bench warrants and verification of personal information. The county has a Questys system for electronic transmission of charging documents. Minute orders are electronically transmitted to justice partners. *For more information, contact Commissioner Thomas S. Burr at thomas.burr@mercedcourt.org.*



In San Bernardino, the JNET system allows electronic information exchange among all of the justice partners. Probation provides referrals electronically to the district attorney, which then files petitions electronically with the court. JNET provides automatic reporting to the Department of Justice, JBSIS, Department of Children's Services and Child Welfare System computer systems. *For more information, contact Judge James McGuire at jmcguire@courts.sbcounty.gov.*

In San Diego, the court transmits minute orders electronically to the district attorney, public defender and probation department. Conflict counsel does not have access to the system; the court must mail printed copies of minute orders to them. *For more information, contact Denise Jackson (Juvenile Court Manager) at (858) 694-4212.*

In San Luis Obispo, the case management system transfers data to the County Department of Social Services case management system. *For more information, contact David Prouty at david.prouty@slo.courts.ca.gov or Roxanne Ralph at roxann.ralph@slo.courts.ca.gov.*

Maintaining court documents in electronic form

Alameda and Riverside Courts now maintain all official records in electronic form, immediately accessible on the bench.

In Alameda's JCMS system, all documents are maintained in electronic form and are immediately available on the bench officer's computer screen. *For more information, contact Vicki Ward at vward@alameda.courts.ca.gov.*



Riverside's Genesis system images all documents on filing so that they are available electronically. Imaging on the Web allows all court staff and bench officers to access and print documents. *For more information, contact Donna Albert-Burt at (951)358-4160.*

Producing minute orders automatically

Some courts are able to create minute orders in the courtroom based on data entered by courtroom staff

Alameda's JCMS system provides real time minutes. *For more information, contact Vicki Ward at vward@alameda.courts.ca.gov.*

In San Diego, the Juvenile Case Management System (JCMS) provides calendars, forms, minute orders, and some statistics. *For more information, contact Denise Jackson (Juvenile Court Manager) at (858) 694-4212.*

In San Luis Obispo, minute orders are produced by the case management system in delinquency cases, but manually for dependency cases. *For more information, contact David Prouty at david.prouty@slo.courts.ca.gov or Roxanne Ralph at roxann.ralph@slo.courts.ca.gov.*

Sending and receiving information with probation electronically

The juvenile court in Fresno maintains a direct link to the juvenile probation case management system for purposes of printing reports and recommendations and violation of probation reports. There are no delays in delivery of reports to the court and no security risks from email attachments. *For more information, contact Sandra Leon at sleon@fresno.courts.ca.gov.*



Placer courts send all requests for probation reports and receive all probation reports through a secure web site. *For more information, contact Dave McManus at 530-889-7900.*

In Ventura, probation emails reports to the judges. *For more information, contact Patti Morua-Widdows at (805) 981-5938.*

Use of video and teleconferencing to connect persons in remote locations so that they can participate in court proceedings

In Kern the juvenile court uses teleconferencing in ICWA cases. *For more information, contact Tricia McCoy, Supervisor, Juvenile Division, Kern Superior Court, at tricia.mccoy@kern.courts.ca.gov*

In Placer, the court uses video teleconferencing for all pre-trial proceedings in cases arising in the Lake Tahoe facility (Kings Beach). The youth and probation officer are located at the Kings Beach facility and other participants are in the main courthouse. Trials and disposition proceedings require the youth's appearance at the juvenile hall court. *For more information, contact Lori Smith at 530-886-4810.*

In San Luis Obispo, the court uses teleconferencing for uncontested hearings when parents are in prison or the county jail. *For more information, contact David Prouty at david.prouty@slo.courts.ca.gov or Roxanne Ralph at roxann.ralph@slo.courts.ca.gov.*



14

Collection of data and production and use of management reports³¹

Few California courts have the data and data reports needed to manage juvenile delinquency cases effectively.

Having accurate and complete juvenile delinquency case data is essential for effective caseload management. This chapter discusses the sources of data and provides examples of various types of reports that judges and court administrators need.

Sources of juvenile delinquency case data

Judges and court administrators obtain most of their court data from their automated case management information system (CMIS). Caseload data is produced from a CMIS as a byproduct of clerks' entry of basic information used to maintain an accurate and complete record of the history of each case. Very few data fields exist in these systems solely for the purpose of assisting administrators to understand caseload issues. Information often exists in court databases merely as text, which makes it – for all practical purposes – inaccessible as data that the computer can read and compile.

All CMIS systems have report writing functionality. However, only the most modern systems have the flexibility for judges and court staff to

³¹ This is one of the key principles of the NCJFCJ *Juvenile Delinquency Guidelines*.



design their own customized reports. Consequently, although most CMIS systems contain a great deal of potentially useful caseflow data, judges and administrators have very little capability to obtain regular reports of that data from their current systems.

The California AOC is currently working with the courts throughout the state to design, develop and deploy a new generation of case management information systems – the California Case Management System. The AOC team is not only attempting to identify all information needed by judges and court administrators for effective caseflow management; it is also attempting to build into the next generation of systems an enhanced degree of flexibility to support additional data gathering and report writing requirements.

For the time being, however, courts are restricted by the CMIS they currently have. Most courts have considered it unwise to invest significant funds in reprogramming existing applications when the new CCMS applications will become available to all courts within the next five years or so.

Courts have always been able to supplement their automated systems with manual data gathering. Using simple data collection forms, a court can gather, report and analyze data that is not included within its CMIS application. Most courts have limited capabilities to gather data manually because of the burden imposed on court staff. Therefore, manual data collection is reserved for issues that the court considers critical to the success of its case management effort.

An example might be the number of continuances requested and granted. If a court's CMIS system cannot produce such information, a court might create a simple data gathering form on which courtroom staff would record the case number of every case in which a continuance is requested, which party requests it, and the court's action – granting or denying the request. This data could then be hand tallied or entered into a standard commercial computer database (such as Excel or Access) for automated tallying.

The burden of manual data collection can be minimized by gathering data for only a short period of time – for instance for a week or a month followed by another week or month six months later – or for only a sample of cases – for instance only for cases of a particular case type or only for cases ending in the number "3" (a one tenth sample).



Table 1

Annual Filings, Dispositions and Pending Cases				
	Petitions		Section 777 Motions	Other (e.g., failure to obey conditions of release)
	Original	Subsequent		
Beginning pending				
Filings				
Dispositions				
End pending				

A court’s clearance rate compares its dispositions and filings (dividing dispositions by filings). The Judicial Council’s Court Statistics Reports use a measure of dispositions per 100 filings as the official clearance rate calculation. A clearance rate of 100 shows that the court is resolving as many cases as are being filed. So long as the clearance rate is 100 or greater, the court is not building a backlog of pending cases.

The Judicial Council’s Court Statistics Reports do not report clearance rates for juvenile delinquency cases. Table 2 could be used by a court to display its own clearance rates over a period of years.

Table 2

Clearance Rate Trend Data for Delinquency Cases				
	2002 -2003	2003-2004	2004-2005	2005-2006
Filings of new and subsequent petitions				
Dispositions				
Dispositions per 100 filings				

It is not sufficient for a court to know its overall delinquency case filing trends. It should also analyze the makeup of that caseload. For instance, Table 3 breaks down delinquency cases involving felonies into the major felony case types. This data helps the court know whether particular portions of its caseload are increasing or decreasing. The impressions of judges and court staff are often inaccurate for this kind of information – biased by specific incidents that stick in their minds.



Table 3

Delinquency Caseload Data by Case Type						
	Filings	% of total	Dispositions	% of total	End Pending	% of total
Homicide						
Forcible Rape						
Kidnap						
Assault						
Robbery						
Sexual Offense						
Property Offense						
Drug Offense						
Other Felony						
Miscellaneous Felony Petition						
Total Felonies						

The court also needs to know how the cases are being resolved – by admission, by diversion, by dismissal, by trial, etc. Table 4 shows that data for the eight most serious felony case categories.

Table 4

Data by Type of Disposition by Case Type								
	Homicide	Forcible Rape	Kidnap	Assault	Robbery	Sexual Offense	Property Offense	Drug Offense
Finding of true petition after trial								
Admitted Felony								
Admitted Misdemeanor								
Diversion								
Acquittal								
Dismissal								
Total								

Table 5 shows the same information over a period of five years. The court can use this data to discern subtle changes in trial and other disposition rates over time. For instance, it could determine that a significant percentage of cases that resulted in admissions five years ago are now being diverted. Diversion generally means that a case will remain pending longer on the court's docket. Knowing this will help the court to understand some of its time to disposition data.



Table 5

Type of Disposition by Year					
	1999	2000	2001	2002	2003
Finding of true petition after trial					
Admitted Felony					
Admitted Misdemeanor					
Diversions					
Acquittal					
Dismissal					
Total					

Time to disposition data

Time to disposition data measures how quickly or slowly a court disposes of its cases. The first critical issue is the period being measured. Are you measuring from the date of arrest, from the date of filing of a petition, or from the date of first appearance (detention hearing or initial appearance)? There are legitimate reasons to warrant choosing any one of these dates: Measuring from date of arrest captures the complete time the juvenile justice system has been aware of the juvenile’s behavior. However, the date of formal charge is the first time the court becomes aware of the matter and can exercise any control over the case. And the date of first appearance is the court’s first formal contact with the juvenile.

The mandatory statutory timeframes run from all three dates – the required time for a detention hearing runs from the time of arrest or from the time of filing the petition, depending on the nature of the charge; the required time for a jurisdiction hearing runs from the time of an order of detention (if the youth is in custody) or from the time of filing of the petition (if the youth is not in custody); the required time for a disposition hearing runs from the time of the determination of jurisdiction (if the youth is in custody) or the date of filing of the petition (if the youth is not in custody). Consequently, juvenile delinquency case management systems need to be able to track all of these times and to compute a case’s age based on all of them.

California’s time to disposition standards for criminal cases – the Judicial Council’s Standards of Judicial Administration, Sections 2.1 (j) and (k) – use the date of first appearance on the complaint as the beginning date for calculating time to disposition. While these



standards do not apply to delinquency cases, by analogy, the appropriate time for computing time to disposition in delinquency cases would be the date a detention or initial hearing was actually heard.

To know how quickly the court disposes of cases, we generally look at the median, average, or adjusted average time to disposition. Median disposition time is the time required to dispose of the first half of the cases decided during a given time period. This is a very stable statistic and is the time measure favored by the federal court system in its statistical reporting. Median disposition times are invariably shorter than average or adjusted average times. Median disposition time data sheds light only on the court's performance with respect to the easiest one half of its work. It ignores how the court handles the hardest, longest cases.

Average time to disposition is the total number of days required to dispose of all the cases in the category being analyzed divided by the number of cases. Average disposition times are inordinately influenced by the longest cases. The existence of one or two very long cases can change the average disposition time by ten or twenty days, frequently producing a distorted picture of the court's performance during a particular time period.

An "adjusted average" removes the "outlying values" in computing the average, using statistical techniques to identify the "outliers" – those numbers that are extremely uncharacteristic of the data as a whole. "Adjusted averages" produce a more stable statistic – one not influenced by the longest cases unless the court has many of them. It is theoretically the best single measure of disposition time data, but requires some statistical sophistication on the part of the court's data analysts.

Table 6 could be used to display either median, average, or adjusted average disposition time data. Note that the table does not include a median time for all cases combined; such a number has little meaning because the number of minor offenses is so much greater than the number of felonies a total median time would reflect predominantly misdemeanors and infractions.



Table 6

Median Time to Disposition by Case Category					
	2002	2003	2004	2005	2006
Felony					
Non traffic Misdemeanor					
Non traffic Infraction					
Traffic misdemeanor					
Non traffic misdemeanor					

Three other often used time to disposition statistics are the time required to dispose of the 75th percentile, 90th percentile, or 95th percentile of all cases of a particular case category. Like the median, these statistics measure the time required to dispose of a percentage of the court’s workload. The median disregards the hardest half of all cases. These measures disregard the hardest quarter, ten percent, or five percent, respectively, of the court’s cases.

The Judicial Council Court Statistics Reports report time to disposition data in yet a different fashion – the percentage of cases disposed of within the state time standard for each case category. Table 7 is an example of that form of data display, showing the statewide standards and the statewide performance for criminal cases for fiscal year 2004-2005, the latest year for which such data is available.

Table 7

Percentage of Dispositions within California State Time Standards							
	Felonies Disposed Of Within Less Than 12 Months	Felonies Resulting In Bindovers, Certified Pleas Or Dismissals At Or Before Preliminary Hearing In Less Than __ Days			Misdemeanors Disposed Of In Less Than __ Days		
		30	45	90	30	90	120
Judicial Council Case Processing Standard	100%	90%	98%	100%	90%	98%	100%
Statewide average for FY 2004-05	91%	57%	67%	81%	70%	86%	90%

As noted previously, the court needs to know how it is functioning for different categories of cases. Table 8 displays the information the



court would need to analyze the time to disposition for different case types.

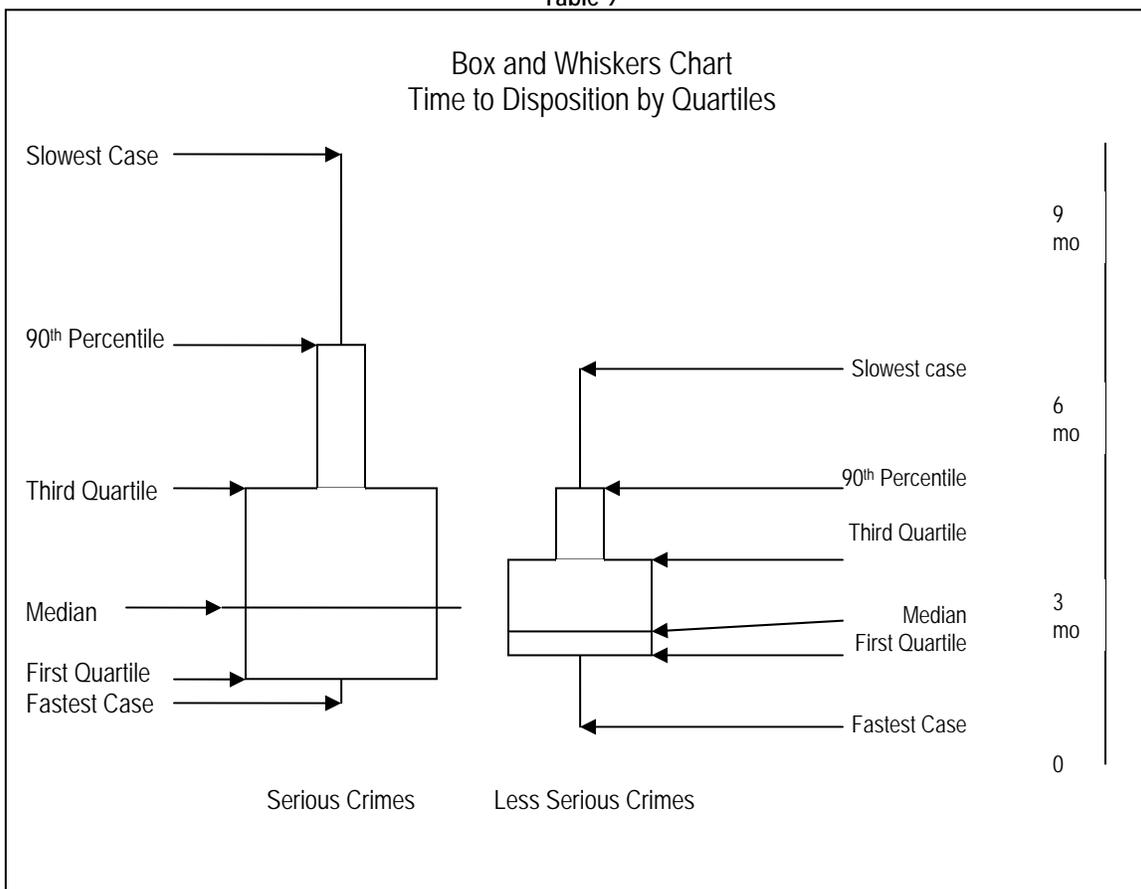
Table 8

Average Time to Disposition Days from detention or initial hearing to disposition by Case Type					
	2002	2003	2004	2005	2006
Homicide					
Forcible Rape					
Kidnap					
Assault					
Robbery					
Sexual Offense					
Property Offense					
Drug Offense					
Other Felony					
Miscellaneous Felony Petition					
Total Felonies					

No single time to disposition measure will give the court a complete picture of the timeliness of its case processing. Multiple measures provide the variety of perspectives needed to fully understand how timely the court disposes of its cases. Table 9, on the next page, is a “box and whiskers” chart designed to depict graphically the timeliness of the court’s disposition of the various segments of its caseload, from fastest to slowest. The chart shows pictorially how long it takes the court to decide the fastest one quarter (first quartile) of its cases, the fastest half (median), the fastest three quarters (third quartile), fastest 90%, and the longest case. Table 9 shows such possible such charts for serious and less serious cases. The longer the top “whisker” on the box and whisker chart, the more likely the longest cases will be statistical outliers. The advantage of this depiction is that the court sees more fully the “flow” of its cases.



Table 9



The same information is provided in table form in Table 10, but for all major crime categories.

Table 10

Average Time to Disposition by Qualities								
	Homicide	Sex Crimes	Other Person	Drug Sale or Possession	Weapons	Property	Other Felonies	Total Felonies
First Quartile								
Second Quartile								
Third Quartile								
90 per cent								
Longest Case								



Many courts have traditionally been unwilling to collect and report case disposition or time to disposition data by judge, for fear that it will embarrass one or more of the judges, particularly if it becomes public knowledge. However, effective caseload management requires accountability of all parties, including individual trial judges. Table 11 is an example of the sort of report that could be used to show each judge's performance in handling juvenile delinquency cases.

Table 11

Average Time from Detention or Initial Hearing to Disposition of Section 602 Petitions by Judge First six months of 2006								
	Number of cases	Number of youth	Number of admissions	% within 120 days of first appearance	Number of trials	% within 120 days of first appearance	Total dispositions	% within 120 days of first appearance
Judge A								
Judge B								
Judge C								
Judge D								
Judge E								

If a court were operating a "pure" master calendar, time to disposition data reported by judge would have little meaning or value. The judge who tried the case or entered the disposition played no role in moving the case from filing to disposition. The only meaningful data for that court would be the performance of the court as a whole.

Consequently, the court should consider very carefully what it wishes to understand by producing judge-specific data. Although some California courts have been producing this type of data for decades and have not attracted any adverse publicity for the court or for individual judges, the court may also wish to consider the local press and political climate as a factor in deciding what reports to produce.

Another way to view time to disposition is for the court to define the disposition time periods for which it desires information. Table 12 displays the data for various time periods that a court might deem important.



Table 12

Average Time from Detention or Initial Hearing to Disposition by Case Type								
	Homicide	Sex Crimes	Other Person	Drug Sale or Possession	Weapons	Property	Other Felonies	Total Felonies
0 to 2 months								
2+ to 4 months								
4+ to 6 months								
6+ to 12 months								
Over 1 year								

Table 13 displays the same data by judge.

Table 13

Average Time from Detention or Initial Hearing to Disposition by Judge					
	Judge A	Judge B	Judge C	Judge D	Judge E
0 – 2 months					
2+ – 4 months					
4+ – 6 months					
6+ – 12 months					
Over one year					

Time to disposition is not the only, or the best way to measure the currency of the court’s work. After all, time to disposition data only measures the age of the cases that the court has completed. How old are the cases that remain on the court’s docket? Table 14 is called a “case aging” report and reports the age, by time category, of the court’s pending delinquency cases.

Table 14

Age, in days, of Active Pending Delinquency Cases from Date of Detention or Initial Hearing									
	0 – 90 days	91 – 150 days	151 – 180 days	181 – 365 days	366 – 455 days	456 – 545 days	Over 545 days	Totals	% of Totals
Judge A									
Judge B									
Judge C									
Judge D									



Basic case monitoring reports

Judicial staff generally use raw case data, not summary statistical data, to monitor the progress of specific cases – to identify those that are getting close to statutory deadlines, those nearing the court’s disposition standards, or those that are exceeding the timelines for their stage in case processing.

Table 15 is an example of a standard report that a judge might get at the end of every week or every two weeks showing the age and status of every case pending on her or his docket. Courts with master calendar systems would not report this data by judge. Judges and staff responsible for the master calendar would review the data on all cases pending before the court – but for the same purpose of identifying those cases in need of immediate attention.

Table 15

Youth's Name	Case #	Date Petition Filed	Date of Detention or Initial Appearance	Next Event Scheduled	Date of Next Event	Current Case Age
A						
B						
C						
D						
E						

Similar reports can be produced for monitoring compliance with statutory deadlines. Table 16 is an example of such a report.

Table 16

Report of In Custody No Time Waiver Cases Pending Jurisdiction Hearing					
Youth's Name	Case #	Date Petition Filed	Date of Detention Hearing	Final date allowable for trial	Date set for trial



Data gathering for detailed analyses or problem solving

General case management data, time to disposition data and case aging data will disclose the existence of a problem with the management of cases. It will not, however, pinpoint the cause of the problem. And, when the cause is identified, it will not monitor progress in solving that particular problem. The following reports are examples of specialized reports designed to focus on specific caseload management problems.

Tables 17 and 18 would initially be used to determine how many continuances the judges are granting and how many separate hearings or appearances they are holding in the course of a case. If problems are identified in either area, the same reports can be used to influence future judicial behavior – to reduce the number of continuances granted and the number of appearances per case, respectively.

Table 17

Number of Continuances Granted												
	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Judge A												
Judge B												
Judge C												
Judge D												
Judge E												

Table 18

Average Number of Hearings/Apearances Per Case												
	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Judge A												
Judge B												
Judge C												
Judge D												
Judge E												



Table 19 is an example of a report focusing on a specific part of the caseflow process, if the court has reason to believe that it is experiencing delay during the period from detention hearing to admission or jurisdiction hearing.

Table 19

Average Time from Detention to Admission or Jurisdiction Hearing												
	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Felonies												
Nontraffic Misdemeanors												
Nontraffic infractions												
Traffic misdemeanors												
Traffic infractions												

Table 20 focuses on a different issue – the possibility that unnecessary time is being taken in obtaining social study reports and scheduling and conducting disposition hearings. The report focuses on only felonies and misdemeanors, assuming that these are the case categories for which the court is concerned about timely disposition hearings.

Table 20

Average Time from Admission/Jurisdiction Finding to Disposition												
	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Felony												
Misdemeanor												

Composite data reports

Table 21 is an example of a report used in another state to combine data for various case types, court locations, judges, and indicators into a single report for viewing and analysis.



Table 21

Disposed Non-Felony Timing Indicators by Division and Year of Disposition				
Department	Year of Disposition	Time from First Appearance to Admission or Jurisdiction Finding (in days)	Time from First Appearance to Disposition (in days)	Number of hearings from First Appearance to Disposition
Department A	2005			
	2006			
Department B	2005			
	2006			
Department C	2005			
	2006			
Department D	2005			
	2006			

Table 22 shows case aging data for judges assigned to different delinquency case processing teams, for each team, and for the delinquency court as a whole.

Table 22

	0 – 30 days	31 – 60 days	61 – 90 days	91 – 180 days	181 – 365 days	365– 545 days	Over 545 days	Totals
Team A								
Judge 1								
Judge 2								
Judge 3								
Team B								
Judge 4								
Judge 5								
Judge 6								
Team C								
Judge 7								
Judge 8								
Judge 9								
Grand Totals								
Percent total								
Cumulative Percent								



Reporting on compliance with performance standards

Table 23 shows the percentage of cases disposed of each month that are concluded within the number of days prescribed by the statewide time to disposition standards.

Table 23
Actual Performance v. Standards

	Standard	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Felony		%	%	%	%	%	%	%	%	%	%	%	%
Misdemeanor		%	%	%	%	%	%	%	%	%	%	%	%
Infraction		%	%	%	%	%	%	%	%	%	%	%	%
Traffic		%	%	%	%	%	%	%	%	%	%	%	%

Table 24 shows the same data for each judge on the court for a court using an individual calendaring system.

Table 24
Performance v. Standards

	Standard	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Judge A		%	%	%	%	%	%	%	%	%	%	%	%
Judge B		%	%	%	%	%	%	%	%	%	%	%	%
Judge C		%	%	%	%	%	%	%	%	%	%	%	%
Judge D		%	%	%	%	%	%	%	%	%	%	%	%

Tables 25 and 26 show in graph form how the court's performance is improving or deteriorating on key indicators chosen by the court for regular monitoring and reporting – time from initial appearance to disposition and number of hearings per case for different categories of delinquency cases.



Table 25

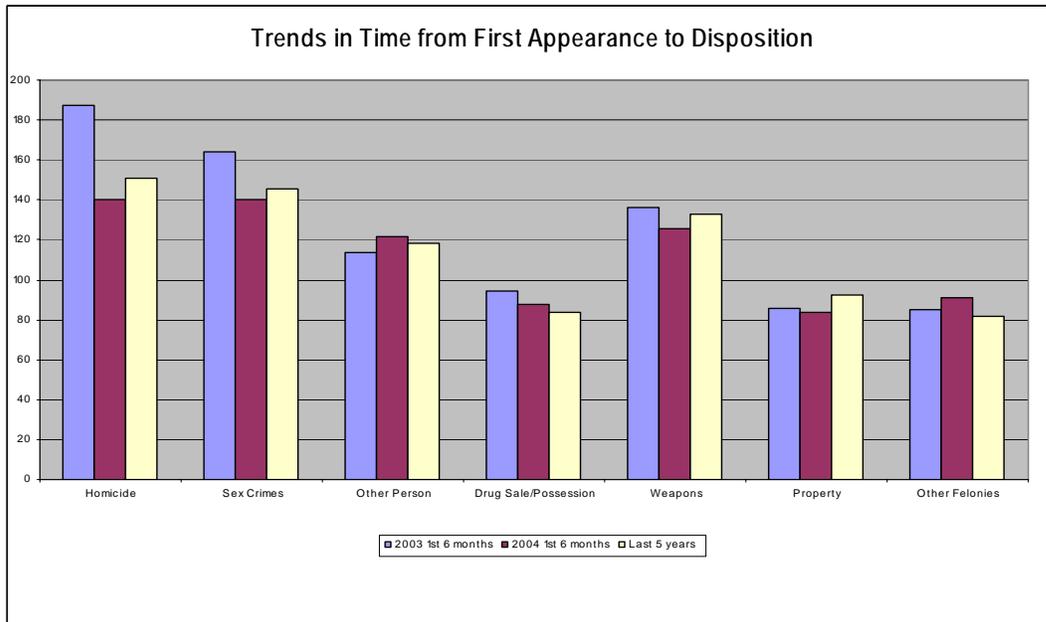
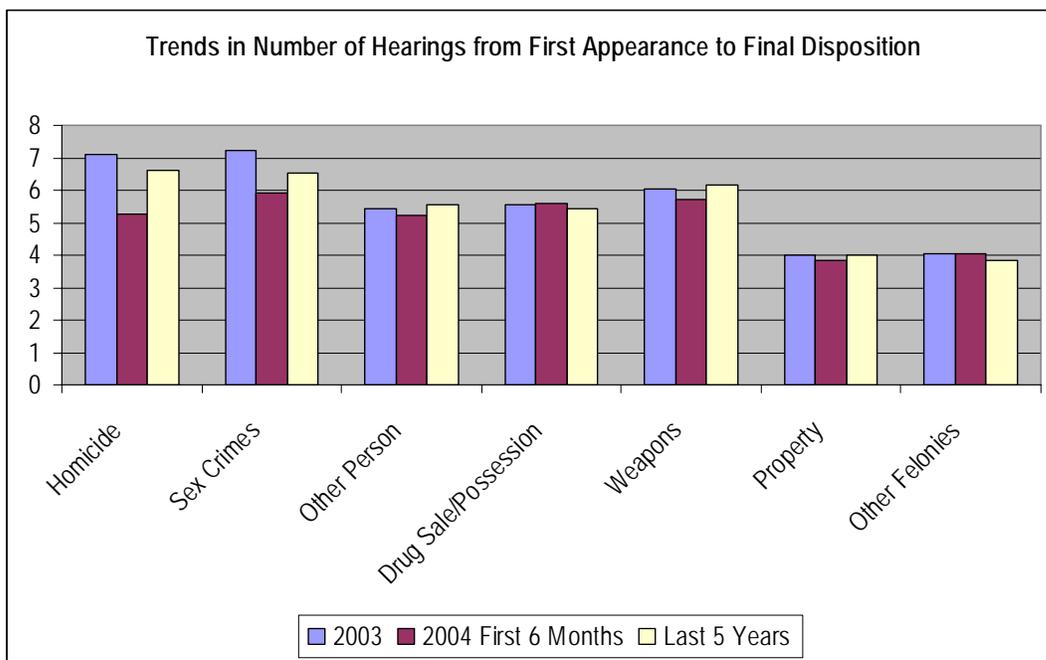


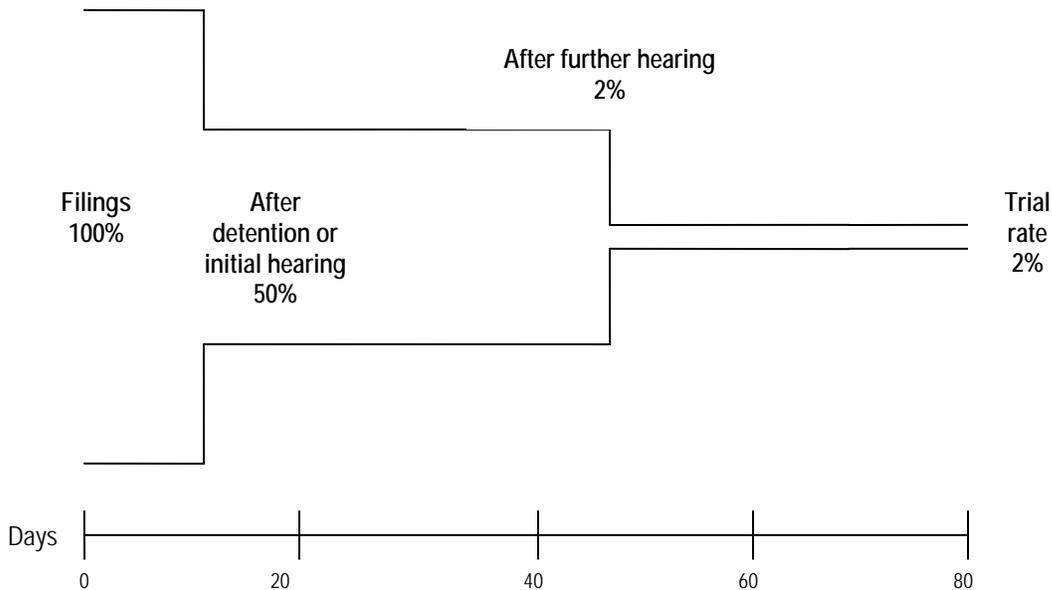
Table 26



“Reverse Telescope”

A classic case management analysis tool is called a “reverse telescope.” It summarizes graphically at what stage in the process the court disposes of its cases. Table 27, on the next page, is such a graphic prepared by a court in another state.

Table 27
Reverse Telescope of Delinquency Case
Jurisdiction Determinations



Priorities for data collection and analysis

This chapter has presented many different examples of data tables that courts might wish to use to better display and understand their data. To prepare all of them would require extensive staff resources in most courts. The purpose for presenting them is not to suggest that all courts must or should have all of this data, but rather to show what sorts of data reports other courts have found worthwhile and helpful. Consider the foregoing a wish list rather than a requirement.



Because all courts have limited resources, it is legitimate to ask, “Which of the various reports and measures are the most important?”

Judges and court administrators should have:

A composite monthly case management status report displaying on a single page data on filings, detention and initial hearings, admissions and wardship decisions, dispositions, pending active cases, age of oldest active pending case, and pending review cases (disposed cases maintained on court calendars solely for the purpose of periodic review of a juvenile’s progress or status).

A pending case inventory for each department, listing every case pending in the department in order of their age, with the oldest cases first. The report should also show the next scheduled event and its date and the number of continuances granted (or appearances held) in the case.

An inventory summary report showing the total number of active and review cases pending in each department, and the number and percentage of those cases that are beyond their target age, based on the court’s internal time standards.

A case processing stage inventory showing the number of active cases pending at various stages of the delinquency process, together with the number of continuances granted (or appearances held) to date.

Performance Measurement

When courts do collect and use information for management purposes, it usually focuses on the courts’ internal operations. In recent years courts have begun to ask themselves a series of broader questions: What are the purposes of the juvenile delinquency court? What would its external stakeholders – the public and their elected representatives – expect the court to accomplish? What are the ultimate outcomes that the court would be accomplishing if it were achieving its purposes? How would a court go about measuring its success along these dimensions?

Because all of the entities within the juvenile delinquency process work so closely together, it would be more appropriately to recast these questions as follows: What are the purposes of the juvenile justice



system? What would its external stakeholders – the public and their elected representatives – expect the juvenile justice partners to accomplish? What are the ultimate outcomes that the partners would be accomplishing if they were achieving the purposes of the juvenile justice system? How would a juvenile justice community go about measuring its success along these dimensions?

Possible such outcome measures might be:

Time to disposition – it is clear that the speed with which dispositions are reached is a critically important part of their effectiveness.

Recidivism of juveniles whose cases are handled by the court – the public looks to the juvenile justice system to turn young offenders away from a life of crime.

Payment of restitution – the victims of delinquent acts look to the court to make them whole.

Completion of community service – the public expects that it will benefit from the time and energy of young people working to pay back their “debt to society.”

Each of these outcome measures can be tracked, computed, and reported by a juvenile justice system, involving each of the juvenile justice partners in the data collection process. The court could take the lead on time to disposition data. The probation department would be the best situated to track recidivism, payment of restitution, and completion of community service.

The partners could publish the outcome measurement data in an annual report on the effectiveness of the juvenile justice system. (See generally, *Guide to Developing and Implementing Performance Measures for the Juvenile Justice System: A National Demonstration Project* (American Prosecutors Research Institute, June 2006.))



15

Leadership³²

It is the responsibility of the supervising juvenile delinquency judge to ensure that the judges and staff of the court have a common understanding of and commitment to the goals of the court and a common strategy for attaining them. It is similarly the responsibility of the supervising district attorney, supervising public defender, and chief juvenile probation officer to provide the same degree of leadership within their respective units.

Successful implementation of the caseload management techniques discussed above will not occur by accident or through the efforts of one judge or administrator. It requires a juvenile justice unit to marshal its resources, its determination, and its attention on prompt disposition of juvenile delinquency cases and to maintain that energy and focus for an extended period of time.

Successful juvenile delinquency caseload management consists of repetitive and sometimes tedious attention to the age and status of cases. The discipline of caseload management consists of paying attention to myriad details, as well as to the larger concepts of setting and reinforcing positive expectations. It requires consistency and determination and does not bring immediate popularity.

Summoning the will to become effective in juvenile delinquency caseload management requires leadership. Within the court, the principal leaders are the presiding judge, the presiding or supervising

³² This is one of the key principles of the NCJFCJ *Juvenile Delinquency Guidelines*.



judge of the juvenile court, the court executive officer, and the staff director for the juvenile court. Other judges and staff can also lead by example and otherwise play pivotal roles in the implementation of new delinquency caseflow management processes. The principal leadership task is change management – convincing the other judges and staff of the need for and benefits of improved caseflow management, creating and maintaining enthusiasm for new procedures, and ensuring that the procedures remain in place when other projects become the center of attention.

The leadership structure for other juvenile justice partners varies from place to place and with the size of the unit. However, the challenges facing the leaders of every unit are the same. The discussion that follows uses examples from the courts, but the same principles and practices are used by effective leaders in the district attorney's office, the office of the public defender, and the juvenile probation department.

Imbuing the team with a common view of the problem to be solved and a sense of urgency in solving it

Effective juvenile justice leaders throughout California bring their staff together to solve common problems.

In Fresno, the delinquency presiding judge conducts bi-weekly meetings with juvenile judges to discuss new legislation and other new legal requirements and process improvement suggestions. *For more information, contact Sandra Leon at sleon@fresno.courts.ca.gov.*

In Sacramento, the court holds weekly meetings. Two are "in house" with court staff. *For more information, contact Judge Kenneth Peterson at Kenneth.Peterson@saccourt.com.*

In Contra Costa and San Bernardino the courts hold monthly juvenile bench officer meetings. *For more information in Contra Costa, contact Judge Lois Haight at (925) 646-4010; in San Bernardino, contact Judge James McGuire at jmcguire@courts.sbcounty.gov.*



Selling Juvenile Delinquency Caseflow Management

The first task is to convince unit personnel of the need to improve the system's performance, by techniques as straightforward as:

- using juvenile delinquency case data to document the system's current performance;
- pointing out the difficult working environment created by inefficient practices;
- explaining the difference between "caseload" and "workload." See pages 55 and 56.

It is generally more effective to involve staff in a discussion of the problems associated with delinquency case management – where they have the opportunity to present their own perceptions and issues – than to make a presentation to them. However it is helpful to have empirical information and practical examples available to bolster points made by others.

The second task is to convince the staff that adherence to the principles of caseflow management will improve the unit's performance and their own work environments. This could be accomplished by:

- reciting examples of effective practices followed in another jurisdiction and the benefits achieved by them;
- having a representative from another county describe its caseflow management procedures;
- having a judge/district attorney/public defender/chief probation officer from another county come to talk to judges/district attorneys/public defenders/probation officers in your county (Hearing a message from a person of your own rank and stature is more convincing than hearing it from a person who is from a different unit or position within the unit.);
- visiting another county that uses a more sophisticated juvenile delinquency case management approach;
- distributing this manual;



- anticipating objections and being prepared to address them. (Lawyers are well trained to think of the “hard cases” for which a new approach will not work; be prepared to recognize the need to implement any policy with the discretion to recognize and accommodate exceptional cases or situations.)

In addition to their powers of persuasion, the presiding judge and court executive officer have explicit, formal authority under the Judicial Administration Rules concerning the administration of the court. Rule 10.603 assigns to the Presiding Judge responsibility for:

- (1) Ensuring the effective management and administration of the court, consistent with any rules, policies, strategic plan, or budget adopted by the Judicial Council or the court; [and]
- (2) Ensuring that the duties of all judges specified under rule 6.608 are timely and orderly performed;

Rule 10.610 governing the court executive officer, in Section 10.610(c)(4), gives the CEO explicit responsibility for monitoring caseload management and recommending effective techniques:

- (4) (*Calendar management*) Supervise and employ efficient calendar and case flow management systems, including analyzing and evaluating pending caseloads and recommending effective calendar management techniques.

And Rule 10.608 setting forth the duties of all judges, in Section 10.608 (5) requires judges to comply with the presiding judge’s administrative direction:

- (5) Follow directives of the presiding judge in matters of court management and administration, as authorized by the rules of court and the local rules and internal policies of the court.

Helping the unit to apply the principles to develop new practices that will save time and effort and improve results

While many of the principles of caseload management are explicit and straightforward, most of them are more general in nature, requiring application to the circumstances of each court and county.



It is often useful to create a small working group to prepare a set of detailed recommendations for improved practices and procedures. Allow persons to volunteer, but ensure that the group has within its number the persons needed to think analytically, reach conclusions, and articulate proposals clearly. It is rarely useful to include strong opponents, with the hope of co-opting them into support; they are more likely to stymie the rest of the group. Suggest to the working group persons outside the unit from whom they can obtain suggestions and input.

In Mendocino, court operations developed a juvenile processing team. *For more information, contact Judge Leonard LaCasse at (707) 463-4515.*

In 2003, the court in Sonoma conducted a workflow analysis project that saved approximately 65 hours per month in processing time. *For more information, contact Debbie Lamb at dlamb@sonomacourt.org.*

It is often useful to establish a “policy committee” composed of senior officials to formulate the broad vision of new procedures and delegate to a staff team the development of detailed implementation plans and proposals.

It will almost always be necessary for the unit to find ways to reallocate existing resources to support innovations. It will usually not be able to obtain additional, new resources for this purpose. However, innovations designed to improve efficiency should produce savings that offset the effort invested in them.

Obtaining commitment from the staff to pursue the new practices

Experience shows that obtaining the commitment of the judges or lawyer and probation officer staff members to the achievement of ambitious goals is far more important than the details of how those goals are accomplished. Commitment will be enhanced by participation in and “ownership” of the new practices and procedures



to be implemented. An effective leader realizes that achieving maximum “buy in” from the staff is far more important than having a final plan that reflects his or her own personal preferences and judgments about the best new approaches.

It is often not possible, or necessary, to obtain 100% agreement with a new approach. If there is significant skepticism about a new approach, it is often useful to suggest a “pilot” program to try the approach in a limited fashion for a limited period. If opposition is limited to a small group of staff, it is often easier to find a way to exempt them from the program until they can be reassigned to a different department.

A new policy should have a date on which it will commence. Bringing the members of the working group together at the end of the first day of implementation, and regularly for the next several days and then once or twice a week for the first month, provides an opportunity to identify “glitches” and work them out quickly. An early program failure can doom the effort.

Paying continuing attention to the new process – providing encouragement and reinforcement for improvements and refining the process as needed to increase its effectiveness

It is not sufficient to institute a change. The leader must devote her or his continuing energies to ensuring that the improvements in delinquency caseload management persist. Experience shows that as a leader diverts her or his primary attention to a new goal, thinking that caseload problems have been solved, commitment to the new programs begins to waiver.

Practical means for maintaining attention to delinquency caseload management include:

- posting the new policies on an Intranet web site where they are readily available to all staff
- making regular reports on key caseload management indicators, such as the total pending caseload, time to disposition, and average number of appearances per case
- maintaining a large chart in a conference room showing the trends for key indicators. A focus on decreasing the size of the pending caseload will likely engender more



support than an emphasis on the speed of disposition. However, the two objectives are inextricably interconnected.

Establishing accountability

A number of California courts have put in place effective mechanisms for ensuring that each judge and staff member becomes personally responsible for the success of the delinquency caseflow management reforms. Examples of statistical reports useful for this purpose are found in Chapter 14.

In Tulare, the juvenile presiding judge has brought new energy to juvenile court, insisting that things be done in a way that makes sense, not the way they have always been done. He holds departments accountable and supports subordinate bench officers. He has encouraged all staff to set and meet personal goals. *For more information, contact Referee Charlotte Wittig at (559) 713-3157 x205.*

Putting in place permanent monitoring and reporting mechanisms that ensure that all participants continue to pay attention to the objectives of the modified process

All juvenile justice units face a similar problem arising from transitions among staff and unit leadership. Leadership changes are most frequent in the court, where rotation policies in large and mid-sized courts generally limit a presiding or supervising judge to a term of two years. But all units face the challenge of changing positions and roles for judges, court staff, prosecutors, defenders, and probation officers.

Too frequently a county will meet with well-publicized success in improving its delinquency case management performance. When observers return five years later, most evidence of the reforms has vanished and the county has reverted to its prior ways, with its prior poor performance record. The ultimate task of a successful leader is to leave behind a unit so fully committed to the reforms that they



consider them to be their own personal achievement, not the achievement of the leader.

How do juvenile justice units ensure that the persons chosen to work in their juvenile divisions have the desire to work with young people, have the skills and attitudes needed to be successful with them, and have the specific legal and other professional training needed for a juvenile justice assignment?

In Los Angeles, the presiding judge of juvenile court provides continuous training for bench officers, such as monthly judicial officer meetings. At the time of assignment to a specialty court, judicial officers receive both classroom and on-the-job training. *For more information, contact Sandra R. Montoya, Court Administrator, Juvenile Delinquency Court, at (323) 526-6657.*

In San Diego, the presiding judge of the superior court assigns only judges who want the juvenile assignment. The juvenile court presiding judge promotes the assignment and recruits judges who would be particularly good. Judges and staff understand the importance of their work and tend to be happy in the assignment, except for the high volume of cases. *For more information, contact Judge Susan Huguenor at (858) 694-4212.*

In Ventura, all judges and staff are cross-trained in all aspects of dependency and delinquency. *For more information, contact Patti Morua-Widdows at (805) 981-5938.*



16

Collaboration³³

In juvenile delinquency caseflow management, leadership is not limited to mobilization of the energies of court personnel. It includes leading the juvenile justice community.

It is the responsibility of the supervising juvenile delinquency judge to provide leadership to the entire juvenile justice community within the county. One part of that responsibility is to ensure that the activities of all juvenile justice entities are coordinated to ensure the effective and efficient operation of juvenile delinquency court processes. (California Judicial Council Standards of Judicial Administration, Standard 5.40) Rule 5.663 sets forth the responsibilities of defense counsel in delinquency proceedings.

Welf. & Inst. Code Section 225³⁴ requires the presiding judge of the superior court to appoint the members of a County Juvenile Justice Commission, consisting of 7 to 15 members, including two persons between 14 and 21 years of age, to "inquire into the administration of

³³ This is one of the key principles of the NCJFCJ *Juvenile Delinquency Guidelines*.

³⁴ Section 226 allows adjoining counties to create regional juvenile justice commissions. Section 240 provides that counties with populations over 6,000,000 will have a Probation Commission in lieu of a county juvenile justice commission.



the juvenile court law in the county or region in which the commission serves," including the annual inspection of any jail or lockup in which a juvenile was confined for more than 24 hours during the previous year. The Board of Supervisors may also create a delinquency prevention commission under Section 233 of the Code.

It is not clear that either of these mechanisms is the appropriate body for the necessary regular review and discussion of caseload management of juvenile delinquency cases. Such a body needs to include representatives of the court, district attorney, public defender, conflict counsel, the private bar, and the probation department.

The court must also participate and approve a dual status protocol under Welf. & Inst. Code Section 241.1(e) involving the county probation department and the child welfare services department if the county wants the court to be able to assert simultaneous jurisdiction over a youth under both Sections 300 and 602 of the Welf. & Inst. Code.³⁵

A challenge facing the juvenile justice community in California is implementation of Section 32 of Senate Bill No. 678, approved by the Governor on September 30, 2006, creating an "affirmative and continuing duty" for courts, county welfare departments, and probation departments to inquire whether a child for whom a petition under Section 300, 601, or 602 "is to be, or has been, filed is or may be an Indian child . . . if the child is at risk of entering foster care or is in foster care."³⁶

Involving all of the juvenile justice entities in the community, including the entities within and outside of the court

Effective juvenile delinquency caseload management requires the involvement and cooperation of all partners within the juvenile justice system. Bringing these groups into an effective working relationship often resembles more closely the principles of international diplomacy than those of court administration.

³⁵ We understand that such protocols exist in only six counties – Inyo, Placer, Riverside, San Joaquin, Sonoma, and Stanislaus. Discussions regarding implementing a protocol are ongoing in 11 counties.

³⁶ See new Section 224.3(d) of the Welf. & Inst. Code.



➤ **An effective leader brings all the entities involved in the juvenile justice process together at the same table**

Outside the court there are many groups and entities whose cooperation is essential. They include the prosecution, public defender, conflict defenders, private defense bar, juvenile probation department, legal services programs, the Department of Mental Health, the Department of Social Services, the School District, domestic violence shelters and advocates, law enforcement agencies, sheriff's department, and private providers of counseling, treatment and educational programs.

The juvenile court is the entity charged by law with bring all of these groups together and inspiring them to work together for the benefit of the juveniles whom they all serve.

In most counties, these groups come together on a regular or periodic basis.

In Alameda, there are regularly scheduled quarterly meetings and other meetings as needed. *For more information contact Vicki Ward at vward@alameda.courts.ca.gov.*

In Contra Costa, the juvenile court bench officers meet bi-monthly with probation to discuss issues and resolve problems; meet bi-monthly with county mental health to discuss and resolve issues; and meet bi-monthly with representatives from the district attorney's and public defender's offices, the conflicts panel, and Family and Children's Services to discuss issues and resolve problems. *For more information, contact Judge Lois Haight at (925) 646-4010.*

In Humboldt, there are monthly meetings, supplemented with regular email contact. *For more information, contact Jay Gerstein, Court Manager at jgerstein@humboldtcourt.ca.gov.*

Kern has monthly Juvenile Agency Meetings (JAM); it also has regular Probation & Courts meetings. *For more information, contact Tricia McCoy, Supervisor, Juvenile Division, Kern Superior Court, at tricia.mccoy@kern.courts.ca.gov.*



In Kings, the court meets monthly with the district attorney and probation to discuss new laws, new forms, and any caseload management issues that have surfaced. *For more information, contact Todd H. Barton at (559)582-1010, ext. 5002.*

Los Angeles holds monthly multi-agency meetings. A committee meets to review the NCJFCJ Delinquency Guidelines. *For more information, contact Judge Michael Nash, Presiding Judge of Juvenile Court at (323) 526-6377.*

In Merced, there is no formal mechanism in place. Because the same attorneys and staff appear before the court regularly, they informally discuss these matters in court continuously. The juvenile delinquency commissioner sits on the Children's System of Care panel and interfaces with many other entities – probation, HAS, Mental Health, County Office of Education, etc. *For more information, contact Commissioner Thomas S. Burr at thomas.burr@mercedcourt.org.*

In Mono, the court meets with other entities twice annually to discuss both criminal and delinquency matters. *For more information, contact Sharon Shaw at sshaw@monosuperiorcourt.ca.gov.*

In Placer, the court has a §602 executive committee comprised of the presiding judge of the juvenile court, the delinquency bench officer, the senior deputy district attorney and public defender, and the two juvenile probation managers. This group meets quarterly and more frequently if needed. The court also hosts an annual meeting with all delinquency court staff, attorneys, and probation officers. In addition, the court has a collaborative policy team (SMART) that meets weekly to discuss matters affecting children and families in the county. The group does not include the district attorney or defense, but does include all juvenile bench officers, and the directors and appropriate managers from Health and Human Services, Children's System of Care, Probation, and the Assistant Superintendent of Schools. *For more information, contact Judge Colleen Nichols at 530-889-6589.*



There are monthly inter-agency meetings in Riverside. *For more information, contact Donna Albert-Burt at (951)358-4160.*

In Sacramento, the court holds weekly meetings. Two are “in house” with court staff. The third is a “Brown Bag” with line probation officers. The fourth is a Standing Committee involving the attorneys, mental health, schools, etc.

In addition to the weekly meetings, the juvenile presiding judge meets monthly with the division chiefs of probation, twice a month with the supervising district attorney, public defender and conflict criminal defenders attorneys, and twice a month with an Intake Committee involving attorneys, probation, and court staff to resolve case initiation and first appearance issues. *For more information, contact Judge Kenneth Peterson at Kenneth.Peterson@saccourt.com.*

In San Benito, Friday meetings among district attorneys, public defenders and probation have reduced continuances and contested hearings. *For more information, contact Nancy Iler at nancy.iler@sanbenito.courts.ca.gov.*

In San Bernardino, there are monthly meetings with probation, the district attorneys, and the defense bar. There are subcommittees that also meet monthly or more frequently: WI 241, Mental Health Court, Delinquency Drug Court, and DJJ (formerly CYA). *For more information, contact Judge James McGuire at jmcguire@courts.sbcounty.gov.*

San Diego County’s Delinquency Policy Group, which includes key players from every agency and stakeholder in the juvenile justice system, meets monthly. It is reading and discussing the NCJFCJ Juvenile Delinquency Guidelines. Groups of key players meet regularly to discuss dual jurisdiction and mental health matters. The court has developed a secure password access web-based information exchange to support the work of these groups. *For more information, contact Denise Jackson (Juvenile Court Manager) at (858) 694-4212.*



San Francisco holds regular monthly meetings. *For more information, contact Claire Williams, Director, Unified Family Court, 415-551-4004.*

San Luis Obispo has monthly Stakeholders Meetings. They involve the court, probation, district attorney, defense bar, CASA, mental health department, and members of the Juvenile Justice Commission. *For more information, contact David Prouty at david.prouty@slo.courts.ca.gov or Roxanne Ralph at roxann.ralph@slo.courts.ca.gov.*

In Santa Barbara, there are regular meetings among the judges and attorneys and a Juvenile Justice Coordinating Council with a wide range of stakeholders. *For more information, contact Judge Arthur Garcia at agarcia@sbcourts.org.*

In Santa Clara, the delinquency judges hold meetings with stakeholders to monitor each of the specialty courts and services and to seek improvements. The presiding judge also convenes a Juvenile Delinquency System meeting once a month involving representatives from county administration, probation, district attorney's and public defender's offices, mental health and DADS. At these meetings, problems are discussed and resolved and knowledge, ideas and legislation are shared. Examples of items on the August agenda were: confidentiality of juvenile records and medical releases, Mental Health Court training, potential calendar changes, DEJ reviews, VOP guidelines and DNA testing. An example of a particularly effective improvement arising from this type of collaboration is our pilot automated school notification system that enables one of the school districts, probation and the court to share information immediately instead of days or even weeks later. *For more information, contact Mara Jochums, at 408-491-4717 or mjochums@scscourt.org.*



In Sonoma, monthly juvenile group meetings involve the judge, court manager and supervisor, juvenile hall director, mental health personnel, probation supervisors, and public defender and district attorney representatives. Occasionally committees will be formed to address identified problems. Mediation services or restorative resources have been invited to present their programs. *For more information, contact Debbie Lamb at dlamb@sonomacourt.org.*

The Stanislaus court holds monthly meetings to which all stakeholders are invited. *For more information, contact Juvenile Court Presiding Judge Linda McFadden at linda.mcfadden@stanct.org.*

In Tulare, the court meets regularly with probation and the local bar association. "Brown bag" lunches are regularly held with the local bar, CASA representatives, treatment providers, mental health staff, experts, and others to discuss delinquency and dependency topics. *For more information, contact Presiding Juvenile Judge Saucedo, at (559) 713-3157 x264.*

In Ventura, the court holds quarterly meetings with representatives of all parties to hear concerns and to seek ideas for improvement. *For more information, contact Patti Morua-Widdows at (805) 981-5938.*

In Yolo, the juvenile judge meets regularly with the juvenile team of attorneys and probation officers. *For more information, contact Janet Merrill at jmerrill@yolo.courts.ca.gov.*

- **Initial efforts involve “confidence building” measures that produce trust on which cooperative efforts can build**

The heads of juvenile justice entities have not always been supportive of each other. Competition for scarce resources may have pitted their organizations against each other in the past. Criticism by the press or political leaders of the performance of one of the entities may have led



that unit's leaders to respond defensively by blaming other parts of the system. The most important confidence building measure that the presiding judge can instill in the coordinating group is the principle that henceforth disagreements will be resolved within the group and that the entities will strive to support each other in public. That single measure can produce immediate good will and reduce the rancor produced by past disagreements.

Cooperation among juvenile justice entities usually produces benefits for all. A presiding judge can set an agenda that focuses the group's attention initially on the areas in which cooperation will have the greatest mutual benefits, thereby building confidence to use in addressing more difficult and divisive issues.

Bringing diverse interests together into a team, overcoming institutional boundaries and separations

The court can never delegate its duty to manage its own calendar. However, it can convince the heads of the agencies of their common interest in an effective juvenile justice system and in efficient procedures that save the time and resources of staff from all parts of the system. Unlike the pursuit of limited public funds, improvement of juvenile delinquency case management is an endeavor in which all entities can benefit simultaneously.

In addition to instilling a common vision of successful interaction, an effective leader can encourage interactions and exchanges at all levels of the respective organizations.



17

Prestige of the juvenile delinquency judicial assignment

The performance of the juvenile delinquency department, and its staff, are enhanced by a sense that their work is valued within the court family and that juvenile delinquency assignments are viewed by other judges and staff – and by the organized bar – with respect.

What is the term of a bench officer's assignment to juvenile delinquency matters?³⁷

What steps can the presiding judge or supervising judge take to enhance the status of the juvenile delinquency court within the superior court as a whole?

³⁷ Section 5.40(a) of the Standards of Judicial Administration calls on the presiding judge to assign judges to juvenile court for a minimum of three years, giving preference to those who have expressed an interest in the assignment. The NCJFCJ *Juvenile Delinquency Guidelines* recommend a six year continuous term.



In Butte, the juvenile assignment rotates to more experienced judicial officers. *For more information contact Debbie Decker at ddecker@buttecourt.ca.gov.*

In Fresno, two of four juvenile judge positions have long term incumbents. The other two rotate frequently. *For more information, contact Sandra Leon at sleon@fresno.courts.ca.gov.*

In Humboldt, Family/Juvenile assignments rotate every two years. No bench officer has decided to keep the assignment. *For more information contact Jay Gerstein, Court Manager at jgerstein@humboldtcourt.ca.gov.*

In Kings, the court has been lucky to have a judge who requests to sit in juvenile court. He is dedicated to this venue. *For more information, contact Todd H. Barton at (559)582-1010, ext. 5002.*

In Los Angeles, more and more judicial officers recognize the importance of the delinquency assignments and the result is the court has more volunteers for the assignments than available courts. *For more information contact Judge Michael Nash, Presiding Judge of Juvenile Court at (323) 526-6377.*

In Marin, the assigned commissioner is rotated every two years between the Family and Juvenile Departments. *For more information, contact Commissioner Randolph E. Heubach at randolph_heubach@marincourt.org.*



In Mendocino, the current judge has remained in the juvenile assignment for an extended period. *For more information, contact Judge Leonard LaCasse at (707) 463-4515.*

In Merced, the same commissioner has served for 17 years. *For more information contact Commissioner Thomas S. Burr at thomas.burr@mercedcourt.org.*

The current judge in Monterey is planning to extend the judge's tenure past the normal rotation. "It is evident that this assignment needs the continuity of a judge who is familiar with the variety of programs and progression of youth through the years that cannot be accomplished by a two or three year assignment. The gang, mental health, rehabilitative, placement, educational, developmental, and drug issues, to name a few, are so complex and far reaching that it is my belief a juvenile court judicial assignment should require a minimum of five years." *For more information, contact Minnie Monarque at (831) 775-5516.*

In Orange, delinquency and dependency assignments are very sought after positions. Incumbents desire to remain in these positions. The Extra-Help Referee program brings practitioners into the court and some of them actively seek commissioner positions. *For more information, contact Beverly MacLaren at 714-935-6600.*

This is not a problem in Riverside. Judicial officers welcome the assignment. *For more information, contact Donna Albert-Burt at (951)358-4160.*

In Sacramento, the presiding judge has a policy of at least three year appointments to the juvenile bench. The current juvenile presiding judge has served for nine years and another judge has served for five years. *For more information contact Judge Kenneth Peterson at Kenneth.Peterson@saccourt.com.*



In San Bernardino, the presiding judge actively recruits juvenile judges. *For more information, Judge James McGuire at jmcguire@courts.sbcounty.gov.*

In San Diego, the court follows section 24 (now 5.40) of the Standards of Judicial Administration in assigning judges for three year terms. Judges often stay longer. *For more information contact Denise Jackson (Juvenile Court Manager) at (858) 694-4212.*

For the past several years, San Francisco has had committed bench officers who have requested the assignment and stayed for at least three years. *For more information, contact Claire Williams, Director, Unified Family Court, at 415-551-4004.*

The currently assigned judicial officer in San Luis Obispo has held the assignment for almost three years. *For more information contact David Prouty at david.prouty@slo.courts.ca.gov or Roxanne Ralph at roxann.ralph@slo.courts.ca.gov.*

In Santa Barbara, both currently assigned judges have wanted the assignment. *For more information, contact Judge Arthur Garcia at agarcia@sbcourts.org.*

In Santa Clara, the juvenile division courts have been designated as a Model Court and we have been very innovative and successful with our numerous specialty courts. This has elevated the status of assignments to this division and this is considered an attractive assignment. *For more information contact Mara Jochums, at 408-491-4717 or mjochums@scscourt.org.*



In Sonoma, assignments to the juvenile court have involved long range commitments by the commissioners and judges who consequently promote the court. *For more information, contact Debbie Lamb at dlamb@sonomacourt.org.*

In Stanislaus, the court gives preference in assignment to judges who express a desire to preside in juvenile court and recognizes the importance of extended assignments to this position. *For more information contact Juvenile Court Presiding Judge Linda McFadden at linda.mcfadden@stanct.org.*

In Tulare, the court has adopted a three year assignment rule. The presiding judge and assistant presiding judge of the court have been supportive of the juvenile court and elevated its status. *For more information, contact Presiding Juvenile Judge Saucedo, at (559) 713-3157 x264.*

The juvenile court has become a favored judicial assignment in Ventura. A minimum 3-year commitment is desired. If the court had a waiting list it would be full. *For more information, contact Patti Morua-Widdows at (805) 981-5938.*



18

Resources

In many ways, the juvenile court enjoys more resources than most other court departments because of the relative availability of assessment and treatment resources. However, within the court and within the judicial branch the juvenile delinquency department must compete with all other court units for limited resources to obtain the judges, staff, equipment, technology, and facilities needed to handle the cases assigned to it. Recurring issues include:

Organizing the court staff for maximum efficiency and effectiveness
How does the court choose to structure its supporting staff? Does it combine the dependency and delinquency support staff into a single unit? Does it combine the juvenile support staff with the staff supporting the family department?



The courts in Alameda, Butte, Mendocino, Riverside, and Tulare combine their staff for delinquency and dependency cases. *For more information in Alameda, contact Vicki Ward at vward@alameda.courts.ca.gov; in Butte, contact Debbie Decker at ddecker@buttecourt.ca.gov; in Mendocino contact Judge Leonard LaCasse at (707) 463-4515; in Riverside, contact Donna Albert-Burt at (951)358-4160; in Tulare, contact Shirley Blackerby at (559) 713-3157 x201.*

In Ventura, court staff are combined for delinquency and dependency except for juvenile traffic infractions, which are handled by the Criminal/Traffic Department staff. *For more information, contact Patti Morua-Widdows at (805) 981-5938.*

In Humboldt, the court operations office staff are cross-trained in family, dependency and delinquency case processing. *For more information, contact Jay Gerstein, Court Manager at jgerstein@humboldtcourt.ca.gov.*

Minimizing the use of scarce probation department resources Are there ways to reduce the length of probation social studies – to reduce the time required by probation to create it and the time required by the juvenile, his or her parents or guardians, victims and counsel to read them? Would it be possible to create checklists in lieu of the current long narrative recitations of information? What are the key pieces of information which a judicial officer seeks from these reports? How can the court reduce the number of supplemental probation reports that it orders?

In Kern, probation officers save time by preparing combined jurisdictional and dispositional reports. *For more information, contact Beth Gong at gongb@co.kern.ca.us.*



Using probation services to avoid the need for progress, status, and review hearings Most of these hearings are in effect judicial substitutions for probation progress or status reports on juveniles who are not detained. When is it essential for a juvenile to appear before a judge? When can the court rely upon probation to perform oversight compliance?

Obtaining Title IV E funding for foster care of delinquent youth who must be placed outside the home and Title IV E “administrative” funding for efforts that reduce the need for foster care placements. To what extent does the county draw upon Title IV E resources for these purposes? Does the judge make the necessary finding at the detention hearing that continuation in the home would be contrary to the welfare of the juvenile and a finding that reasonable efforts were made to prevent the child’s removal from the home?³⁸ Are periodic review hearings held to comply with Title IV E requirements? For purposes of Title IV E “administrative” funding, probation and the court must make findings that an offender is “at risk of entering foster care.” To what extent does this finding trigger the notification requirements of the Indian Child Welfare Act?³⁹

Identifying additional sources of financial support What funding sources outside the judicial branch budget are available to augment the resources of the juvenile delinquency department? To what extent is the court able to draw upon:

The support of volunteers from the community,

In Los Angeles, volunteers paint murals or hang art on the walls of some of our courthouses to make them less dehumanizing for those who have to be there. *For more information, contact Sandra R. Montoya, Court Administrator, Juvenile Delinquency Court at (323) 526-6657.*

³⁸ The latter finding may be made within 60 days following the detention hearing.

³⁹ See Section 32 of Senate Bill No. 678, approved by the Governor on September 30, 2006.



In Orange County, the probation department uses Volunteers in Probation to assist in the field, process paperwork, handle minor supervision issues, act as mentors, and assist in providing security at the juvenile hall. Volunteer probation officers work as interns, help with investigations, monitor case load and assist with Peer Court. *For more information, contact Marie Moreno at 714-667-7712 or Brent Ward at 714-667-7785.*

Also in Orange, the court has created a panel of education attorneys to ensure that the educational rights of all youth are protected. *For more information, contact Beverly MacLaren at 714-935-6600.*

In Riverside County, the Youth Court (pre-filing peer court), Youth Accountability Board, and Youth Accountability Team diversion programs are staffed by volunteers. *For more information, contact Donna Albert-Burt at (951)358-4160.*

In Sacramento County, MADD volunteers coordinate a Youth Visitation Program ordered as a condition of probation in DUI cases (involving visits to the emergency room, the morgue, and a Victim Impact Panel composed of family members of drunk driving fatalities and an essay on what was learned from those visits). Volunteers from the Center for Youth Citizenship conduct a peer Youth Court as a diversion program for first time offenders. *For more information, contact Michael Bays, Probation Division Chief, at baysm@saccounty.net.*

In San Luis Obispo County, Girl Scouts and Boys and Girls Club provide services in the juvenile hall. *For more information, contact David Prouty at david.prouty@slo.courts.ca.gov or Roxanne Ralph at roxann.ralph@slo.courts.ca.gov.*

In Santa Clara, the court uses interns and volunteers whenever possible. *For more information, contact Mara Jochums, at mjochums@scscourt.org.*



In Ventura County, Boys and Girls Clubs provide services to detained juveniles. Volunteers are solicited to provide computer and reading skills in the juvenile hall. *For more information contact Patti Morua-Widdows at (805) 981-5938.*

In Yolo County, a GED program is run by a volunteer tutor; the study materials are purchased with the Unified Courts for Families grant. *For more information, contact Janet Merrill at jmerrill@yolo.courts.ca.gov.*

Or funding from local foundations or community organizations?

In Fresno County, the Juvenile Justice Service Collaborative – made up of 16 entities – has created Juvenile Delinquency Behavioral Health Court, Treatment Programs for Kids in Need at new Juvenile Justice Campus, free psychiatric services, free technical assistance from National Mental Health Association, psychiatric evaluations from UCSF resident students under faculty supervision, free educational counsel from Central California Rural Legal Services, Catch Me Doing Something Good annual youth awards and scholarship program, Medi-Cal/Health Services Project for qualifying youth, Juvenile Delinquency Youth Drug Court, Youth Court held in a number of schools, Peer DUI Planning Project in conjunction with the Youth Court project, and Keep Kids in School truancy reduction program. *For more information, contact Vera Kennedy at vkennedy@fresno.courts.ca.gov.*

In Los Angeles, the Juvenile Mental Health and Drug Courts are grant funded. *For more information, contact Sandra R. Montoya, Court Administrator, Juvenile Delinquency Court at (323) 526-665.*

Mendocino courts receive community donations for drug court. *For more information, contact Judge Leonard LaCasse at (707) 463-4515.*



In Merced County, the County Board of Education has provided a Workplace Learning Academy that gives wards practical experience in jobs – for which they are paid. Private firms provide incentive awards for youth in drug court. Service clubs provide tattoo removal for gang members and chaperones for juvenile drug court field trips. One service club provides funds and volunteers for the Youth Accountability and Parent Accountability Board panels. (PAB is for parents whose children have been put in out-of-home placement.) *For more information, contact Commissioner Thomas S. Burr at thomas.burr@mercedcourt.org.*

Orange County has a CSP Victim/Witness Assistance Program. The St. Vincent De Paul provides parenting, anger management and petty theft programs and community service opportunities. The Probation Community Action Association raises funds to support Youth & Family Resource Centers and scholarships for educational and vocational purposes. *For more information, contact Lois McKoon at 714-569-2153.*

In Placer County, the probation department received \$100,000 from the United Auburn Indian Community for victim-offender mediation and other services. *For more information, contact Dave McManus at 530-889-7900.*

In Sacramento County, the County Office of Education provides classroom space and a location for treatment after class for drug court programs. *For more information, contact Michael Bays, Probation Division Chief, at baysm@sacounty.net.*

San Bernardino has received a few donations from attorneys and businesses for the Victorville drug court. *For more information, contact Judge James McGuire at jmcguire@courts.sbcounty.gov.*



In San Diego County, local community organizations have set up mentoring and diversion programs.

The probation department has a Director of Community Partnership and Planning, who seeks alternative resources for programs such as:

- state money through the Juvenile Justice and Crime Prevention Act for Breaking Cycles, Truancy Supervision, Community Assessment/Working to Insure and Nurture Girls' Success, and Drug Court;

- federal money through the Juvenile Accountability Block Grant program for Community Response Officer Program;

- federal money through Title V Prevention, for Multi-Systemic Therapy (MST) for at-risk kids with mental health issues in specific schools; and

- (present applications) federal money through Title II prevention funds to develop a gang prevention/intervention program and state money through the Mentally Ill Offender Crime Reduction Act. *For more information, contact Denise Jackson (Juvenile Court Manager) at (858) 694-4212.*

In San Francisco, the Behavioral Health Court is a collaboration among the San Francisco Unified School District, Probation, Department of Mental Health, the Mayor's Office of Criminal Justice, and the Court.

Each has committed significant resources to create a community school with a strong behavioral component. The project is supported by many state and federal grants. *For more information, contact Claire Williams, Director, Unified Family Court, at 415-551-4004.*



In Santa Clara, the court has been successful in collaborating with public and private agencies such as Fresh Lifeline for Youth, which helps children who break the law for the first time, the Restorative Justice Program, Neighborhood Accountability Board, Victim-Offender Mediation Program, Law Related Education Program, Youth Education Advocates, Alum Rock Counseling Center, Bill Wilson Center, Catholic Charities, Community Solutions, and the Mexican American Community Service Agency. The court is also a stakeholder in state and federal grants with other agencies. These grants enable the court to offer drug treatment, bus tokens, mental health assessments, psychiatric services, counseling, residential and out-patient services, etc., for its Delinquency and Dependency divisions. *For more information, contact Mara Jochums, at 408-491-4717 or mjochums@scscourt.org.*

In Sonoma, Teen Court (a peer court) is funded by the California Collaborative & Drug Court Project Grant Program. The County Office of Education provides a liaison to the court to facilitate education and placement of wards. The position is funded in part by a grant obtained by probation and in part by the Office of Education. *For more information, contact Debbie Lamb at dlamb@sonomacourt.org.*

In Tulare, the CASA program receives First 5 and Judicial Council funding as well as public and private grants and donations at fund raisers. The juvenile drug court receives state CDIC, federal and county monies provided to Mental Health. *For more information regarding drug court, contact Commissioner Hugo Loza at (559) 713-3157 x208, for CASA program information contact Marilyn Barr at (559) 625-4007.*

In Ventura, the court has partnered with the county's behavioral health department to obtain grants to support the drug and mental health courts. *For more information, contact Patti Morua-Widdows at (805) 981-5938.*



In Yolo, the Unified Family Court grant provides funds for mental health therapy for referred delinquents. The Yolo Children's Fund, Inc. is a non-profit that provides small gifts for children in need. A youth's attorney can apply to the fund for a small purchase. *For more information, contact Janet Merrill at jmerrill@yolo.courts.ca.gov.*

Obtaining adequate facilities Facilities often constrain how cases can be handled. Here are recurring facilities issues:

Are there sufficient courtrooms for the judges?

Do the courtrooms have holding facilities for detained juveniles?

Does the court have adequate space for defense counsel to meet and confer with their clients and their clients' parents or guardians?

Is there sufficient space and amenities in the waiting area for parents, victims, and witnesses?

The court in Mendocino converted an old jury room to a juvenile waiting room and secretary's office to children's waiting room. *For more information, contact Judge Leonard LaCasse at (707) 463-4515.*

Is there a separate waiting area for victims so that they can avoid contact with the family of the accused?

Is there sufficient space for court staff and court records?

