



# SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

## COURT OVERVIEW

Juvenile Court proceedings are governed by the Welfare and Institutions Code (WIC), referred to hereinafter as the Code. Through the Code, the legislative branch of government sets the parameters for the Court and other public agencies to establish programs and services which are designed to provide protection, support, or care of children; provide protective services to the fullest extent deemed necessary by the Juvenile Court, Probation Department, or other public agencies designated by the Board of Supervisors to perform the duties prescribed by the Code; and ensure that the rights and the physical, mental, or moral welfare of children are not violated or threatened by their present circumstances or environment (WIC §19).

The Juvenile Court has the authority to interpret, administer and assure compliance with the laws enumerated in the Code such that the protection and safety of the public and of each child under the jurisdiction of the Juvenile Court is assured, and the child's family ties are preserved and strengthened whenever possible. Children are removed from parental custody only when necessary for the child's welfare or for the safety and protection of the public. The child and his/her family are provided reunification services whenever the Juvenile Court determines removal is necessary.

The Los Angeles County Juvenile Division is headed by the Presiding Judge of the Juvenile Court and encompasses courts that adjudicate Dependency, Adoption, Delinquency, Status Offenses, and Non-Minor Dependents cases.

Delinquency proceedings involve children under the age of 18 who are alleged to have committed a delinquent act (conduct that would be criminal if committed by an adult) (WIC § 602). Status offense proceedings involve children who are alleged to be habitually disobedient, truant or beyond the control of the parent or guardian (engaging in non-criminal behavior that may be harmful to themselves) (WIC § 601). Pursuant to WIC § 450 and Assembly Bill 12, youth are eligible to receive the benefits of being granted non-minor dependent status and participating in extended foster care. These youth have successfully completed probation and their delinquency case has been terminated. The youth are no longer on probation, are no longer subject to conditions of probation, and cannot be found in violation of probation along with the threat of incarceration.

There are five types of specialized Delinquency Courts in operation: The Juvenile Mental Health Court, the Juvenile Drug Courts, the 241.1 Crossover Court, the Department of Juvenile Justice (DJJ) Re-entry Court, and the Succeeding Through Achievement and Resilience (STAR) Court. The Juvenile Mental Health Court, located at Eastlake Juvenile Court, treats juvenile offenders who suffer from diagnosed mental disorders and mental disabilities. The Juvenile Drug Courts, located at the Eastlake, Inglewood, and Sylmar Juvenile Courts, provide voluntary comprehensive treatment programs for children who have committed drug or alcohol-related offenses or demonstrated delinquent behavior and have had a history of drug use. The DJJ Re-entry Court located at Eastlake Juvenile Court, transitions youth returning home after completing their program at the Division of Juvenile Justice (formerly "California Youth Authority"). The STAR Court program identifies and supports victims of sex trafficking who are under-age and refers them to specialized help.



Dependency proceedings exist to protect children who have been abused, neglected or abandoned, or who are at substantial risk of abuse or neglect (WIC§ 202, 300.2).

California's Fostering Connections to Success Act, also known as Assembly Bill 12, lays the foundation for a fundamental shift in how we approach and work with young adults, called non-minor dependents, in foster care. Enacted in September 2010, AB 12 permits the extension of foster care in certain circumstances until age 21, allowing youth to receive continued case management services focusing on self-sufficiency and independence, educational support, job skills training and career development, while at the same time still having an attorney and court supervision. Another important feature of extended foster care is the ability for this population to re-open their foster care case through the re-entry process should they need additional support, courtroom supervision and assistance with housing and/or education.

There are 28 Dependency Courts in the Los Angeles Court system. Twenty-five are located in the Edmund D. Edelman Children's Court in Monterey Park, and three are in the Alfred J. McCourtney Juvenile Justice Center in Lancaster, and serve families and children residing in the Antelope Valley. One of the courtrooms at the Edelman Children's Court has been designated for private and agency adoptions. One of the courtrooms hears matters that fall within the Indian Child Welfare Act (25 U.S.C. § 1901 et. seq., CRC 439). Another courtroom hears matters involving the hearing-impaired. There are five Dependency Courts utilizing the Drug Court Parent Protocol, and all Dependency Courts are following the Drug Court Dependency Youth Protocol. The Court opened specialized courtrooms for AB 12, WIC § 241.1., and Commercially Sexually Exploited Children (CSEC) in 2016.

In January 2016, the Juvenile Court in partnership with County Counsel, Children's Law Center (CLC), and the Department of Children and Family Services (DCFS) initiated a dedicated courtroom to serve Commercially Sexually Exploited Children (CSEC) in the dependency system. The establishment of the dedicated courtroom, named the Dedication to Restoration through Empowerment, Advocacy, and Mentoring (DREAM) Court, was based on lessons learned from the STAR Court in the delinquency system. By having a dedicated Judicial Officer, and CSEC trained and informed County Counsel, CLC attorney, and DCFS staff, DREAM Court will allow

for increased expertise, consistency in practice, and better outcomes for the CSEC population. The DREAM Court officially opened in February 2016.

### **THE COURT PROCESS**

The fundamental goal of the Juvenile Dependency system is to assure the safety and protection of the child while acting in the child's best interest, which is achieved when a child is protected from abuse, feels secure and nurtured within a stable and permanent home.

To act in the best interest of the child, the Court must safeguard the parents' fundamental right to raise their child and the child's right to remain a part of the family of origin by preserving the family as long as the child's safety can be assured. All parties, including children, who appear in the Dependency Court are entitled to be represented by counsel. The Court will appoint legal counsel for a parent unless the parent has retained private counsel. Legal counsel for children are appointed by the Court; they are statutorily mandated to inform the Court of the child's wishes and act in the best interest of the child by informing the Court of any conflict between what the child seeks and what may be in the child's best interest. Children are appointed legal counsel whether or not they appear in court (WIC § 317). DCFS is represented by County Counsel.

Preservation of the family can be facilitated through family maintenance and family reunification services. Family Maintenance services are provided to a parent who retains custody of the child. Family Reunification services are provided to a parent whose child has been removed from his/her care and custody by the Court and placed outside their home. Prior to filing a petition in the Court, DCFS must make a reasonable effort to provide services that might eliminate the need for the intervention of the Court or removal of the child.

Before a parent can be required to participate in these services, the Court must find that facts have been presented which prove the assertion of parental abuse, neglect, or the risk of abuse or neglect as stated in the petition filed by DCFS.

Findings of abuse or neglect are made at the Jurisdiction and/or Disposition hearing and may result in the Court declaring the child a dependent and the parents and child subject to the jurisdiction of the Court. Family Maintenance and Reunification services for the family are delineated in the



disposition case plan, which is tailored by the Court to the requirements of each family and provided to them under the auspices of DCFS.

Family Reunification services facilitate the safe return of the child to the family and may include drug and alcohol rehabilitation; the development of parenting skills; therapeutic intervention to address mental health issues; education and the development of social skills; and in-home modeling to develop homemaking and/or budgeting skills. The disposition case plan must delineate all the services deemed reasonable and necessary to assure a child's safe return to his/her family. When a family fully and successfully participates in Reunification services that have been appropriately tailored, the family unit is preserved, and the child remains with the birth family.

Stability and permanence are also assured when a child is able to safely remain within the family unit without placement in foster care while parents receive family maintenance services from DCFS under the supervision of the Court. If the Court has ordered that the child may reside with a parent, the case will be reviewed every six months until such time the Court determines that the conditions which brought the child within the Court's jurisdiction no longer exist. At this time, the Court may terminate jurisdiction (WIC § 364).

Preserving the family unit through Family Maintenance and Reunification services is one aspect of what is called Permanency Planning. This process also involves the identification and implementation of a plan for the child when he/she cannot be safely returned to a parent or guardian (WIC § 366.26). Concurrent Planning occurs when the Court orders reunification services to be provided simultaneously with planning for permanency outside of the parents' home. In the Dependency system, Concurrent Planning begins the moment a child has been removed from the parents' care.

Children require stability, a sense of security, and belonging. To assure that concurrent planning occurs in a manner that will provide stability for the child, periodic reviews of each case are set by the Court. When a child is removed from the care of a parent and suitably placed in foster care under the custody of DCFS, the Court will order six months of reunification services for children under the age of three, including sibling groups with a child under that age. For all other children, the reunification period is 12 months. If the Court finds compliance with the

service plan at each and every six-month Judicial Review hearing, the Court may continue services to a date 18 months from the date of removal. To extend Reunification services to the 12- or 18- month date, the Court, based upon its evaluation of the history of the case, must find a substantial likelihood of the child's return to the parent or guardian on or before the permanency planning hearing at the 18-month date (WIC § 366.21, et. seq.).

If Reunification services are terminated without the return of the child to the parent or guardian, the Court must establish a Permanent Plan for the child. Termination of Reunification services without the return of the child to the parent is tantamount to finding the parent to be unfit. A parent who has failed to reunify with a child may be prevented from parenting later-born children if the Court sustains petitions involving the later-born children. The Court may deny Reunification services to the parent and set a Permanency Planning Hearing to consider the most appropriate plan for the child. The Code provides circumstances under which the Court may in its discretion order no reunification services for a parent (WIC § 361.5). Examples are when a parent has inflicted serious physical abuse upon a child; has a period of incarceration that exceeds the time period set for reunification; has inflicted sexual abuse upon a child; etc.

If it is consistent with the best interest of the child, concurrent planning will take place during the reunification period. In the event the parents do not reunify with the child, the Court and DCFS are prepared to secure a stable and permanent home under one of three permanent plans set out in the code (WIC § 366.26):

1. The adoption of the child following a hearing where Dependency Court has terminated parental rights. Adoption is the preferred plan as it provides the most stability and permanence for the child.
2. The appointment of a Legal Guardian for the child. Legal Guardians have the same responsibilities as a parent to care for and supervise a child. However, legal guardianship provides less permanence, as a guardianship may be terminated by Court order or by operation of law when the child reaches the age of 18.
3. The Planned Permanent Living Arrangement (formerly Long-Term Foster Care) is the least stable plan for the child because the child has not



been provided a home environment in which the individual(s) will commit to parent him or her into adulthood while providing the legal relationship of parent and child.

When a Permanent Plan is implemented, the Court reviews it every six months until the child is adopted, guardianship is granted, the child reaches age 18, or enters extended foster care. Court jurisdiction for children under a Planned Permanent Living Arrangement cannot be terminated until the child reaches age 18. Jurisdiction may terminate for children under a plan of legal guardianship or when a child's adoption has been finalized.

**SUBSEQUENT AND SUPPLEMENTAL PETITIONS**

Subsequent and supplemental petitions may be filed within existing cases by DCFS, the parents, and persons who are not a party to the original action. These petitions are filed to protect and/or assert the rights of parties, including the rights and interests of the child. Due Process issues exist whenever a petition is filed in the Dependency Court. The Court will appoint counsel (if appropriate), to set these matters for contested hearings, and, if the parents are receiving reunification services, resolve the new petitions while maintaining compliance within the statutory time lines.

Subsequent Petitions may be filed by DCFS any time after the original petition has been adjudicated; they allege new facts or circumstances other than those under which the original petition was sustained (WIC § 342). A Subsequent Petition is subject to all of the procedures and hearings required for the original petition.

Supplemental Petitions may be filed by DCFS to change or modify a prior court order placing a child in the care of a parent, guardian, relative or friend, if DCFS believes there are sufficient facts to show that the child will be better served by placement in a foster home, group home or in a more restrictive institution (WIC § 387). A Supplemental Petition is subject to all of the procedural requirements for the original petition.

Petitions for Modification (Pre- and Post-Disposition) may be filed to change or set aside any order made by the court (WIC § 385). Any person subject to the jurisdiction of the Court may make a motion pursuant to WIC § 385 at any time. Orders may be modified as the Court deems proper, subject to notice to the attorney of record.

Petitions for Modification (Post- Disposition) may

be filed by a parent or any person having an interest in a child who is a dependent child, including the child himself or herself. These petitions allege either a change of circumstances or new evidence that could require the Court to modify previous orders or issue new orders in the best interest of the child. (WIC § 388).

**CASELOAD OVERVIEW**

The data collected at this time does not fully reflect the workload of the Dependency Courts. In addition to the statutorily mandated hearings (Detention/Arrest Hearing; Jurisdictional Hearing; Disposition Hearing; 6-, 12- and 18-month review hearings; Selection and Implementation Hearing), the Court, acting in the best interest of the child, must often schedule hearings to receive progress reports if it is determined that court-ordered services may be lacking. Interim hearings may be scheduled to handle matters that have not been or cannot be resolved without court intervention. Cases that are transferred from other counties must be immediately set on the Court's calendar. All of the courts hear adoption hearings, so that permanency occurs without delay.

**ANALYSIS**

The number of WIC § 602 (delinquency) petitions filed has continued to decrease significantly since 2013. In 2019, there were 4,869 WIC § 602 (delinquency) petitions filed compared with 5,021 WIC § 602 petitions filed in 2018. (Figure 1) The decrease in the number of petitions was due to a general decrease in crime, as well as more successful efforts at diverting low- risk offenders from the juvenile justice system.

In 2019, new, subsequent and supplemental petitions were filed involving 23,911 children; of these, 16,962 children were before the Court with new WIC § 300 (dependency) petitions. Supplemental and/or subsequent petitions accounted for 6,949 of these petitions. This seemingly upsurge in filings is due to the new process of filing cases. Cases are no longer filed by families; there is one case filed for each individual minor now.

From 2015 through 2019, there was an upward trend in the number of WIC § 300 petitions filed. In 2018, statistics of subsequent petitions were no longer kept; and reactivated cases received a new case number.



### **EXITING THE DEPENDENCY COURT SYSTEM**

The data indicates in 2019, 16,962 children were the subject of new Dependency court petitions, and 17,059 children had their cases dismissed or jurisdiction terminated. Fortunately, in 2019, the number of children exiting the system increased considerably compared to the number of children exiting the system in 2018. (Figure 3)

The data indicates that of the children who had their cases terminated in 2019, 1,922 children were adopted out of the system, compared to 1,648 children in 2018. (Figure 4)

### **SELECTED FINDINGS**

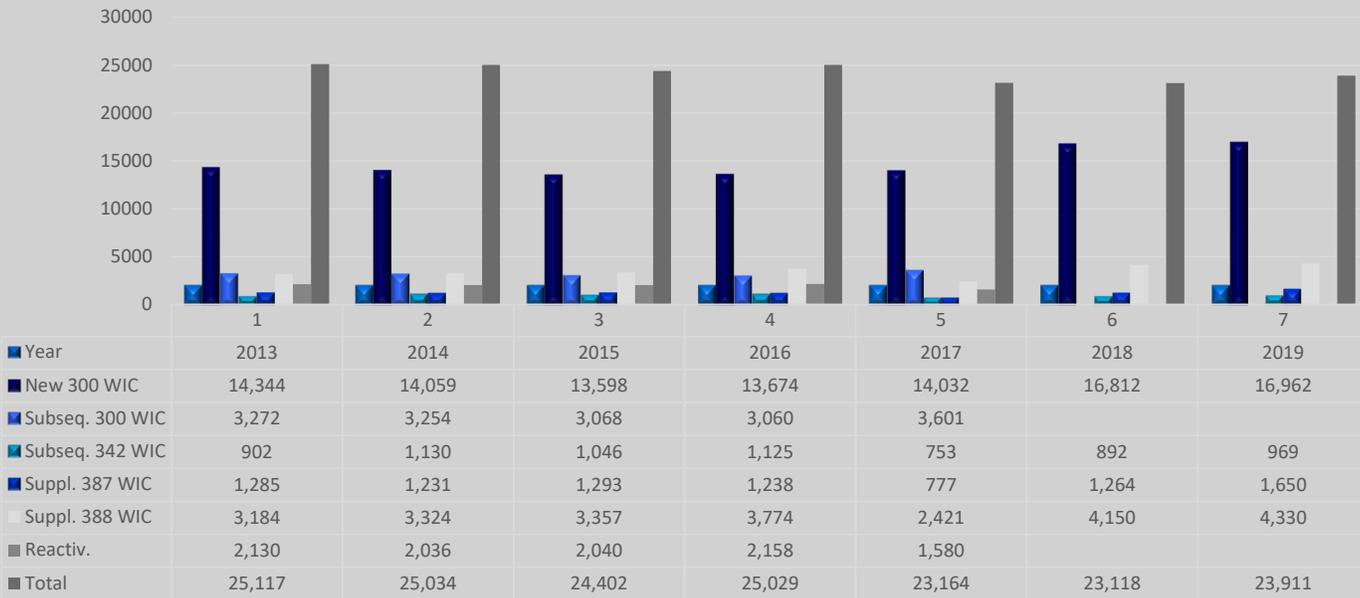
- The number of WIC § 602 (delinquency) petitions filed have continually, significantly decreased since 2013.
- The number of dependency filings has fluctuated since 2013.
- New WIC § 300 petitions constituted 73% of total filings in 2018 while constituting 71% in 2019.
- In 2019, 16,962 children entered the Dependency system as a result of new petitions being filed, and 17,059 children exited the system.
- In 2019, 1,922 children were adopted out of the dependency system, compared to 1,648 children in 2018.

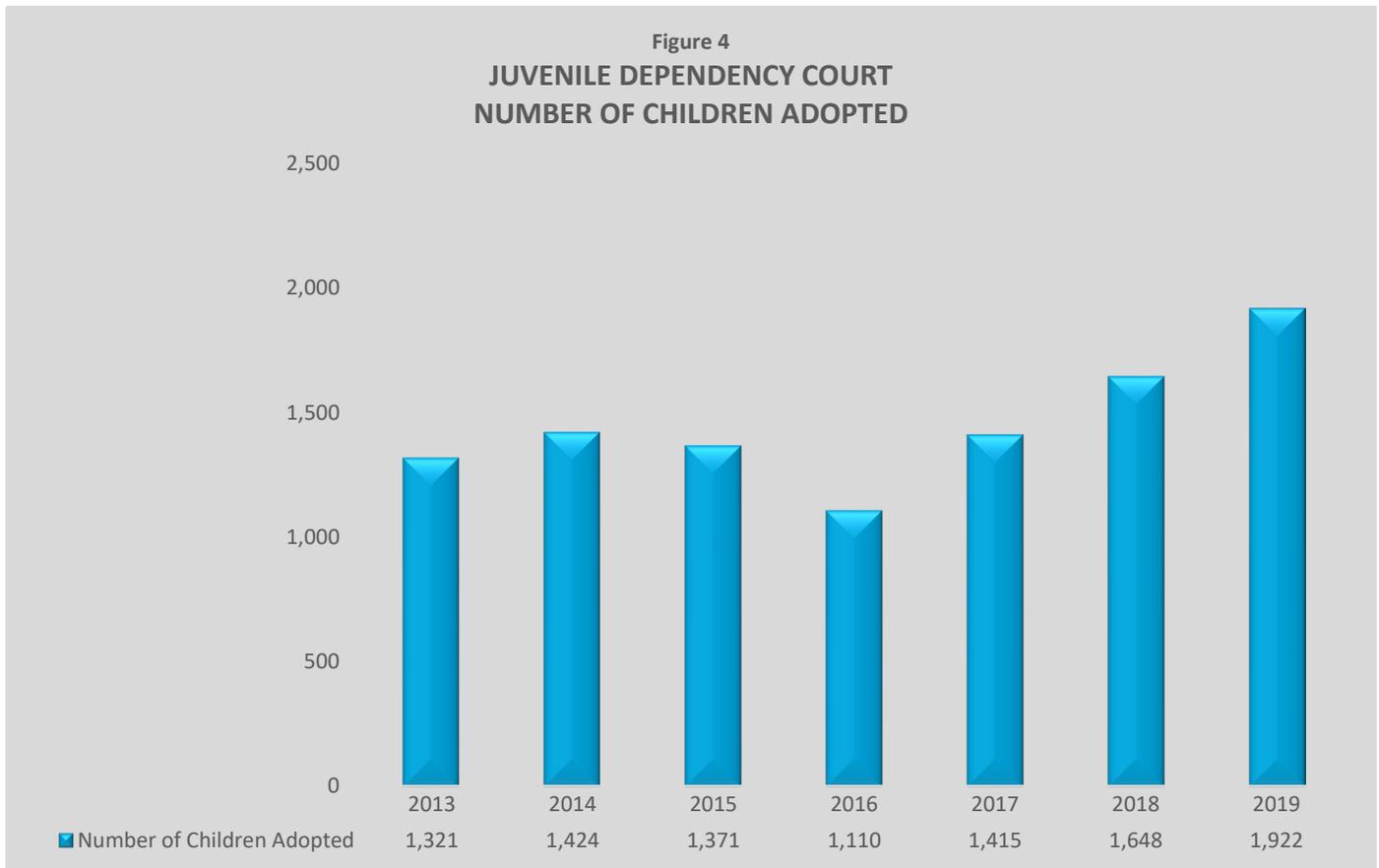
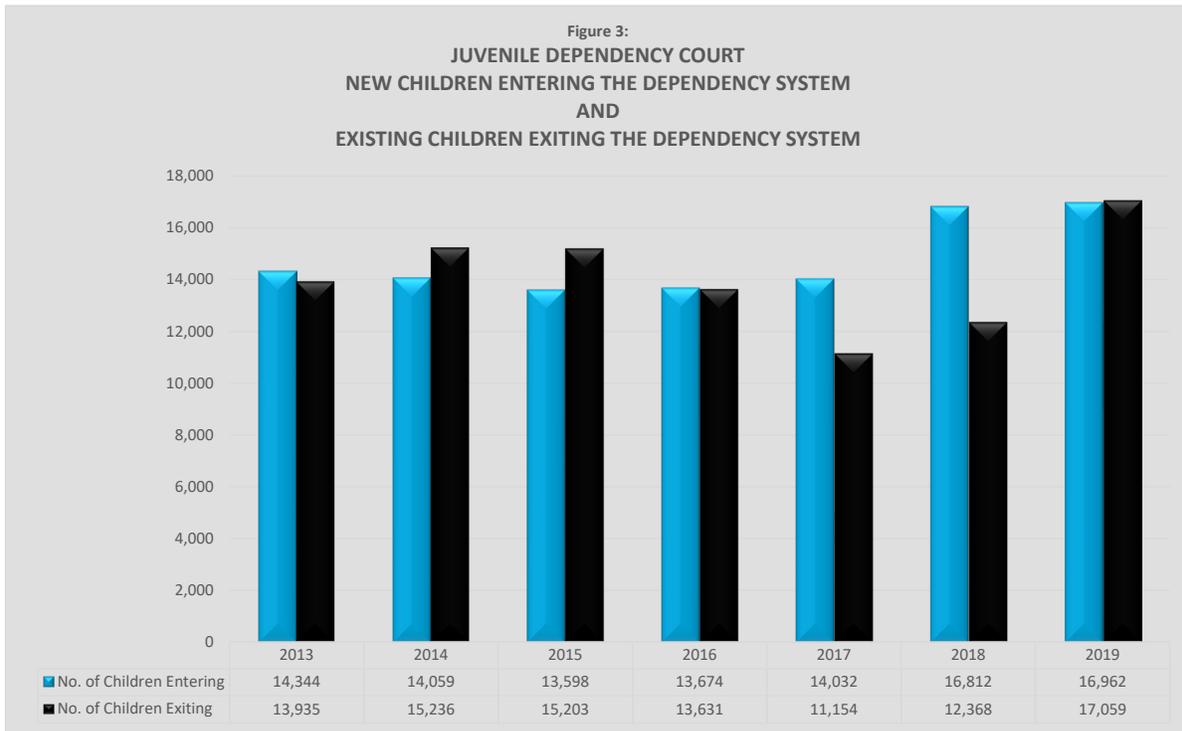


Figure 1:  
JUVENILE DELINQUENCY COURT  
NEW 602 PETITIONS FILED



Figure 2:  
JUVENILE DEPENDENCY COURT  
PETITIONS FILED  
New, Subsequent, Supplemental, and Reactivated







## GLOSSARY

**Adjudication:** A hearing to determine if the allegations of a petition are true.

**Detention Hearing:** The initial hearing which must be held within 72 hours after the child is removed from the parents. If the parents are present, they may be arraigned.

**Disposition:** The hearing in which the Court assumes jurisdiction of the child. The Court will order Family Maintenance or Family Reunification services. The Court may also calendar a Permanency Planning Hearing. Permanency Planning Hearing (PPH): A post-disposition hearing to determine the permanent plan of the child. This hearing may be held at the 6-, 12- or 18-month date.

**Prima Facie Showing:** A minimum standard of proof asserting that the facts, if true, are indicative of abuse or neglect.

**Review of Permanent Plan:** A hearing subsequent to the Permanency Planning Hearing (PPH) to review orders made at the PPH and monitor the status of the case.

**Selection and Implementation Hearing:** A permanency planning hearing pursuant to WIC § 366.26 to determine whether adoption, legal guardianship or a planned permanent living arrangement is the appropriate plan for the child.

**WIC § 300 Petition:** The initial petition filed by the Department of Children and Family Services that subjects a child to Dependency Court supervision. If sustained, the child may be adjudged a Dependent of the Court under subdivisions (a) through (j).

**WIC § 342 Petition:** A subsequent petition filed after the WIC 300 petition has been adjudicated and while jurisdiction is still open, alleging new facts or circumstances.

**WIC § 366.26 Petition:** For children who are adjudged dependent children of the Juvenile Court pursuant to subdivision (d) of Section 360, this section specifies the exclusive procedures for permanently terminating parental rights with regard to, or establishing legal guardianship of, the child while the child is a dependent child of the juvenile court.

**WIC § 387 Petition:** A petition filed by DCFS to change the placement of the child.

**WIC § 388 Petition:** A petition filed by any party to change, modify or set aside a previous court order.

**WIC § 450 Petition:** A minor or non-minor who satisfies all criteria within the code section is within the transition jurisdiction of the juvenile court.

**WIC § 601 Petition:** Any person under 18 years of age who persistently or habitually refuses to obey the reasonable and proper orders or directions of his or her parents, guardian, or custodian, or who is beyond the control of that person, or who is under the age of 18 years when he or she violated any ordinance of any city or county of this state establishing a curfew based solely on age is within the jurisdiction of the juvenile court which may adjudge the minor to be a ward of the court.

**WIC § 602 Petition:** Except as provided in Section 707, any person who is under 18 years of age when he or she violates any law of this state or of the United States or any ordinance of any city or county of this state defining crime other than an ordinance establishing a curfew based solely on age, is within the jurisdiction of the juvenile court, which may adjudge such person to be a ward of the court.