

June 18, 1998

TO: All Participants in the Los Angeles County Juvenile Justice System

FROM: Presiding Judge Michael Nash  
Juvenile Court

**SUBJECT: WIC 241.1 PROTOCOL IN CASES WITH FITNESS HEARINGS**

This memo is to alert all participants in the Juvenile Justice system regarding the procedure that should be followed in regards to WIC 241.1 in cases where there is a fitness hearing pursuant to WIC 707. In those cases where a dependent of the court is charged with an offense for which a fitness hearing will be held, there is no need to order a joint assessment pursuant to WIC 241.1 prior to the fitness hearing. Subsequent to the hearing, if the minor is found to be fit for juvenile court jurisdiction, a WIC 241.1 joint assessment shall be prepared if the minor appears to fit the description of both Section 300 and Section 601 or 602.

There are essentially two reasons to utilize this procedure. First, in those cases where a fitness hearing will occur, it cannot be said that a minor fits the description of both Sections 300 and 601 or 602. Therefore, there does not appear to be a need to prepare the assessment under those circumstances. Secondly, it is not an efficient use of resources to prepare such an assessment when there is a fitness hearing pending. Although the information in the assessment can be very useful, some of the same information will be contained in the report sent to the court for the fitness hearing. Further, since numerous 241.1 reports are being prepared every month, we should not further burden the departments with preparing them in these cases until and unless they meet the statutory criteria.

As was stated above, if a dependent minor is found fit for juvenile court jurisdiction after a fitness hearing, and if the evidence suggests that the minor fits the description of Sections 300 and 601 or 602, the joint assessment must be prepared. It appears, based on the evidence, that the court has some discretion at this point about whether the assessment is required. However, it can also be argued that the assessment is required any time a dependent minor is subject to charges in the delinquency court absent a fitness hearing. Certainly there are obvious benefits to having a joint assessment in all cases. However, I believe that issue should be resolved in the individual courts.

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