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*Superior Court of California*  
*County of Los Angeles*

**April** \_\_\_\_\_

To: All Interested Parties

From: Michael Nash, Presiding Judge  
Juvenile Court

Re: §241.1 Disposition Guidelines for a Multidisciplinary Team

In the proposed §241.1 protocol when a joint assessment is ordered the case is referred to a multidisciplinary unit known as the §241.1 Action Team. The Team consists of representatives from Department of Children and Family Services (DCFS), the Department of Probation and the Department of Mental Health (DMH). As part of the assessment, the Team is responsible for making a recommendation to the court as to the appropriate legal status for the minor.

Each minor should be evaluated as a unique individual so the nature of the judgment that the Team has to make requires a high degree of flexibility. The Juvenile Court, Probation and DCFS adopt the following guidelines. These guidelines are to be used by the Team when making their recommendations.

[Nothing in these guidelines in any way impinges upon the charging discretion of the District Attorney.]

**General Principals**

The Team should be guided by the statutory purpose of the juvenile law.

§202. (a) The purpose of this chapter is to provide for the protection and safety of the public and each minor under the jurisdiction of the juvenile court and to preserve and strengthen the minor's family ties whenever possible, removing the minor from the custody of his or her parents only when necessary for his or her welfare or for the safety and protection of the public. When removal of a minor is determined by the juvenile court to be necessary, reunification of the minor with his or her family shall be a primary objective. When the minor is removed from his or her own family,

it is the purpose of this chapter to secure for the minor custody, care, and discipline as nearly as possible equivalent to that which should have been given by his or her parents. This chapter shall be liberally construed to carry out these purposes.

(b) Minors under the jurisdiction of the juvenile court who are in need of protective services shall receive care, treatment and guidance consistent with their best interest and the best interest of the public. Minors under the jurisdiction of the juvenile court as a consequence of delinquent conduct shall, in conformity with the interests of public safety and protection, receive care, treatment, and guidance that is consistent with their best interest, that holds them accountable for their behavior, and that is appropriate for their circumstances. This guidance may include punishment that is consistent with the rehabilitative objectives of this chapter. If a minor has been removed from the custody of his or her parents, family preservation and family reunification are appropriate goals for the juvenile court to consider when determining the disposition of a minor under the jurisdiction of the juvenile court as a consequence of delinquent conduct when those goals are consistent with his or her best interests and the best interests of the public. When the minor is no longer a ward of the juvenile court, the guidance he or she received should enable him or her to be a law-abiding and productive member of his or her family and the community. *Welfare and Institutions Code §202.*

**(A) The collaboration between Probation, DCFS and DMH should provide a continuum of services to minors so that fewer minors receive a §602 status.**

- (1) Each minor should be evaluated according to the risk that he or she poses to the community and the needs that the minor may have. Such an evaluation must include an assessment of the seriousness of the allegations in the petition before the court.
- (2) Consistent with the interests of public safety and protection, and the rehabilitative objectives of the juvenile court, there should be a preference for the least restrictive disposition status.
- (3) When a §602 offense is the result of, or closely related to, a minor's mental health problems, the recommendations to the court should discuss what efforts could be made to address the underlying problems with appropriate treatment and services before recommending that a minor be declared a ward of the court under §602 or §300/§602.

**(B) If a minor needs to be suitably placed, the placement should be chosen to meet that minor's specific needs and be in the least restrictive environment.**

- (1) If the minor is under a suitable placement when a §601/§602 petition is filed, or the Team is recommending a suitable placement, the minors disposition status recommendation must take into account any statutory or policy restrictions on mixing §300 and §602 minors.

**(C) When a §300/§602 minor has fulfilled the terms and conditions of probation and is no longer in need of Probation services, the §602 wardship should be terminated if, (1) the minor can remain at home without services from Probation or DCFS, or (2) there is a viable permanent plan, or (3) minor can remain on §300 status and continue to receive services from DCFS.**

### **Disposition Alternatives**

The Team should consider the dispositions status by giving a preference for, or ruling out, the less restrictive disposition status before proceeding to the next disposition alternative. (Of course, neither the court, district attorney nor defense counsel is bound by the Team's recommendation).

- A. Dismissal (or Dismissal with a referral to a community based alternative to court supervision.)

This recommendation should be made for a low level offense when probation and/or court supervision is simply not necessary. Examples might include minor fights at school, conflicts between a parent and a minor who are already in counseling, petty thefts with no restitution issues etc.

- B. §654

§654 should be a more meaningful alternative than it is now. More intensive supervision by Probation which includes follow-up on drug and other counseling referrals, school performance, and compliance with the terms and conditions of probation, should make informal probation a more practical alternative. §654 should be considered in all cases when it is consistent with public safety; and §654 should be recommended when the Team determines that a minor can successfully complete a program of informal probation and is not in need of more intensive supervision by Probation. The parents or guardian, and the minor, must be willing to participate in a program of informal supervision.

If any of the charges make a minor ineligible under §654.3, the Team should nonetheless consider whether §654 is otherwise appropriate. The Team may make a conditional recommendation of §654 if it determines that the minor can be successful at this level. For example, if a minor 14 years of age or older is charged with a burglary or an assault as a felony, but it is likely that

the actual conduct may be resolved in court at the misdemeanor level, the Team could make a conditional recommendation for §654 and also make an alternative recommendation if minor is ineligible for §654. Or, in an unusual case the Team may recommend that the court make a finding that the interests of justice would best be served by a grant of §654.

C. §725(a)

§725(a) should be considered for any minor who has failed, or is unlikely to succeed at §654. Again, if the presenting charge precludes a grant of §725(a), the Team may make a conditional recommendation.

D. §790

§790 should be considered when it is consistent with public safety, for any minor who meets the following statutory criteria:

- (1) The minor has not previously been declared to be a ward of the court for the commission of a felony offense.
- (2) The offense charged is not one of the offenses enumerated in subdivision (b) of Section 707.
- (3) The minor has not previously been committed to the custody of the Youth Authority.
- (4) The minor's record does not indicate that probation has ever been revoked without being completed.
- (5) The minor is at least 14 years of age at the time of the hearing.
- (6) The minor is eligible for probation pursuant to Section 1203.06 of the Penal Code.

E. §300/602

Dual status should be considered, when it is consistent with public safety, for any minor who has failed at §654, §725(a), or §790 or is not eligible for any lesser status.

F. §602

§602 status should only be recommended when there are no meaningful services that can be provided by Probation's coordination\_with DCFS.