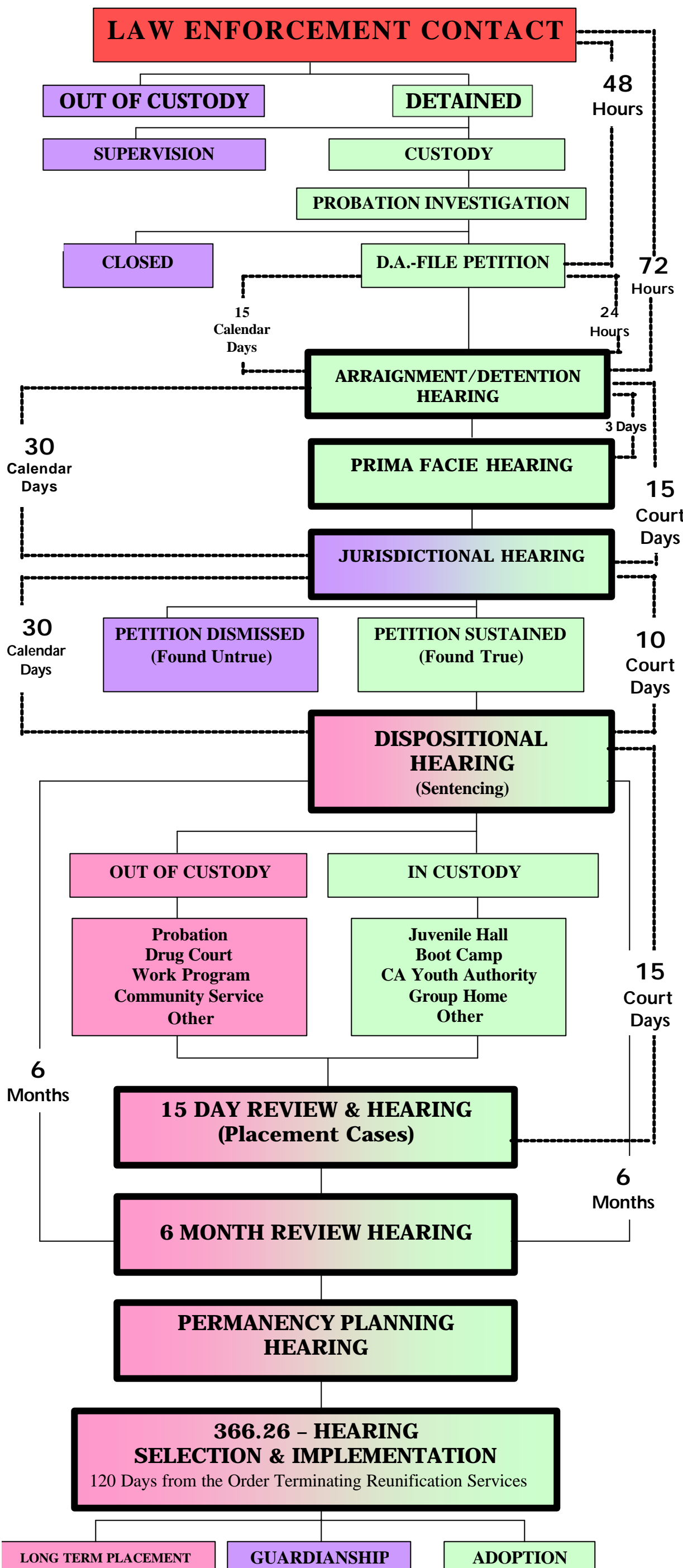


JUVENILE DELINQUENCY PROCESS



JUVENILE COURT DELINQUENCY HEARINGS

ARRAIGNMENT/DETENTION HEARING

W&I Section 628, Rules of Court 5.670

Presumption: The minor shall be released unless the court finds legal grounds to temporarily detain the minor.

Burden of Proof: A prima facie showing has been made that the minor is described by section 601 or 602.

Time Lines: A detention hearing shall be set and commenced as soon as possible, but no later than 72 hours, excluding non-court days, after the minor has been taken into custody. If not in custody, arraignment must be held within 15 days of the filing of the petition.

PRIMA FACIE HEARING

W&I Section 637, Rules of Court 5.762

Presumption: The child or child's attorney requests that evidence of the prima facie case be presented.

Burden of Proof: Petitioner to establish the prima facie case.

Time Lines: Three court days after the detention hearing.

* If contested hearing is requested.

JURISDICTIONAL HEARING

W&I Section 657, Rules of Court 5.774

Presumption: The court shall consider whether the minor is a person described by Section 601 or 602.

Burden of Proof: Beyond a reasonable doubt.

Time Lines: 30 calendar days from the date of the arraignment or first appearance, if not detained. If detained, 15 judicial days from the date of the order of the court directing detention

DISPOSITIONAL HEARING

W&I Section 702, Rules of Court 5.782, 5.785

Presumption: After finding that the minor is a person described in Section 601 or 602, the court shall hear evidence on the question of the proper disposition to be made of the minor.

Time Lines: 10 judicial days after jurisdictional hearing, if minor detained. 30 calendar days after jurisdictional hearing, if minor is not detained.

15 DAY REVIEW HEARING

W&I Section 737(b)

Presumption: In any case in which a minor is detained for more than 15 days pending the execution of the order of commitment or of any other disposition, the court shall periodically review the case to determine whether the delay is reasonable. The court shall inquire regarding the action taken by the probation department to carry out its order, the reasons for the delay, and the effect of the delay upon the minor.

Time Lines: These reviews shall be held at least every 15 days, commencing from the time the minor was initially detained pending the execution of the order of commitment or of any other disposition.

6-MONTH REVIEW HEARING

W&I Section 727.3, Rules of Court 5.810

Presumption: The status of every child declared a ward and placed in placement shall be reviewed at the time of the initial placement order and then as determined by the court but no less frequently than once every six months.

Burden of Proof: The minor may be returned to the parents unless the court finds, by a preponderance of the evidence, that the return of the minor to his or her parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the minor.

Time Lines: 6 months from the date the minor entered placement.

PERMANENCY PLANNING HEARING

W&I Section 727.3(f)(1)

Presumption: There shall be a permanency planning hearing within 12 months of the date the minor entered placement and periodically thereafter, but no less frequently than every 12 months during the period of placement.

Burden of Proof: If the minor is not returned to a parent or legal guardian at the permanency hearing, the court shall determine whether or not the minor should be referred for adoption proceedings, referred for legal guardianship, or referred to an alternative permanent living arrangement, including whether, because of the minor's special needs or circumstances, the minor should be continued in placement on a permanent basis.

Time Lines: Permanency planning hearings shall be scheduled periodically, but no less frequently than once each 12 months thereafter.

TERMINATION OF PARENTAL RIGHTS HEARING

W&I Section 727.31(a), W&I 366.26

Presumption: This section applies to all minors placed in out-of-home care pursuant to Section 727.3 and for whom the juvenile court orders a hearing to consider permanently terminating parental rights to free the minor for adoption. The procedures for permanently terminating parental rights for minors described by this section shall proceed exclusively pursuant to Section 366.26.

Burden of Proof: Clear and convincing evidence that the minor child will be adopted.

Time Lines: 120 days from Order Terminating Reunification Services.

Fresno County Superior Court, Juvenile Delinquency Division