

# Juvenile Justice Transformation: Navigating the Legal Landscape

## GLOSSARY OF TERMS

Provided below are definitions for the terms used in the Youth Law Center's series of legal maps of California's juvenile delinquency system. All of the maps are available on our website: [www.ylc.org/navigate-juvenile-justice-law](http://www.ylc.org/navigate-juvenile-justice-law).

**Adjudication** A finding by the court, after a jurisdictional hearing, that an allegation that a minor comes within the court's delinquency jurisdiction is true. Welf. & Inst. Code §§ 602, 701-702.

**Application for proceedings** When a person applies to the Probation Department to initiate juvenile delinquency proceedings. The application must consist of an affidavit alleging that the minor committed a delinquent act and that either the minor resides in the county or the act was committed within the county. The affidavit must also set forth facts supporting the allegation. Welf. & Inst. Code § 653.5.

**BSCC** The California Board of State and Community Corrections. Among other duties, the BSCC sets the minimum standards for the operation and maintenance of juvenile facilities. Welf. & Inst. Code § 209. The BSCC's regulations for juvenile facilities are available on their website: [http://www.bscc.ca.gov/s\\_fsoresources/](http://www.bscc.ca.gov/s_fsoresources/).

**Case plan** A written document that, at a minimum, specifies the type of home in which a child shall be placed, the safety of that home, and the appropriateness of that home to meet the child's needs. The case plan must also include the agency's plan for ensuring that the child receives proper care and protection in a safe environment, and shall set forth the appropriate services to be provided to the child, the child's family, and the foster parents, in order to meet the child's needs while in foster care, and to reunify the child with the child's family. The case plan must specify the services that will be provided or steps that will be taken to facilitate another permanent plan if reunification is not possible. Welf. & Inst. Code §§ 706.5, 706.6, 11400(b).

**Child and family team (CFT)** A group of individuals who are convened by a foster care placing agency (Child Welfare or Probation) and who are engaged through a variety of team-based processes to identify the strengths and needs of the child or youth and their family, and to help achieve positive outcomes for safety, permanency, and well-being. The CFT provides input into placement decisions. The CFT includes the youth, their family, and anyone who provides supports to the family, including foster care providers, mental health providers, regional center representatives, CASAs, tribal representatives, and educational professionals. Welf. & Inst. Code § 16501(a)(4).

<b>Custody</b>	Refers to legal status of a youth after law enforcement and/or Probation has made the determination that the youth will be retained in their physical custody. Custody only occurs after it has been determined that there is a legal basis to support it. A youth in custody will not be allowed to leave until a new determination has been made by law enforcement or Probation to release the youth from custody. Welf. & Inst. Code §§ 626(d), 628.
<b>Delinquency jurisdiction/delinquency court</b>	The power of the court to take jurisdiction over a minor based on a finding that the minor has committed a delinquent act or a status offense. Welf. & Inst. Code §§ 601, 602, 702, 725.
<b>Delinquency petition</b>	<p>A delinquency petition can be filed by the District Attorney’s office to begin juvenile court proceedings to declare a minor a ward of the juvenile court based on a delinquent act. Welf. &amp; Inst. Code § 650(c). A minor can be declared a ward of the court for a delinquent act if he or she is between the ages of 12 and 17 and violates any city, county, state, or federal law. Welf. &amp; Inst. Code § 602(a).</p> <p>A delinquency petition can also be filed by the Probation Department to begin juvenile court proceedings to declare a minor a ward of the juvenile court based on a status offense. Welf. &amp; Inst. Code § 650(a). A minor can be declared a ward of the court for a status offense if he or she is between the ages of 12 and 17 and: persistently or habitually refuses to obey his or her parent/guardian/custodian; is beyond the control of his or her parent/guardian/custodian; or violates an age-based curfew. Welf. &amp; Inst. Code § 601(a).</p>
<b>Delinquent act</b>	An act committed by a minor between the ages of 12 and 17 that violates a city, county, state, or federal law. Welf. & Inst. Code § 602(a).
<b>Dependency jurisdiction/dependency court</b>	The power of the court to take jurisdiction over a minor based on a finding of abuse, neglect, or abandonment. Welf. & Inst. Code § 300.
<b>Dependent</b>	If the juvenile court finds that a minor has suffered abuse, neglect, and abandonment, the court may adjudge the minor to be a dependent of the court. Welf. & Inst. Code §§ 300, 360(d).
<b>Detention</b>	While this term has many meanings in the law, in the juvenile court system detention typically refers to the removal of a youth from his/her home and the custody of his/her parent or guardian. A youth who has been detained pursuant to juvenile court law is held temporarily in the custody of the government (i.e. the Probation Department). “Detention” as a term does not dictate where a youth must be held, or whether the place of detention must be secure or non-secure.
<b>Detention hearing</b>	A hearing held by the court to determine whether a detained youth will be returned to his/her parent or guardian or remain in the custody of the Probation

Department while the delinquency petition against the youth is decided by the court. Welf. & Code §§ 635-636.

<b>Dispositional hearing</b>	An evidentiary hearing held by the court to determine the disposition of a minor's case after adjudication (a finding that the allegations that the minor comes within the court's delinquency jurisdiction are true). Welf. & Inst. Code §§ 702, 706. A dispositional hearing is similar to a sentencing hearing.
<b>Diversion</b>	Generally includes a wide range of interventions and supports that can be implemented in lieu of a law enforcement or delinquency system response to youth behavior.
<b>Formal diversion</b>	Referral or delivery of a minor to a public or private program for shelter care, counseling, or diversion services. Welf. & Inst. Code §626(b). A formal diversion program must comply with certain statutory requirements. Welf. & Inst. Code § 652.5.
<b>Foster care</b>	The 24-hour out-of-home care provided to children whose own families are unable or unwilling to care for them, and who are in need of temporary or long-term substitute parenting. Welf. & Inst. Code § 11400(f). In juvenile delinquency court, an order placing a youth under the care, custody, and control of the probation officer is an order for foster care placement. Welf. & Inst. Code § 727(c)-(d).
<b>Foster family agency (FFA)</b>	A public agency or private organization that recruits, certifies, approves, trains, and provides professional support to resource families; coordinates with county placing agencies (child welfare and probation) to find homes for foster children in need of care; and providing services and supports to resource families and children. Health & Safety Code §1502(a)(4).
<b>Group home</b>	A licensed residential home that provides 24-hour care and supervision to children, delivered at least in part by staff employed by the group home provider in a structured environment. Health & Safety Code § 1502(a)(13).
<b>Home Supervision</b>	When a youth is detained by either Probation or the court, the youth can still be released under a program of Home Supervision. A Home Supervision program allows a youth who would otherwise be detained in juvenile hall to remain in their home, under the supervision of a deputy probation officer, probation aide, community worker, or probation volunteer. Welf. & Inst. Code §§ 840-842.
<b>Individual program plan (IPP)</b>	A list of agreed-upon services and supports that is developed for an individual who is found to be eligible for Regional Center services. Welf. & Inst. Code § 4646(c), (f). The individual program plan (IPP) is developed through a process of individualized needs determination, with input of the Regional Center consumer. Welf. & Inst. Code § 4646(b). The IPP must be completed within 60 days of completing the individual's Regional Center eligibility assessment. Welf. & Inst. Code § 4646(c). IPPs must be reviewed and updated every three years or more frequently if needs change. Welf. & Inst. Code § 4646.5(b).

<b>Individualized education program (IEP)</b>	A written document developed for a student with exceptional needs. An individualized education program (IEP) must include a statement of the individual’s present levels of academic achievement, a statement of measurable annual academic and functional goals, a description of how the student’s progress will be measured, a statement of the special education and related services that will be provided to the student, an explanation of the extent to which the student will be separated from nondisabled students, a statement of appropriate testing accommodations, the timeline and frequency for service delivery, and transition services. Educ. Code § 56345.
<b>Informal diversion</b>	Providing the minor and his or her family or caretakers with resources and referrals, and then releasing the minor. Welf. & Inst. Code § 626(a).
<b>Informal supervision</b>	A program of supervision by the Probation Department for no more than six months. The minor and their parent/guardian must consent to the supervision, and it must include counseling or educational programming. A youth who is put on informal supervision is <u>not required to admit that he or she committed a delinquent act</u> . Welf. & Inst. Code §§ 654, 654.2.
<b>Intake</b>	Investigation conducted by the Probation Department to determine whether or not delinquency proceedings could be initiated. Welf. & Inst. Code § 652.
<b>Integrated Core Practice Model (ICPM)</b>	A document that provides practical guidance and direction to support county agencies (child welfare, juvenile probation, behavioral health) and their partners in delivering timely and coordinated services to children, youth, and families. The ICPM is closely related to the child and family team (CFT), in that the perspectives of children and their support networks are key to collaboration. All-County Information Notice I-21-18.
<b>Jurisdictional hearing</b>	An evidentiary hearing held by the court to determine whether the allegations that a minor comes within the court’s jurisdiction are true. Welf. & Inst. Code § 701-702.
<b>Medi-Cal</b>	California’s Medicaid program, providing health insurance and little to no cost to individuals who are low-income. Youth and families may qualify for Medi-Cal based on their receipt of certain aid, including cash aid and foster care benefits. Medi-Cal includes the Early Periodic Screening, Diagnostic, and Treatment benefit for youth under the age of 21. <a href="#">California Department of Health Care Services</a> .
<b>Nonminor dependent</b>	A foster youth over the age of 18 who is under the dependency, delinquency, or transition jurisdiction of the juvenile court and who: <ul style="list-style-type: none"> <li>(1) Has attained 18 years of age while under an order of foster care placement by the juvenile court;</li> <li>(2) Is in foster care under the placement and care responsibility of the county welfare department, county probation department, or tribal organization; and</li> </ul>

- (3) Has a transitional independent living case plan that describes the goals of how the nonminor will make progression in the transition to living independently.

Welf. & Inst. Code §§ 11400(v), 11400(y).

**Nonsecure place of detention**

A nonsecure facility means that there are no “physically restricting” characteristics, such as construction, hardware, or procedures. Residents in a nonsecure facility have access to the surrounding community with minimal supervision. But, a facility can be deemed “nonsecure” even if it has any of the following: 1) a small room within the facility for the protection of residents from themselves or others; 2) reasonable restrictions on hours when residents can come and go from the facility; and 3) staff control of ingress and egress in the same manner as a prudent parent. Welf. & Inst. Code § 206.

**Non-wardship probation**

A six-month term of probation supervision imposed by the court after determining that the minor is within the court’s delinquency jurisdiction, but without adjudging the minor a ward of the court. Welf. & Inst. Code § 725(a).

**Notice to Appear**

A written notice directing that a youth or a youth and their parent/guardian must go to the Probation Department for an intake. The notice will include the time and place for the intake appointment. Welf. & Inst. Code § 626(c).

**Probable cause**

This term describes the amount of evidence that is required under the Fourth Amendment of the U.S. Constitution before a person is taken into custody by law enforcement (i.e. “seized”). Any decision to take custody of a minor must be supported by enough evidence that there is “probable cause” to believe that the minor committed the offense charged.

**Probation conditions or probation terms**

Terms and conditions ordered by the court as part of non-wardship or wardship probation. Welf. & Inst. Code § 725(a), 727(a)(1), 730(b).

**Probation violation**

An act constituting a violation of a court-ordered term of probation, if established by a preponderance of the evidence. Welf. & Inst. Code § 777.

**Promise to Appear**

A written notice that is signed by a youth or a youth and their parent/guardian, promising to go to the Probation Department for an intake. The notice will include the time and place for the intake appointment. Welf. & Inst. Code § 626(c). A violation of a Promise to Appear is a misdemeanor. Welf. & Inst. Code § 214.

**Reasonable efforts**

Efforts made to prevent or eliminate the need for removing a child from their home, efforts to make it possible for the child to return home, or efforts to complete whatever steps are necessary to finalize a permanent plan for the minor. Reasonable efforts to assist the minor in returning home include (but are not limited to) case management, counseling, parenting training, mentoring

programs, vocational training, educational services, substance abuse treatment, transportation, and therapeutic day services. Welf. & Inst. Code §727.4(d)(5).

**Regional Center**

A private non-profit organization contracted by the State of California to provide fixed points of contact in the community for individuals with developmental disabilities and their families, so that these individual can have access to individualized services and supports throughout their lifetime. Welf. & Inst. Code § 4620(a). To be eligible for Regional Center services, an individual must have a substantial developmental disability that falls into any of five categories: intellectual disability, cerebral palsy, epilepsy, autism, or disabling conditions that may resemble or require similar treatment to intellectual disability. Welf. & Inst. Code § 4512(a).

**Resource family**

An approved caregiver for a child placed in foster care by a public or private agency by court order. Welf. & Inst. Code §16519.5(c)(1). Resource families may include relatives of the child or a home that has been trained and approved by a foster family agency. A resource family that has met certain special training requirements to provide care to youth with intensive needs is called an “intensive services foster care resource family,” or an ISFC resource family. Welf. & Inst. Code § 18360.

**Respite care**

Temporary 24-hour care to provide relief to a child’s parent, guardian, or caregiver. Respite care is provided to children and families in accordance with the child’s case plan. Welf. & Inst. Code § 16501(a)(6) & (b).

**Reunification services**

Services that facilitate the safe return of a minor to their home or the permanent placement of the minor and that address the needs of the minor while in foster care. Welf. & Inst. Code § 727(a). Probation Departments must ensure the provision of reunification services to minors in foster care except under specified circumstances (e.g. if reunification services were previously terminated for that child, or if the parent has been convicted of certain violent crimes against another child). Welf. & Inst. Code § 727(b).

**Secure place of detention**

A secure place of detention is one in which all entrances and exits are under the exclusive control of the staff of the facility, whether or not the facility uses other physical constraints or procedures to control behavior of residents. Within a secure place of detention, youth inside may have freedom of movement, and the facility may or may not use locked rooms and buildings, fences, or other physical restraints. Welf. & Inst. Code § 206.

**Short-term residential therapeutic program**

A licensed residential facility that provides an integrated program of specialized and intensive care and supervision, services and supports, treatment, and short-term, 24-hour care and supervision to children. Health & Safety Code § 1502(a)(18).

**Status offense**

An act committed by a minor between the ages of 12 and 17 demonstrating that the minor persistently or habitually refuses to obey his or her parent/guardian/custodian; is beyond the control of his or her

parent/guardian/custodian; or has violated an age-based curfew. Welf. & Inst. Code § 601(a).

**Supervised independent living placement (SILP)**

An independent supervised setting, as specified in a nonminor dependent's transitional independent living case plan, in which the youth is living independently. Welf. & Inst. Code §11400(w).

**Temporary custody**

Refers to an act by law enforcement to temporarily hold a youth under the legal custody of law enforcement, such that the youth is not allowed to leave. Taking a youth into temporary custody does not necessarily mean that the youth has been or will be arrested. Welf. & Inst. Code §§ 625-626.

**Transitional housing placement (THP)**

An organization licensed by the state and certified by the county to provide supervised transitional housing services to foster children who are at least 16 years old. Welf. & Inst. Code §11400(r). Transitional housing placement programs may be for minors over the age of 16 or nonminors ages 18 to 21. Welf. & Inst. Code §1559.110(a)(2).

**Transitional Independent Living Plan (TILP)**

A written description of the programs and services that will help a child to prepare for the transition from foster care to successful adulthood, including whether the youth has applied for disability benefits or special immigrant juvenile status. Welf. & Inst. Code §16501.1(g)(16)(A).

**Ward of the court**

If the court finds that a minor has committed a delinquent act or a status offense, the court may adjudge the minor to be a ward of the court. Welf. & Inst. Code § 725(b).

**Wardship probation**

A term of probation supervision imposed by the court after determining that the minor comes within the court's delinquency jurisdiction and adjudging the minor a ward of the court. Welf. & Inst. Code § 727(a)(1).