



DISPOSITION OPTIONS UNDER CALIFORNIA WELFARE & INSTITUTIONS CODE

WIC 601

WELFARE AND INSTITUTIONS CODE - WIC DIVISION 2. CHILDREN [100 - 1500]

(Division 2 enacted by Stats. 1937, Ch. 369.)

PART 1. DELINQUENTS AND WARDS OF THE JUVENILE COURT [100 - 1459]

(Part 1 enacted by Stats. 1937, Ch. 369.)

CHAPTER 2. Juvenile Court Law [200 - 987]

(Chapter 2 repealed and added by Stats. 1961, Ch. 1616.)

ARTICLE 14. Wards—Jurisdiction [601 - 608]

(Heading of Article 14 renumbered from Article 5 by Stats. 1976, Ch. 1068.)

601.

(a) Any minor between 12 years of age and 17 years of age, inclusive, who persistently or habitually refuses to obey the reasonable and proper orders or directions of the minor's parents, guardian, or custodian, or who is beyond the control of that person, or who is a minor between 12 years of age and 17 years of age, inclusive, when the minor 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.

(b) If a minor between 12 years of age and 17 years of age, inclusive, has four or more trancies within one school year as defined in Section 48260 of the Education Code or a school attendance review board or probation officer determines that the available public and private services are insufficient or inappropriate to correct the habitual truancy of the minor, or if the minor fails to respond to directives of a school attendance review board or probation officer or to services provided, the minor is then within the jurisdiction of the juvenile court which may adjudge the minor to be a ward of the court pursuant to this section. However, it is the intent of the Legislature that a minor who is described in this subdivision, adjudged a ward of the court pursuant solely to this subdivision, or found in contempt of court for failure to comply with a court order pursuant to this subdivision, shall not be held in a secure facility and shall not be removed from the custody of the parent or guardian except for the purposes of school attendance.

(c) To the extent practically feasible, a minor who is adjudged a ward of the court pursuant to this section shall not be permitted to come into or remain in contact with any minor ordered to participate in a truancy program, or the equivalent thereof, pursuant to Section 602.

(d) Any peace officer may issue a notice to appear to a minor who is within the jurisdiction of the juvenile court pursuant to this section. Before issuing a notice to appear under this subdivision, a peace officer shall refer a minor who is within the

jurisdiction of this section to a community-based resource, the probation department, a health agency, a local educational agency, or other governmental entities that may provide services.

(Amended by Stats. 2020, Ch. 323, Sec. 7. (AB 901) Effective January 1, 2021.)

WIC 602

WELFARE AND INSTITUTIONS CODE - WIC

DIVISION 2. CHILDREN [100 - 1500]

(Division 2 enacted by Stats. 1937, Ch. 369.)

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ARTICLE 14. Wards—Jurisdiction [601 - 608]

(Heading of Article 14 renumbered from Article 5 by Stats. 1976, Ch. 1068.)

602.

(a) Except as provided in Section 707, any minor who is between 12 years of age and 17 years of age, inclusive, 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 the minor to be a ward of the court.

(b) Any minor who is under 12 years of age when he or she is alleged to have committed any of the following offenses is within the jurisdiction of the juvenile court, which may adjudge the minor to be a ward of the court:

(1) Murder.

(2) Rape by force, violence, duress, menace, or fear of immediate and unlawful bodily injury.

(3) Sodomy by force, violence, duress, menace, or fear of immediate and unlawful bodily injury.

(4) Oral copulation by force, violence, duress, menace, or fear of immediate and unlawful bodily injury.

(5) Sexual penetration by force, violence, duress, menace, or fear of immediate and unlawful bodily injury.

(Amended by Stats. 2018, Ch. 1006, Sec. 2. (SB 439) Effective January 1, 2019. Note: This section was amended November 8, 2016, by initiative Proposition 57.)

WIC 654.2

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(Division 2 enacted by Stats. 1937, Ch. 369.)

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(Part 1 enacted by Stats. 1937, Ch. 369.)

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(Chapter 2 repealed and added by Stats. 1961, Ch. 1616.)

ARTICLE 16. Wards—Commencement of Proceedings [650 - 664]

(Heading of Article 16 renumbered from Article 7 by Stats. 1976, Ch. 1068.)

654.2.

(a) If a petition has been filed by the prosecuting attorney to declare a minor a ward of the court under Section 602, the court may, without adjudging the minor a ward of the court and with the consent of the minor and the minor's parents or guardian, continue any hearing on a petition for six months and order the minor to participate in a program of supervision as set forth in Section 654. If the probation officer recommends additional time to enable the minor to complete the program, the court at its discretion may order an extension. Fifteen days prior to the final conclusion of the program of supervision undertaken pursuant to this section, the probation officer shall submit to the court a followup report of the minor's participation in the program. The minor and the minor's parents or guardian shall be ordered to appear at the conclusion of the six-month period and at the conclusion of each additional three-month period. If the minor successfully completes the program of supervision, the court shall order the petition be dismissed. If the minor has not successfully completed the program of supervision, proceedings on the petition shall proceed no later than 12 months from the date the petition was filed.

(b) If the minor is eligible for Section 654 supervision, and the probation officer believes the minor would benefit from a program of supervision pursuant to this section, the probation officer may, in referring the affidavit described in Section 653.5 to the prosecuting attorney, recommend informal supervision as provided in this section.

(Amended by Stats. 1994, Ch. 213, Sec. 1. Effective January 1, 1995.)

WIC 725

WELFARE AND INSTITUTIONS CODE - WIC DIVISION 2. CHILDREN [100 - 1500]

(Division 2 enacted by Stats. 1937, Ch. 369.)

PART 1. DELINQUENTS AND WARDS OF THE JUVENILE COURT [100 - 1459]

(Part 1 enacted by Stats. 1937, Ch. 369.)

CHAPTER 2. Juvenile Court Law [200 - 987]

(Chapter 2 repealed and added by Stats. 1961, Ch. 1616.)

ARTICLE 18. Wards—Judgments and Orders [725 - 742]

(Heading of Article 18 renumbered from Article 9 by Stats. 1976, Ch. 1068.)

725.

After receiving and considering the evidence on the proper disposition of the case, the court may enter judgment as follows:

(a) If the court has found that the minor is a person described by Section 601 or 602, by reason of the commission of an offense other than any of the offenses set forth in Section 654.3, it may, without adjudging the minor a ward of the court, place the minor on probation, under the supervision of the probation officer, for a period not to exceed six months. The minor's probation shall include the conditions required in Section 729.2 except in any case in which the court makes a finding and states on the record its reasons that any of those conditions would be inappropriate. If the offense involved the unlawful possession, use, or furnishing of a controlled substance, as defined in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, a violation of subdivision (f) of Section 647 of the Penal Code, or a violation of Section 25662 of the Business and Professions Code, the minor's probation shall include the conditions required by Section 729.10. If the minor fails to comply with the conditions of probation imposed, the court may order and adjudge the minor to be a ward of the court.

(b) If the court has found that the minor is a person described by Section 601 or 602, it may order and adjudge the minor to be a ward of the court.

(Amended by Stats. 1989, Ch. 1117, Sec. 14.)

WIC 790

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(Chapter 2 repealed and added by Stats. 1961, Ch. 1616.)

ARTICLE 20.5. Deferred Entry of Judgment [790 - 795]

(Article 20.5 added March 7, 2000, by initiative Proposition 21, Sec. 29.)

790.

(a) Notwithstanding Section 654 or 654.2, or any other provision of law, this article shall apply whenever a case is before the juvenile court for a determination of whether a minor is a person described in Section 602 because of the commission of a felony offense, if all of the following circumstances apply:

- (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 Department of Corrections and Rehabilitation, Division of Juvenile Facilities.
- (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.
- (7) The offense charged is not rape, sodomy, oral copulation, or an act of sexual penetration specified in Section 289 of the Penal Code when the victim was prevented from resisting due to being rendered unconscious by any intoxicating, anesthetizing, or controlled substance, or when the victim was at the time incapable, because of mental disorder or developmental or physical disability, of giving consent, and that was known or reasonably should have been known to the minor at the time of the offense.

(b) The prosecuting attorney shall review his or her file to determine whether or not paragraphs (1) to (7), inclusive, of subdivision (a) apply. If the minor is found eligible for deferred entry of judgment, the prosecuting attorney shall file a declaration in

writing with the court or state for the record the grounds upon which the determination is based, and shall make this information available to the minor and his or her attorney. Upon a finding that the minor is also suitable for deferred entry of judgment and would benefit from education, treatment, and rehabilitation efforts, the court may grant deferred entry of judgment. Under this procedure, the court may set the hearing for deferred entry of judgment at the initial appearance under Section 657. The court shall make findings on the record that a minor is appropriate for deferred entry of judgment pursuant to this article in any case where deferred entry of judgment is granted.

(Amended by Stats. 2014, Ch. 919, Sec. 4. (SB 838) Effective January 1, 2015. Note: This section was added on March 7, 2000, by initiative Prop. 21.)