

JUVENILE COURT
POLICY/PROCEDURE

USE OF SANCTIONS

POLICY

In many cases, the use of the Sanctions process (whichever sanction is chosen) can be an effective “tool” to help support and reinforce a supervision plan for juveniles adjudged delinquent that ensures community protection, reinforces the juvenile’s completion of their obligation to the victim or community, and enhances their involvement in skill-building activities. The use of sanctions will also reinforce the authority of the court by providing a consequence for failure to comply with court orders.

Social workers are encouraged to consider the use of sanctions to reinforce a supervision plan whenever a juvenile is violating the terms of the court order. If the worker determines that the use of sanctions is necessary to maintain the integrity of the court or that it may effectively assist in reinforcing a supervision plan, information should be provided to the assigned District Attorney or a Sanctions Motion should be filed with the assigned Judge as soon as possible. The Juvenile Judges will give high scheduling priority to Sanctions Motions to reinforce the idea that it is important to respond promptly to violations of court orders.

GUIDELINES FOR SANCTIONS

The following are suggested guidelines for the use of the Sanctions process. However, each case will present unique circumstances that must be considered from the point problems arise up through any actual imposition of sanctions:

1. The use of sanctions is not the only method the social worker may use to promote a juvenile’s compliance with the condition of the court order. Depending on the nature of the supervision plan and the non-compliance, a social worker may take other steps to obtain compliance. In many cases, however, the prompt use of sanctions will be necessary to promote community safety, accountability, and compliance with other aspects of the court order.
2. Timeliness is important. While there are situations in which a delay between problems arising and the filing of a sanctions motion or between filing and hearing may be strategically used by the Social Worker to encourage compliance, in most cases information and/or sanctions motions should be forwarded/filed as soon as possible after the problem occurs.
3. The use of Sanctions may only be applied to violations of rules of supervision contained in the original court order. There are often multiple expectations placed on juveniles, all of which may be legitimate, but some prioritizing should occur so that sanctions are utilized for key components of the plan. Social Workers should

consider, however, whether the failure to respond to a minor rule violation will with that particular juvenile serve to encourage other rule violations.

4. In making recommendations for the imposition of sanctions, either in writing as part of the motion/information or verbally at the time of a hearing, the Social Worker and/or DA making the request should provide their rationale for why the recommended sanction is being suggested, which should include an explanation of why other possible sanctions are not seen as being effective.
5. Sanctions should generally be used to help support and reinforce a juvenile's participation in a balanced supervision plan. The use of sanctions is generally not seen as a "stand alone" punishment/consequence in and of itself. Rather, the use of the Sanction process is most useful when an adequately prepared supervision plan is in place and there is reason to believe that the use of sanctions will enhance the likelihood of a juvenile's compliance with the necessary aspects of the plan.

PROCEDURE

I. Filing the Motion

Either the worker or the District Attorney may file a Sanctions Motion. If the circumstances of a particular case demand a very prompt response, generally the worker should file directly with the assigned court. A Sanctions Motion must refer to the provision of the dispositional order that is alleged was violated and include a brief description of the facts constituting the violation.

II. Scheduling the Hearing

A. When the Social Worker files the Sanctions Motion with the assigned court, he/she shall notify the clerk of the degree of urgency of the situation. The clerk will schedule a hearing as soon as possible, but no sooner than 72 hours from filing unless another matter concerning the same juvenile is already scheduled. Clerks shall give high calendar priority to scheduling hearings on Sanctions Motions taking account of the degree of urgency conveyed by the Social Worker. The date assigned by the Clerk will determine who is responsible for notice, as provided below.

B. A Sanctions Motion based upon a new law violation will not be separately scheduled, unless good cause is shown, but instead will be calendared at the time proceedings on the new petition are set.

C. If the Social Worker notifies the Clerk that the matter is urgent and the Clerk is not able to schedule the hearing within 14 calendar days of filing even after giving the matter high calendar priority, the Clerk may schedule the matter to be heard by the Court Commissioner on the first occasion more than 72 hours after filing that the commissioner may hear the matter. The Clerk shall be responsible for notice when a hearing is set before the Commissioner, as provided below.

III. Notice

A. If the hearing on the Sanctions Motion is set before the Judge on a date seven (7) calendar days or longer after filing, the court shall provide notice by mail. If the hearing is set in fewer than seven (7) days, the clerk shall provide the Social Worker, if requested, with the names of all persons entitled to notice; and the Social Worker shall notify all persons entitled to notice personally, by telephone or by fax, and shall provide a copy of the Sanctions Motion to the juvenile and his/her attorney and to the District Attorney.

B. If the hearing on the Sanctions Motion is set before the Commissioner, the Clerk shall obtain the date from the Commissioner and shall cause all notices to be provided in accord with the foregoing time determinations. The Clerk shall also send mail notices for the earliest possible Hearing de novo date on the assigned Judge's calendar for use under the following Commissioner procedure.

IV. Commissioner Procedure

A. The Commissioner is authorized to conduct hearings on Sanctions Motions when the Social Worker believes the matter is urgent and the assigned Judge's Clerk is not able to schedule the hearing on the Judge's calendar in less than 14 calendar days.

B. In the event the Commissioner determines that there has been a violation of the court's order and that a sanction should be imposed, he or she shall complete a Sanctions Order form and sign it below the Judge's signature line. The Commissioner shall also notify the juvenile and his/her attorney that they have the right to a Hearing de novo before the assigned Judge so long as it is requested on a form to be provided by the Commissioner before the conclusion of the hearing. The Commissioner shall cause his/her recommended Order and any request for Hearing de novo, if filed, to be delivered to the assigned Judge; and shall, if the juvenile requests a Hearing de novo, remind him/her of the date for such hearing previously provided by the Court.

C. If no request for a Hearing de novo is made, the recommended Order shall become immediately effective, subject to the Judge's right to rescind the Order by not signing it. If a request for a Hearing de novo is made, the recommended Order shall be stayed until the hearing is held before the Judge.

D. If no request for a Hearing de novo is made, the Judge shall review the recommended Order as soon as possible and shall, if he/she believes its terms to be appropriate, sign it and cause copies to be mailed to the juvenile, the juvenile's attorney, the District Attorney and all others that the Judge deems appropriate.