

AMENDMENT TO THE CALIFORNIA RULES OF COURT  
Adopted by the Judicial Council on May 12, 2023, effective July 1, 2023

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1 **Rule 5.663. Responsibilities of children’s counsel in delinquency proceedings**  
2 **(§§ 202, 265, 633, 634, 634.3 634.6, 679, 700)**

3  
4 **(a) \*\*\***

5  
6 **(b) Responsibilities of counsel**

7  
8 A child’s counsel is charged ~~in general with defending the child against the~~  
9 ~~allegations in all petitions filed in delinquency proceedings and with advocating,~~  
10 providing effective, competent, diligent, and conscientious advocacy and making  
11 rational and informed decisions founded on adequate investigation and preparation.  
12 Counsel must maintain a confidential relationship with the child and provide legal  
13 representation within the framework of the delinquency proceedings, that the child  
14 receive care, treatment, and guidance consistent with his or her best interest based  
15 on the child’s expressed interests.

16  
17 *(Subd (b) amended effective July 1, 2023.)*

18  
19 **(c) Right to representation**

20  
21 A child is entitled to have ~~the child’s~~ their interests represented by counsel at every  
22 stage of the proceedings, including ~~in the~~ postdispositional ~~hearings~~ phase. Counsel  
23 must continue to represent the child unless relieved by the court upon the  
24 substitution of other counsel, or for cause.

25  
26 *(Subd (c) amended effective July 1, 2023; previously amended effective January 1, 2007.)*

27  
28 **(d) \*\*\***

29  
30 *Rule 5.663 amended effective July 1, 2023; adopted as rule 1479 effective July 1, 2004; amended*  
31 *and renumbered effective January 1, 2007.*

32  
33  
34 **Rule 5.760. Detention hearing; report; grounds; determinations; findings; orders;**  
35 **factors to consider for detention; restraining orders**

36  
37 **(a)–(f) \*\*\***

38  
39 **(g) Factors—violation of court order**

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41 Regarding the ground for detention in (c)(1)(A), the court must consider:

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43 (1)–(8) \*\*\*

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*(Subd (g) amended effective July 1, 2023; adopted as subd (c); previously relettered as subd (d) effective January 1, 2001; previously amended and relettered as subd (f) effective July 1, 2002, and as subd (g) effective January 1, 2007.)*

**(h) Factors—escape from commitment**

Regarding the ground for detention in (c)(2)(1)(B), the court must consider whether or not the child:

- (1) Was committed to ~~the California Department of Corrections and Rehabilitation, Division of Juvenile Justice;~~ or a county juvenile home, ranch, camp, forestry camp, secure youth treatment facility, or juvenile hall; and
- (2) Escaped from the facility or the lawful custody of any officer or person in which the child was placed during commitment.

*(Subd (h) amended effective July 1, 2023; adopted as subd (d); previously relettered as subd (e) effective January 1, 2001; amended and relettered as subd (g) effective July 1, 2002; previously amended effective January 1, 2006; previously amended and relettered effective January 1, 2007)*

**(i) Factors—likely to flee**

Regarding the ground for detention in (c)(3)(1)(C), the court must consider whether or not:

- (1)–(8) \*\*\*

*(Subd (i) amended effective July 1, 2023; adopted as subd (e); previously relettered as subd (f) effective January 1, 2001; previously amended and relettered as subd (h) effective July 1, 2002, and as subd (i) effective January 1, 2007.)*

**(j) Factors—protection of child**

Regarding the ground for detention in (c)(4)(1)(D), the court must consider whether or not:

- (1)–(3) \*\*\*

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*(Subd (j) amended effective July 1, 2023; adopted as subd (f); previously relettered as subd (g) effective January 1, 2001; previously amended and relettered as subd (i) effective July 1, 2002, and as subd (j) effective January 1, 2007.)*

**(k) Factors—protection of person or property of another**

Regarding the ground for detention in ~~(c)(5)(1)(E)~~, the court must consider whether or not:

(1)–(3) \*\*\*

*(Subd (k) amended effective July 1, 2023; adopted as subd (g); previously relettered as subd (h) effective January 1, 2001; previously amended and relettered as subd (j) effective July 1, 2002, and as subd (k) effective January 1, 2007.)*

**(l) \*\*\***

*Rule 5.760 amended effective July 1, 2023; repealed and adopted as rule 1475 effective January 1, 1998; previously amended effective January 1, 2001, July 1, 2002, January 1, 2006, and January 1, 2016; previously amended and renumbered as rule 5.760 effective January 1, 2007.*

**Rule 5.790. Orders of the court**

**(a)–(h) \*\*\***

**(i) ~~California Department of Corrections and Rehabilitation, Division of Juvenile Justice~~**

~~If, at the time of the disposition hearing, the child is a ward of the California Department of Corrections and Rehabilitation, Division of Juvenile Justice (DJJ) under a prior commitment, the court may either recommit or return the child to the DJJ. If the child is returned to the DJJ, the court may:~~

~~(1) Recommend that the ward’s parole status be revoked;~~

~~(2) Recommend that the ward’s parole status not be revoked; or~~

~~(3) Make no recommendation regarding revocation of parole.~~

**~~(j)~~(i) Fifteen-day reviews (§ 737)**

1 If the child or nonminor is detained pending the implementation of a dispositional  
2 order, the court must review the case at least every 15 days as long as the child is  
3 detained. The review must meet all the requirements in section 737.

4  
5 *(Subd (i) effective July 1, 2023; adopted as subd (e); previously amended effective January*  
6 *1, 2006; previously amended and relettered as subd (f) effective July 1, 2002, and as subd*  
7 *(g) effective January 1, 2007; previously relettered as subd (i) effective January 1, 2014.)*

8  
9 *Rule 5.790 amended effective July 1, 2023; adopted as rule 1493 effective January 1, 1991;*  
10 *previously amended and renumbered as rule 5.790 effective January 1, 2007; previously*  
11 *amended effective January 1, 1998, July 1, 2002, January 1, 2004, January 1, 2006, January 1,*  
12 *2008, January 1, 2014, January 1, 2015, and January 1, 2016.*

13  
14 **Rule 5.804. Commitment to secure youth treatment facility**

15  
16 As provided in Welfare and Institutions Code section 875, the following applies if a court  
17 orders a youth to a secure youth treatment facility.

18  
19 **(a) Eligibility (§ 875(a))**

20  
21 A youth may be committed to a secure youth treatment facility as defined in section  
22 875 if:

- 23  
24 (1) The youth committed an offense listed in section 707(b) when the youth was  
25 14 years of age or older; and  
26  
27 (2) The offense is the most recent offense for which the youth has been  
28 adjudicated; and  
29  
30 (3) The court finds on the record that a less restrictive alternative disposition is  
31 unsuitable for the youth after considering all relevant and material evidence,  
32 including the recommendations of counsel, the probation department, and any  
33 other agency or individual designated by the court to advise on the  
34 appropriate disposition of the case. To make this finding the court must  
35 consider each of the criteria set forth in section 875(a)(3)(A)–(E).

36  
37 **(b) Setting baseline term (§ 875(b))**

38  
39 The court must set a baseline term for the youth as provided in rule 5.806.

40  
41 **(c) Setting the maximum term of confinement (§ 875(c))**

1           The court must set a maximum term of confinement as provided in section 875(c)  
2           based on the facts and circumstances of the matter or matters that brought or  
3           continued the youth under the jurisdiction of the court and as deemed appropriate to  
4           achieve rehabilitation. The court must apply the youth’s precommitment credits to  
5           the maximum term.

6  
7           **(d) Individualized rehabilitation plan (§ 875(d))**

8  
9           The court must, at the time of the commitment, order the probation department to  
10          prepare a proposed individualized rehabilitation plan for the youth as provided by  
11          section 875(d). The court must approve a plan for the youth no later than 30 court  
12          days after the order of commitment.

13  
14          (1)   The court must set a hearing to review and approve the plan no later than 30  
15          court days from the date of the commitment order.

16  
17          (2)   The proposed plan must be filed with the court and a copy of the plan must  
18          be provided to the prosecuting attorney, the youth, and counsel for the youth  
19          at least 5 calendar days before the hearing.

20  
21          **(e) Setting the progress review hearing (§ 875(e))**

22  
23          The court must set a progress review hearing no later than six months from the date  
24          of the commitment order to evaluate the youth’s progress in relation to the  
25          rehabilitation plan and to determine whether the baseline term of confinement is to  
26          be modified.

27  
28          *Rule 5.804 adopted effective July 1, 2023.*

29  
30  
31          **Rule 5.805. California Department of Corrections and Rehabilitation, Division of**  
32          **Juvenile Justice, commitments [Repealed]**

33  
34          ~~If the court orders the youth committed to the California Department of Corrections and~~  
35          ~~Rehabilitation, Division of Juvenile Justice (DJJ):~~

36  
37          ~~(1) The court must complete Commitment to the California Department of Corrections~~  
38          ~~and Rehabilitation, Division of Juvenile Justice (form JV 732).~~

39  
40          ~~(2) The court must specify whether the offense is one listed in section 707(b) or~~  
41          ~~subdivision (c) of Penal Code section 290.008.~~

- 1 ~~(3) The court must order the probation department to forward to the DJJ all required~~  
2 ~~medical information, including previously executed medical releases.~~  
3  
4 ~~(4) If the youth is taking a prescribed psychotropic medication, the DJJ may continue~~  
5 ~~to administer the medication for up to 60 days, provided that a physician examines~~  
6 ~~the youth on arrival at the facility, and the physician recommends that the~~  
7 ~~medication continue.~~  
8  
9 ~~(5) The court must provide to the DJJ information regarding the youth's educational~~  
10 ~~needs, including the youth's current individualized education program if one exists.~~  
11 ~~To facilitate this process, the court must ensure that the probation officer~~  
12 ~~communicates with appropriate educational staff.~~  
13

14 *Rule 5.805 repealed effective July 1, 2023; adopted as rule 1494.5 effective January 1, 2003;*  
15 *previously amended effective January 1, 2006, and January 1, 2014; previously amended and*  
16 *renumbered effective January 1, 2007.*  
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19 **Rule 5.806. Secure youth treatment facility baseline term**  
20

21 **(a) Category for baseline term based on most serious recent offense**  
22

23 If the court orders the youth committed to a secure youth treatment facility, the  
24 court must set a baseline term of months, years, or months and years falling within  
25 the range for the offense category, based on the most serious recent offense that is  
26 the basis for the youth's commitment to the secure youth treatment facility, as  
27 provided in the matrix contained in (d) of this rule.  
28

29 **(b) Selecting the baseline term with the range for the offense category**  
30

31 The baseline term must be set by the court based on the individual facts and  
32 circumstances of the case. In its selection of the individual baseline term, the court  
33 must review and consider each of the criteria listed in paragraphs (1) through (4).  
34 When evaluating each of the criteria, the court may give weight to any relevant  
35 factor, including but not limited to the factors listed below each one. The court  
36 must select a baseline term that is no longer than necessary to meet the  
37 developmental needs of the youth and to prepare the youth for discharge to a period  
38 of probation supervision in the community. Enumerated factors listed below that  
39 are outside the youth's control must not result in a longer baseline term than  
40 otherwise needed to meet this objective. The court must state on the record its  
41 reasons for selecting a particular term, referencing each of the criteria and any  
42 factors the court deemed relevant.  
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- (1) The circumstances and gravity of the commitment offense
  - (A) The severity and statutory degree of the offense for which the youth has been committed to the secure youth treatment facility;
  - (B) The extent of harm to victims occurring as a result of the offense;
  - (C) The role and behavior of the youth in the commission of the offense;
  - (D) The role of co-participants or victims in relation to the offense; and
  - (E) Any exculpatory circumstances related to the commission of the offense including peer influence, immaturity or developmental delays, mental or physical impairment, or drug or alcohol impairment.
  
- (2) The youth's prior history in the juvenile justice system
  - (A) The youth's offense and commitment history;
  - (B) The success of prior efforts to rehabilitate the youth; and
  - (C) The effects of the youth's family, community environment, and childhood trauma on the youth's previous behavior that resulted in contact with the juvenile justice system.
  
- (3) The confinement time considered reasonable and necessary to achieve the rehabilitation of the youth
  - (A) The amount of time the youth has already spent in custody for the current offense and any progress made by the youth in programming and development;
  - (B) The capacity of the secure youth treatment facility to provide suitable treatment and education for the youth;
  - (C) Special needs the youth may have in relation to mental health, intellectual development, academic or learning disability, substance use recovery, and other special needs that must be addressed during the term of confinement;
  - (D) Whether the youth is pregnant, is a parent, or is a primary caregiver for children; and

1 (E) The availability of programs and services in the community to which  
2 the youth may be transitioned from secure commitment to less  
3 restrictive alternatives.

4  
5 (4) The youth's developmental history

6  
7 (A) The age and overall maturity of the youth;

8  
9 (B) Developmental challenges the youth may have in relation to mental  
10 health, intellectual capacity, educational progress or learning disability,  
11 or other developmental deficits, including specific medical or health  
12 challenges;

13  
14 (C) The youth's child welfare and foster care history including  
15 abandonment or abuse by parents or caregivers or the incarceration of  
16 parents;

17  
18 (D) Harmful childhood experiences including trauma and exposure to  
19 domestic or community violence, poverty, and other harmful  
20 experiences; and

21  
22 (E) Discrimination experienced by the ward based on gender, race,  
23 ethnicity, sexual orientation, or other factors.

24  
25 (c) **Adjusting the baseline term at review hearings**

26  
27 As provided in Welfare and Institutions Code section 875(e)(1), the court must  
28 review the progress of a youth committed to a secure youth treatment facility at  
29 least every six months, and may modify the baseline term downward by up to six  
30 months at each hearing. To provide an incentive for each youth to engage  
31 productively with the individual rehabilitation plan approved by the court under  
32 section 875(b)(1), each probation department operating a secure youth treatment  
33 facility must implement a system to track the positive behavior of the youth in a  
34 regular and systematic way and report to the court at every progress hearing on the  
35 youth's positive behavior, including a recommendation to the court on any  
36 downward adjustment that should be made to the baseline term in recognition of  
37 the youth's positive behavior and development. In developing this  
38 recommendation, the probation department must consult with and report on the  
39 input of all other agencies or entities providing services to the youth.

40  
41 (d) **Secure youth treatment facility offense-based classification matrix**

1           The court must select a baseline term within the range set for the category that has  
 2           been assigned to the Welfare and Institutions Code section 707(b) commitment  
 3           offense as provided in this matrix:  
 4

Category	Offense <i>(Listed with reference to paragraph within section 707(b))</i>	Term
<u>A</u>	<u>(1) Murder.</u> <u>(11) Kidnapping with bodily harm involving death or substantial injury.</u> <u>(23) Torture, as described in Penal Code sections <a href="#">206</a> and <a href="#">206.1</a>.</u>	<u>4 to 7 years</u>
<u>B</u>	<u>(4) Rape with force, violence, or threat of great bodily harm.</u> <u>(5) Sodomy by force, violence, duress, menace, or threat of great bodily harm.</u> <u>(7) Oral copulation by force, violence, duress, menace, or threat of great bodily harm.</u> <u>(8) An offense specified in Penal Code section <a href="#">289(a)</a>.</u> <u>(9) Kidnapping for ransom.</u> <u>(10) Kidnapping for purposes of robbery.</u> <u>(11) Kidnapping with bodily harm not involving death or substantial injury.</u> <u>(12) Attempted murder.</u> <u>(24) Aggravated mayhem, as described in Penal Code section <a href="#">205</a>.</u> <u>(26) Kidnapping for purposes of sexual assault, as punishable in Penal Code section <a href="#">209(b)</a>.</u> <u>(27) Kidnapping, as punishable in Penal Code section <a href="#">209.5</a>.</u> <u>(29) The offense described in Penal Code section <a href="#">18745</a>.</u> <u>(30) Voluntary manslaughter, as described in Penal Code section <a href="#">192(a)</a>.</u>	<u>3 to 5 years</u>
<u>C</u>	<u>(2) Arson, as provided in Penal Code section <a href="#">451(a)</a> or (b).</u> <u>(3) Robbery.</u> <u>(6) A lewd or lascivious act, as provided in Penal Code section <a href="#">288(b)</a>.</u> <u>(13) Assault with a firearm or destructive device.</u> <u>(14) Assault by any means of force likely to produce great bodily injury.</u> <u>(15) Discharge of a firearm into an inhabited or occupied building.</u> <u>(16) An offense described in Penal Code section <a href="#">1203.09</a>.</u> <u>(17) An offense described in Penal Code section <a href="#">12022.5</a> or <a href="#">12022.53</a>.</u> <u>(18) A felony offense in which the minor personally used a weapon described in any provision listed in Penal Code section <a href="#">16590</a>.</u>	<u>2 to 4 years</u>

	<p><u>(21) A violent felony, as defined in Penal Code section 667.5, that also would constitute a felony violation of Penal Code section 186.22(b).</u></p> <p><u>(22) Escape, by the use of force or violence, from a county juvenile hall, home, ranch, camp, or forestry camp in violation of Penal Code section 871(b) if great bodily injury is intentionally inflicted on an employee of the juvenile facility during the commission of the escape.</u></p> <p><u>(25) Carjacking, as described in Penal Code section 215, while armed with a dangerous or deadly weapon.</u></p> <p><u>(28) The offense described in Penal Code section 26100(c).</u></p>	
<u>D</u>	<p><u>(19) A felony offense described in Penal Code section 136.1 or 137.</u></p> <p><u>(20) Manufacturing, compounding, or selling one-half ounce or more of a salt or solution of a controlled substance specified in Health and Safety Code section 11055(e).</u></p>	<u>1 to 2 years</u>

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*Rule 5.806 adopted effective July 1, 2023.*

**Advisory Committee Comment**

In developing the matrix for baseline terms required by Welfare and Institutions Code section 875, the committee sought to accomplish three primary goals that should serve as objectives for the court when setting a baseline term: positive youth development, public and community safety, and the establishment of flexible and fair commitment terms.

A primary objective of a commitment to a secure youth treatment facility must be an evidence-based and trauma-responsive effort to promote healthy adolescent development. This objective will be achieved by providing positive incentives for prosocial behavior, focusing on the treatment needs of the youth to ensure healing and rehabilitation, and with a persistent focus on the end goal of successful reentry into the community. The flexibility inherent in the matrix is intended to result in a baseline term of commitment that is no longer than necessary to protect the public but is of sufficient length to assure the victim and the community that the harm committed can be redressed by the juvenile justice system in a developmentally appropriate manner and thus reduce the need for the youth to be transferred to criminal court.

A baseline term should be based on the needs of the individual being committed and not simply the seriousness of the offense for which the youth was adjudicated. This individualized approach must be balanced with the goal of fair and just application of the matrix across California jurisdictions and an awareness that racial and ethnic disproportionality has been a failing of our juvenile justice system that all stakeholders must seek to remedy at each decision point. To

1 advance this goal the advisory committee encourages juvenile courts and probation departments  
2 to monitor implementation of this rule to ensure that it is fairly and consistently applied.

3  
4  
5 **Rule 5.807. Secure youth treatment facility progress review process**

6  
7 **(a) Application**

8  
9 This rule sets forth the statutory requirements for the court’s review of a youth’s  
10 progress under section 875(e) and (f) and rule 5.806(c) for youth committed to  
11 secure youth treatment facilities to evaluate the youth’s progress in relation to the  
12 rehabilitation plan approved under section 875(d) and rule 5.804(d).

13  
14 **(b) Setting a progress review hearing (§ 875(e))**

15 The court must, during the term of commitment, set and hold a progress review  
16 hearing for the youth not less frequently than once every six months.

17  
18 **(c) Findings and orders (§ 875(e))**

19  
20 At the progress review hearing, after having considered the recommendations of the  
21 probation department and any recommendations of counsel and any behavioral,  
22 educational, or other specialists having information relevant to the youth’s  
23 progress, the court must:

- 24  
25 (1) Make a finding on the record supporting an order as to whether the youth is  
26 to remain committed to the secure youth treatment facility for the remainder  
27 of the baseline term or if the baseline term is to be reduced after considering:  
28  
29 (A) the progress of the youth in relation to the rehabilitation plan in light of  
30 the programming made available to the youth, and  
31  
32 (B) the recommendations of probation concerning the youth’s positive  
33 behavior in the secure youth treatment facility program as required by  
34 rule 5.806(c); and  
35  
36 (2) Set a progress review hearing or, if the baseline term remaining is six months  
37 or less, a discharge hearing, no more than six months from the date of the  
38 current hearing.

39  
40 **(d) Transfer to a less restrictive program (§ 875(f))**

- 41  
42 (1) Upon a motion by the probation department or the youth that the youth be  
43 transferred from the secure youth treatment facility to a less restrictive

1 program, the court must consider such a transfer at the youth's next progress  
2 review hearing or may set a separate hearing to consider the motion. The  
3 moving party must serve the motion on the prosecution, the youth if the  
4 youth is not the moving party, and the probation department if the probation  
5 department is not the moving party.

6  
7 (2) In making its determination, the court must consider:

8  
9 (A) The youth's overall progress in relation to the rehabilitation plan in  
10 light of the programming made available to the youth during the period  
11 of confinement in a secure youth treatment facility; and

12  
13 (B) The programming and community transition services to be provided, or  
14 coordinated by the less restrictive program, including any educational,  
15 vocational, counseling, housing, or other services made available  
16 through the program.

17  
18 (3) If the court orders the youth transferred to a less restrictive program:

19  
20 (A) The court must set the length of time the youth is to remain in a less  
21 restrictive program, not to exceed the remainder of the baseline or  
22 modified baseline term, prior to a discharge hearing; and

23  
24 (B) The court may require the youth to observe any conditions of  
25 performance or compliance with the program that are reasonable and  
26 appropriate in the individual case and that are within the capacity of the  
27 youth to perform.

28  
29 (4) If, after transfer to a less restrictive program, the court determines that the  
30 youth has materially failed to comply with the court-ordered conditions of the  
31 program, the court may:

32  
33 (A) Modify the terms and conditions of placement in the program; or

34  
35 (B) Order the youth to be returned to a secure youth treatment facility for  
36 the remainder of the baseline term, or modified baseline term, subject  
37 to further progress review hearings as required in this rule.

38  
39 (5) If the court orders a youth returned to a secure youth treatment facility from a  
40 less restrictive program the court must adjust the youth's baseline or modified  
41 baseline term to include credit for the time served by the youth in the less  
42 restrictive program.

43

1 *Rule 5.807 adopted effective July 1, 2023.*

2  
3 **Rule 5.808. Discharge from secure youth treatment facility (§ 875(e)(3) & (4))**

4  
5 **(a) Application**

6  
7 This rule sets forth the statutory provisions that apply to any youth committed to a  
8 secure youth treatment facility, or who has been transferred from a secure youth  
9 treatment facility to a less restrictive program under section 875(f) and rule  
10 5.807(d), and who has reached the end of their baseline term, including any  
11 modifications to that term made during progress review hearings.

12  
13 **(b) Conduct of the hearing**

14  
15 At the discharge hearing the court must review the progress of the youth toward  
16 meeting the goals of the individual rehabilitation plan and the recommendations of  
17 counsel, the probation department, and any other agencies or individuals having  
18 information the court deems necessary.

19  
20 **(c) Findings and orders**

21  
22 (1) The court must order that the youth be discharged to a period of probation  
23 supervision in the community, unless the court finds that the youth poses a  
24 substantial risk of imminent harm to others in the community if released from  
25 custody. If a discharge is ordered, the court:

26  
27 (A) Must determine and order the reasonable conditions of probation that  
28 are suitable to meet the developmental needs and circumstances of the  
29 youth and that will facilitate the youth's successful reentry into the  
30 community.

31  
32 (B) Must periodically review the youth's progress under probation  
33 supervision and make any additional orders deemed necessary to  
34 modify the program of supervision in order to facilitate the provision of  
35 services or to otherwise support the youth's successful reentry into the  
36 community.

37  
38 (C) May, if the court finds that the youth has failed materially to comply  
39 with the reasonable orders of probation imposed by the court, order that  
40 the youth be returned to a juvenile facility or to a less restrictive  
41 program for a period not to exceed either the remainder of the baseline  
42 term, including any court-ordered modifications, or six months.

1                    whichever is longer, subject to the maximum confinement limits of  
2                    section 875(c).

3  
4            (2) If the court finds that the youth poses a substantial risk of imminent harm to  
5            others in the community if released from custody, the court must recite the  
6            basis for that finding on the record and may order that the youth be retained  
7            in custody in a secure youth treatment facility for up to one additional year of  
8            confinement, subject to the maximum confinement provisions of section  
9            875(c). If the court orders that the youth is to be confined, it must set a  
10           progress review hearing under section 875(d) and rule 5.807, or if the period  
11           of confinement is six months or less, a discharge hearing under section 875(e)  
12           and this rule for a date not to exceed six months from the date of the initial  
13           discharge hearing.

14  
15           *Rule 5.808 adopted effective July 1, 2023.*

16  
17           **Rule 5.820. Termination of parental rights for child in foster care for 15 of the last**  
18           **22 months**

19  
20           (a)    \*\*\*

21  
22           (b)    **Calculating time in foster care (§ 727.32(d))**

23  
24           The following guidelines must be used to determine if the child has been in foster  
25           care for 15 of the most recent 22 months:

26  
27           (1)–(3) \*\*\*

28  
29           (4)    Exclude time during which the child was detained in the home of a parent or  
30           guardian; the child was living at home on formal or informal probation, at  
31           home on a trial home visit, or at home with no probationary status; the child  
32           was a runaway or “absent without leave” (AWOL); or the child was out of  
33           home in a non-foster care setting, including juvenile hall; ~~California~~  
34           ~~Department of Corrections and Rehabilitation, Division of Juvenile Justice;~~ a  
35           ranch; a camp; a school; a secure youth treatment facility, or any other  
36           locked facility.

37  
38           (5)–(6) \*\*\*

39  
40           *(Subd (b) amended effective July 1, 2023; previously amended effective January 1, 2006,*  
41           *and January 1, 2007.)*

1 *Rule 5.820 amended effective July 1, 2023; adopted as rule 1496.3 effective January 1, 2003;*  
2 *previously amended effective January 1, 2006; previously amended and renumbered as rule*  
3 *5.820 effective January 1, 2007.*

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