

**JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue  
San Francisco, California 94102-3688

**Report**

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee  
Hon. Jerilyn L. Borack and Hon. Susan D. Huguenor, Cochairs  
Laura Pedicini, Attorney, 415-865-7459, laura.pedicini@jud.ca.gov

DATE: October 2, 2009

SUBJECT: Juvenile Law: Deferred Entry of Judgment (amend Cal. Rules of Court, rule 5.800; revise form JV-751) (Action Required)

Issue Statement

Welfare and Institutions Code<sup>1</sup> section 790 was amended in 2007 to provide that a juvenile court may grant deferred entry of judgment (DEJ) in juvenile delinquency matters upon finding a child is suitable for and would benefit from the program while eliminating the requirement that the prosecuting attorney and child's counsel must agree. (Sen. Bill 1626 [Ashburn]; Stats. 2006, ch. 675.) Because rule 5.800 of the California Rules of Court and *Citation and Written Notification for Deferred Entry of Judgment—Juvenile* (form JV-751) do not currently reflect the court's independent authority to grant DEJ, this proposal addresses changes designed to bring rule 5.800 and form JV-751 in compliance with section 790, including findings related to the child's ability to benefit from DEJ.

Additional proposed rule and form changes would reflect the requirement under section 791(a)(3) that the child must admit each allegation in the petition as charged to qualify for DEJ, and also would provide clarification regarding the imposition of probation terms when DEJ is granted.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council take the following actions, effective July 1, 2010:

1. Amend rule 5.800(b) to specify the court's discretion to independently grant DEJ upon making a finding that the child meets the benefit and suitability requirements

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<sup>1</sup> All further references are to the Welfare and Institutions Code.

outlined under section 790. The rule should also be amended to reflect that the child must admit the petition as charged, as required by section 791(a)(3). Probation-related terms should be incorporated to reflect the expectation under section 794 that curfew and school attendance requirements may be imposed if appropriate.

2. Revise form JV-751 by addressing the same issues reflected in the proposed amendments to rule 5.800; specifically, clarify the court's independent authority to grant DEJ and to make required findings related to the child's appropriateness for and ability to benefit from DEJ. Additionally, revise the form so that it reflects the requirement that the child must admit to the petition as charged, as required by section 791(a)(3). The revised form should also reflect that search and seizure requirements must be imposed if DEJ is granted while specifying that curfew and school attendance requirements may be imposed if appropriate. Finally, revise form JV-751 to remove the reference to Code of Civil Procedure section 170.6. Although section 170.6 is understood to apply broadly in most contested civil and criminal actions where the issue of bias enters in, in general Judicial Council form do not contain a reference to its application and it is inconsistent to include this notice on form JV-751.

The text of amended rule 5.800 is attached at pages 5–6; the text of revised form JV-751 is attached at pages 7–8.

Copies of Welfare and Institutions Code sections 790, 791, and 794 are attached for reference at pages 12–14.

### Rationale for Recommendation

#### *The court's discretion to independently grant deferred entry of judgment*

Section 790 was amended in 2007 to provide that a juvenile court may grant DEJ in juvenile delinquency cases without the support of the prosecuting attorney and the child's counsel. (Sen. Bill 1626 [Ashburn]; Stats. 2006, ch. 675.) Before the 2007 amendment, the juvenile court could not grant DEJ unless the court, the prosecuting attorney, and the child's counsel were in agreement. Additional amendments to section 790 were also made that required the court to find that the child would benefit from DEJ and to enter findings on the record that the child would be appropriate for DEJ.

To conform with the amendments to section 790, the committee recommends amending rule 5.800(b) and revising form JV-751 to reflect the court's discretion to independently grant DEJ upon making a finding that the child meets the requirements outlined under section 790(a). The committee also proposes amending the rule to reflect the "benefit" finding, which requires the court to find that the child will benefit from "education, treatment, and rehabilitation efforts" if DEJ is granted. At the September 2, 2009, Judicial

Council Rules and Projects Committee Meeting, committee members agreed to add the words “and suitable” after the word “eligible” in paragraph two of section 5.800(b). By including “and suitable” the committee sought to better define the court’s role in making a determination of eligibility for DEJ.

*Petition must be admitted to as charged*

Form JV-751 and rule 5.800(b) do not currently reflect that the child must admit to the petition as charged to be eligible for DEJ. Under section 791(a)(3) the child must “admit each allegation contained in the petition and waive time for the pronouncement of judgment.” Two recent cases, *In re Usef S.* (2008) 160 Cal.App.4th 276 and *In re Kenneth J.* (2008) 158 Cal.App.4th 973, reinforce the expectation that eligibility for DEJ requires an admission to the petition as charged. The committee recommends modifying the rule and form so that they incorporate this expectation.

*Wording of probation terms*

The committee recommends revising form JV-751 and amending rule 5.800(b) to accurately reflect the imposition of probation terms described under section 794. Form JV-751 does not currently reflect that search and seizure terms are mandatory under section 794. Meanwhile, curfew and school attendance terms are described as discretionary under section 794, but form JV-751 describes these terms as mandatory (“certain terms of probation will be imposed”) and rule 5.800 does not include them at all. To promote consistency between the statute and the rule and form, the committee recommends updating the form and rule so that they accurately reflect the provisions of section 794.

Alternative Actions Considered

The committee recommends updating form JV-751 and rule 5.800 to ensure consistency between the form and rule and the expectations of section 791. Beyond amending the form and revising the rule accordingly, no other actions are available to adequately remedy the inconsistencies between the statute and the rule and form. Moreover, recent case law addressing the issue of whether an admission is required for DEJ eligibility suggests that clarification regarding section 791(a)(3)<sup>2</sup> is required. Failing to take action would lead to confusion and continued misapplication of section 791.

For purposes of promoting consistency in the application of probation terms, taking action to ensure that the rule and form accurately reflect the requirements of section 794 is also necessary.

Comments From Interested Parties

The invitation to comment on the proposal was circulated from April 21 to June 17, 2009, to the standard mailing list for family and juvenile law proposals. The distribution list

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<sup>2</sup> *In re Usef S.* (2008) 160 Cal.App.4th 276 and *In re Kenneth J.* (2008) 158 Cal.App.4th 973.

included judges, court administrators, social workers, probation officers, mediators, and other family and juvenile law professionals.

We received comments from eight commentators. Four commentators agreed with the proposal. Two commentators agreed with the proposal if modified and suggested both technical and substantive changes. One commentator offered feedback of a general nature, neither agreeing nor disagreeing with the proposal. One commentator disagreed with the proposal based on a general objection to what he described as the Judicial Council's tendency to unnecessarily modify forms and create new ones.

One of the two commentators who agreed with the proposal if modified suggested fairly minor substantive and grammatical changes, many of which were incorporated into the rule or form. The other commentator's recommendation could not be incorporated because it was beyond the scope of review for the current comment cycle.

A chart summarizing the comments received and the committee's responses is attached at pages 9–11.

#### Implementation Requirements and Costs

Other than standard reproduction costs, implementation of the revised form and amended rule will carry no additional financial costs. There is also no expectation that the proposed changes will lead to workload increases because the changes simply clarify practices that were already being implemented.

Attachments

Rule 5.800 of the California Rules of Court is amended, effective July 1, 2010, to read:

1  
2 **Rule 5.800. Deferred entry of judgment**

3  
4 **(a) Eligibility (§ 790)**

5  
6 A child ~~14 years or older~~ who is the subject of a petition under section 602  
7 alleging violation of at least one felony offense may be considered for a  
8 deferred entry of judgment if all of the following apply:  
9

10 (1) The child is 14 years or older at the time of the hearing on the  
11 application for deferred entry of judgment;

12  
13 (2)–(6) \*\*\*

14  
15 **(b) Procedures for consideration (§ 790)**

16  
17 (1) Before filing a petition alleging a felony offense, or as soon as possible  
18 after filing, the prosecuting attorney must review the child’s file to  
19 determine if the requirements of (a) are met. If the prosecuting  
20 attorney’s review reveals that the requirements of (a) have been met,  
21 the prosecuting attorney must file *Determination of Eligibility—*  
22 *Deferred Entry of Judgment—Juvenile* (form JV-750) with the petition.  
23

24 ~~(1)~~ (2) If the court, the prosecuting attorney, and the child’s attorney agree  
25 determines that the child should receive is eligible and suitable for a  
26 deferred entry of judgment, the hearing under this rule must proceed on  
27 an expedited basis, and would derive benefit from education, treatment,  
28 and rehabilitation efforts, the court may grant deferred entry of  
29 judgment.  
30

31 ~~(2)~~ If the court, the prosecuting attorney, and the child’s attorney do not  
32 agree that the child should receive a deferred entry of judgment, the  
33 court may examine the record and make an independent determination.  
34 If it is determined that the child should not receive a deferred entry of  
35 judgment, the case must proceed under chapter 14, articles 1 through 4,  
36 of this division.  
37

38 **(c) \*\*\***

39  
40 **(d) Determination without a hearing; supplemental information (§ 791)**

41  
42 (1) The court may grant a deferred entry of judgment as stated in (2) or (3).  
43

1 (2) If the child admits each allegation contained in the petition as charged  
2 and waives the right to a speedy disposition hearing, the court may  
3 summarily grant the deferred entry of judgment.  
4

5 (3) \*\*\*  
6

7 (e) \*\*\*  
8

9 **(f) Conduct of hearing (§§ 791, 794)**  
10

11 At the hearing, the court must consider the declaration of the prosecuting  
12 attorney, any report and recommendations from the probation department,  
13 and any other relevant material provided by the child or other interested  
14 parties.  
15

16 (1)–(3) \*\*\*  
17

18 (4) If the court grants the deferred entry of judgment, the court must order  
19 search-and-seizure probation conditions and may order probation  
20 conditions regarding the following:  
21

22 (A)–(C) \*\*\*  
23

24 (D) Curfew and school attendance requirements;

25 (E) Restitution; and  
26

27 ~~(E)~~(F) Any other conditions consistent with the identified needs of  
28 the child and the factors that led to the conduct of the child.  
29  
30

31 **(g)–(h)\*\*\***

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i>  TELEPHONE NO. <i>(Optional):</i> FAX NO. <i>(Optional):</i> E-MAIL ADDRESS <i>(Optional):</i> ATTORNEY FOR <i>(Name):</i>	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p style="text-align: center;"><b>Draft 6 09/04/09 xyz</b>  <b>Not approved by the</b>  <b>Judicial Council</b></p>
<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b></p> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<p style="text-align: center;"><b>CITATION AND WRITTEN NOTIFICATION          FOR DEFERRED ENTRY OF JUDGMENT—JUVENILE</b></p> <p style="text-align: center;"><input type="checkbox"/> Notice of Hearing</p>	CASE NUMBER:

**CITATION**

TO *(Name of youth):*

*(Name of custodial parent, guardian, or caregiver):*

*(Address):*

1. The district attorney has determined that this youth is eligible to be considered by the juvenile court for a deferred entry of judgment on the offense or offenses alleged in the petition filed *(date):*

**2. YOU ARE ORDERED TO APPEAR AT A HEARING**

on <i>(date):</i>	at <i>(time):</i>	in Dept.:	Room:
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located at:  courthouse address above  other *(specify address):*

At the hearing the court will consider whether or not to grant a deferred entry of judgment.

**NOTICE**

**To Parent and Others Legally Responsible for  
the Care and Support of the Youth**

**If the court grants a DEFERRED ENTRY OF JUDGMENT, you may be required to participate in a counseling or education program with the youth.**

YOUTH'S NAME: —	CASE NUMBER:
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### WRITTEN NOTIFICATION

3. A DEFERRED ENTRY OF JUDGMENT will mean that the youth will be on probation for a specific length of time (between 12 and 36 months). Upon successful completion of probation:
  - a. The petition that has been filed will be dismissed.
  - b. The arrest for the offenses will be considered to NEVER have occurred.
  - c. All records in the court, probation department, and law enforcement agencies regarding the petition will be sealed, although the district attorney and the probation department shall have access for the limited purpose of determining future eligibility for deferred entry of judgment.
4. If the court grants a DEFERRED ENTRY OF JUDGMENT instead of normal court proceedings, the youth will be required to do all of the following:
  - a. To admit that he or she committed the offense or offenses alleged to have been committed.
  - b. To agree to postpone the final determination of the case.
  - c. To satisfactorily complete a program of probation.
  - d. To obey all laws, follow all of the orders of the court, and the directions of the probation officer.
5. At the hearing, the court will consider the information provided by the district attorney, any report by a probation officer, and other evidence presented. The youth or the youth's attorney may submit written or oral evidence or statements.
6. If the court grants a DEFERRED ENTRY OF JUDGMENT, it must impose the following probation condition: Submission to search of the youth's person, residence, and property under the youth's control, without a warrant, by a police or probation officer.
7. The court may also consider imposing other conditions of probation, such as:
  - a. A curfew.
  - b. Regular attendance at school or an education or training program, or employment.
  - c. Prohibiting the consumption or possession of alcoholic beverages, controlled substances, and tobacco and requiring submission to chemical tests to determine the use of any of these items, if appropriate.
  - d. Restitution to a victim.
  - e. Any other orders the court finds would assist the youth and protect the community, including orders for the parent, guardian, or caregiver of the youth to participate in a counseling or education program.
  - f. Counseling or treatment that the court finds will benefit the youth.
8. IF AT ANY TIME DURING THE PERIOD OF PROBATION
  - a. the youth is found to have committed a felony,
  - b. the youth is found to have committed misdemeanor offenses on more than one occasion, or
  - c. the district attorney or the probation officer notifies the court that the youth is not complying with the conditions of probation, or the orders are not benefiting the youth,

the court will lift the deferred entry of judgment and set a hearing to conclude the case, with consideration of all possible consequences under the law, including commitment to the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities.
9. IF AT ANY TIME DURING THE PERIOD OF PROBATION the youth is found to have committed one misdemeanor or more on only one occasion, the court may set a hearing to determine if the deferred entry of judgment should be lifted and other orders, including punishment, should be made, or if the deferred entry of judgment should be continued with additional or different conditions of probation. If the court terminates the deferred entry of judgment, the court will then conclude the case, with consideration of all possible consequences, including commitment to the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities.
10. If the youth commits two or more felonies after the deferred entry of judgment is granted, these could be the basis for a finding by a court that the youth is not a fit subject for treatment under juvenile court laws and should be prosecuted as an adult.
11. During this proceeding, the youth will be represented by an attorney acting on his or her behalf. The district attorney will act for the state, prosecuting the case. The probation department will supervise the youth during the period of the deferred entry of judgment. The court's role is to ensure that the procedures are properly followed.

**SPR09-33****Juvenile Law: Deferred Entry of Judgment (amend Cal. Rules of Court, rule 5.800; revise form JV-751)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Bonnie L. Miller Attorney at Law, CWLS 1313 Laurel Street, Suite 114 San Carlos, CA 94070	NI	*Agreed with proposed “clarifying amendment,” but because of perceptions about “overcharging,” expressed concerns about the requirement that the petition must be admitted to as charged.	Welf. & Inst. Code section 791(a)(3) requires that the child “admits each allegation contained in the petition and waives time for the pronouncement of judgment.” Recent case law, specifically <i>In re Usef S.</i> (2008) 160 Cal.App.4th 276, 284–286 and <i>In re Kenneth J.</i> (2008) 158 Cal.App.4th 973, 979, reinforces the need for clarification regarding the requirement that the child admit to the petition as charged in order to be eligible for DEJ.
2.	Orange County Bar Association Michael G. Yoder President	A	No specific comment.	No response required.
3.	San Diego County Probation Dept. Pamela Martinez DCPO	A	*The proposed amendment and revision clarify and create consistency in cases where DEJ is granted by requiring the child to admit to the allegations as charged in original petition.	No response required.
4.	Superior Court of Los Angeles County	A	No specific comment.	No response required.
5.	Superior Court of California of Riverside County	A	No specific comment.	No response required.
6.	Superior Court of California of San Diego County Michael M. Roddy Executive Officer	AM	<b>Rule 5.800 should be amended as follows:</b>  1. Rule 5.800, subd. (a)-  Delete “14 years or older” from the first line. The age requirement is already stated in item (1) of the list of eligibility requirements. It is redundant and unnecessary to put it in the introductory line  2. Rule 5.800, subd. (b)-  If (2) is deleted, you will be left with a list containing only one item. Either combine the two paragraphs, or make the first paragraph	1. Modified as proposed.  2. Modified as proposed by making the first paragraph item (1) and the second paragraph item (2).

**SPR09-33**

**Juvenile Law: Deferred Entry of Judgment (amend Cal. Rules of Court, rule 5.800; revise form JV-751)**

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>item (1) and the second paragraph item (2).</p> <p>3. Rule 5.800, subd. (f)(4)(D)</p> <p>Welfare and Institutions Code section 794 states that “[t]he judge shall also, when appropriate, require the minor to periodically establish compliance with curfew and school attendance requirements.” (Emphasis added.) The wording of subdivision (f)(4)(D) is confusing. It seems to indicate that curfew and school attendance might not always be appropriate. This is not an accurate restatement of section 794.</p> <p><b>Form JV-751 should be amended as follows:</b></p> <p>1. Form JV-751, item 3c – The proposed revisions appear to be trying to change “District Attorney” to “district attorney” throughout the form. This reference in this section needs to be changed.</p> <p>2. Form JV-751, item 7 – The same problem exists with this item that exists with subdivision (f)(4)(D) of rule 5.800, referenced above.</p> <p>Also, “if appropriate” seems redundant in 7a, 7b, and 7c. A better alternative would be to state: “The court may also consider imposing other appropriate conditions of probation, such as:”</p>	<p>3. The committee recommends maintaining the format of the current rule. The focus of the current wording is to direct the court to require the minor to periodically establish compliance with curfew and school attendance <i>requirements</i> when appropriate.</p> <p>1. Modified as proposed</p> <p>2. See response to comment regarding rule 5.800, subd. (f)(4)(D) above. For the same reasons, the committee recommends maintaining the wording of the current form.</p> <p>Modified as proposed for items 7(a) and 7(c). The committee recommends maintaining “if appropriate” in 7(b) to emphasize that an articulated basis for justifying the need for testing is required.</p>

**SPR09-33****Juvenile Law: Deferred Entry of Judgment (amend Cal. Rules of Court, rule 5.800; revise form JV-751)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
7.	Michael B. Stone Attorney at Law	N	<p>*Commentator expressed general concerns about the number of existing forms and the cumulative impact the proposed new forms will have. He stated that California has more forms than other states and the federal government.</p> <p>He also expressed a concern about the plain language forms and remarked that the mandatory plain language forms, designed for pro pers, do not work as well as a standard pleading for him as an attorney.</p>	No response required.
8.	Robert Weiss Deputy County Counsel Superior Court of California, County of Lake	AM	*Form JV-755 should also be modified because it is currently “too broad for sealing and destroying.”	Proposed changes to form JV-755 are beyond the scope of review for the current cycle.



**CALIFORNIA CODES**

**CALIFORNIA WELFARE AND INSTITUTIONS CODE**

**Division 2. CHILDREN**

**Part 1. DELINQUENTS AND WARDS OF THE JUVENILE COURT**

**Chapter 2. JUVENILE COURT LAW**

**Article 20.5. Deferred Entry of Judgment**

*Current through 2009*

**§ 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 Youth Authority.

(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.

(b) The prosecuting attorney shall review his or her file to determine whether or not paragraphs (1) to (6), 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.

**History.** Amended by [Stats 2006 ch 675 \(SB 1626\), s 1](#), eff. 1/1/2007.

21 (2000).

**CALIFORNIA CODES**

**CALIFORNIA WELFARE AND INSTITUTIONS CODE**

**Division 2. CHILDREN**

**Part 1. DELINQUENTS AND WARDS OF THE JUVENILE COURT**

**Chapter 2. JUVENILE COURT LAW**

**Article 20.5. Deferred Entry of Judgment**

*Current through 2009*

**§ 791.**

(a) The prosecuting attorney's written notification to the minor shall also include all of the following:

(1) A full description of the procedures for deferred entry of judgment.

(2) A general explanation of the roles and authorities of the probation department, the prosecuting attorney, the program, and the court in that process.

(3) A clear statement that, in lieu of jurisdictional and disposition hearings, the court may grant a deferred entry of judgment with respect to any offense charged in the petition, provided that the minor admits each allegation contained in the petition and waives time for the pronouncement of judgment, and that upon the successful completion of the terms of probation, as defined in Section 794, the positive recommendation of the probation department, and the motion of the prosecuting attorney, but no sooner than 12 months and no later than 36 months from the date of the minor's referral to the program, the court shall dismiss the charge or charges against the minor.

(4) A clear statement that upon any failure of the minor to comply with the terms of probation, including the rules of any program the minor is directed to attend, or any circumstances specified in Section 793, the prosecuting attorney or the probation department, or the court on its own, may make a motion to the court for entry of judgment and the court shall render a finding that the minor is a ward of the court pursuant to Section 602 for the offenses specified in the original petition and shall schedule a dispositional hearing.

(5) An explanation of record retention and disposition resulting from participation in the deferred entry of judgment program and the minor's rights relative to answering questions about his or her arrest and deferred entry of judgment following successful completion of the program.

(6) A statement that if the minor fails to comply with the terms of the program and judgment is entered, the offense may serve as a basis for a finding of unfitness pursuant to subdivision (d) of Section 707, if the minor commits two subsequent felony offenses.

(b) If the minor consents and waives his or her right to a speedy jurisdictional hearing, the court may refer the case to the probation department or the court may summarily grant deferred entry of judgment if the minor admits the charges in the petition and waives time for the

pronouncement of judgment. When directed by the court, the probation department shall make an investigation and take into consideration the defendant's age, maturity, educational background, family relationships, demonstrable motivation, treatment history, if any, and other mitigating and aggravating factors in determining whether the minor is a person who would be benefited by education, treatment, or rehabilitation. The probation department shall also determine which programs would accept the minor. The probation department shall report its findings and recommendations to the court. The court shall make the final determination regarding education, treatment, and rehabilitation of the minor.

(c) A minor's admission of the charges contained in the petition pursuant to this chapter shall not constitute a finding that a petition has been sustained for any purpose, unless a judgment is entered pursuant to subdivision (b) of Section 793.

**History.** 21 (2000).

## **CALIFORNIA CODES**

### **CALIFORNIA WELFARE AND INSTITUTIONS CODE**

#### **Division 2. CHILDREN**

#### **Part 1. DELINQUENTS AND WARDS OF THE JUVENILE COURT**

#### **Chapter 2. JUVENILE COURT LAW**

#### **Article 20.5. Deferred Entry of Judgment**

*Current through 2009*

#### **§ 794.**

When a minor is permitted to participate in a deferred entry of judgment procedure, the judge shall impose, as a condition of probation, the requirement that the minor be subject to warrantless searches of his or her person, residence, or property under his or her control, upon the request of a probation officer or peace officer. The court shall also consider whether imposing random drug or alcohol testing, or both, including urinalysis, would be an appropriate condition of probation. The judge shall also, when appropriate, require the minor to periodically establish compliance with curfew and school attendance requirements. The court may, in consultation with the probation department, impose any other term of probation authorized by this code that the judge believes would assist in the education, treatment, and rehabilitation of the minor and the prevention of criminal activity. The minor may also be required to pay restitution to the victim or victims pursuant to the provisions of this code.

**History.** 21 (2000).