

NOT TO BE PUBLISHED

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Sacramento)

In re Z. T., a Person Coming Under the Juvenile Court
Law.

C079619

THE PEOPLE,

(Super. Ct. No. JV135695)

Plaintiff and Respondent,

v.

Z. T.,

Defendant and Appellant.

In this juvenile delinquency case, Z. T., a minor, contends on appeal the disposition order should be corrected to reflect her maximum term of confinement and credit her actual time spent in custody. The People agree, and we shall remand with directions for the juvenile court to modify the disposition order.

FACTUAL AND PROCEDURAL BACKGROUND

We need not recount the facts of the minor’s offenses as such details are not relevant to the contentions on appeal. Suffice it to say in 2013, the minor admitted to a misdemeanor count of exhibiting a deadly weapon and resisting arrest. She was adjudged

a ward of the juvenile court, committed for 17 days with 13 days' credit, and granted home supervision and probation.

In May 2014, the minor admitted to violating probation. The court committed the minor to 20 days in juvenile hall with 20 days' credit. In November 2014, the minor admitted to possession of tear gas. The court committed the minor to 30 days in juvenile hall with 15 days' credit for time served, with the possibility of early furlough, after which the minor would be released to her mother under the supervision of probation.

In March 2015, the minor again admitted to violating probation. The court committed the minor to juvenile hall for 23 days with credit for 23 days served, returned the minor to probation, and stayed a Level A commitment. The court told the minor that if there were another probation violation, she would be removed from her mother's care.

In June 2015, an additional violation of probation petition was filed. The court lifted the stay on the Level A commitment, awarded 11 days of credit, and reinstated probation. The court failed to state the maximum term of confinement.

DISCUSSION

I

Maximum Term Of Confinement

The minor contends the juvenile court erred when it failed to set the maximum term of confinement in the June 2015 disposition order. The People agree and so do we.

When a minor is removed from the custody of her parent, Welfare and Institutions Code section 602 requires the court to set the maximum term of confinement. (*In re Joseph G.* (1995) 32 Cal.App.4th 1735, 1744; Cal. Rules of Court, rule 5.795(b) ["If the youth is declared a ward under section 602 and ordered removed from the physical custody of a parent or guardian, the court must specify and note in the minutes that maximum period of confinement under section 726"]; see also Welf. & Inst. Code, § 602.) The court failed to do so when it removed the minor from her mother's custody by imposing the previously stayed Level A commitment in June 2015, and this was error.

