



**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

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March 2, 2012

Ms. Nancy Patton
Acting Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, California 95814

Dear Ms. Patton:

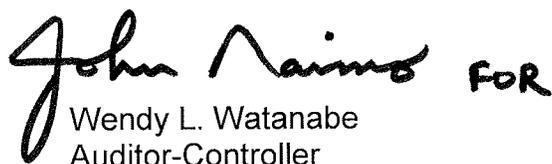
**REQUEST FOR POSTPONEMENT OF MARCH 23, 2012 HEARING
JUVENILE OFFENDER TREATMENT PROGRAM COURT PROCEEDINGS**

The County of Los Angeles (County) respectfully requests to postpone the subject test claim hearing scheduled for March 23, 2012. The County is submitting additional information as good cause because of the complexity of the issues as requested in your letter dated February 21, 2012.

Attached is the justification from the County of Los Angeles Public Defender that describes the complex issues of the Juvenile Offender Treatment Program and the need for specialized counsel to address these issues.

If you have any questions, please contact Ed Jewik at (213) 974-8564 or via email at ejewik@auditor.lacounty.gov or Leonard Kaye at (213) 974-9791 or via e-mail at lkaye@auditor.lacounty.gov.

Very truly yours,

 FOR
Wendy L. Watanabe
Auditor-Controller

WLW:JN:CY:EJ:lk

Attachment

H:\SB90\ A 2012++ Juvenile Offender PD Test Claim Juvenile Offender Cover Letter extension.doc



LAW OFFICES
LOS ANGELES COUNTY PUBLIC DEFENDER
SPECIAL OPERATIONS
JUVENILE SERVICES DIVISION
590 Hall of Records
320 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012
(213) 893-0283

RONALD L. BROWN
PUBLIC DEFENDER

Argument of the Public Defender regarding SB 90 Test Claim for Public Defender services pursuant to SB 459

1. Prior to the amendment of Welfare and Institutions Code section 1720 by Chapter 4, Statutes of 2003 [SB 459], the Department of the Youth Authority (now the Division of Juvenile Justice) was not required to provide written copies of its required periodic “reviews of cases of wards” to the court and probation department of the committing county. The 2003 revision changed this by adding subdivision 1720(f):

(f) The division shall provide copies of the reviews prepared pursuant to this section to the court and the probation department of the committing county.

2. Chapter 4, Statutes of 2003 [SB 459] also mandated, for the first time, that the periodic reviews of cases of wards be in writing and, among other things, address specific treatment goals, needs and progress, by adding subdivision 1720(e):

(e) Reviews conducted by the division pursuant to this section shall be written and shall include, but not be limited to, the following: verification of the treatment or program goals and orders for the ward to ensure the ward is receiving treatment and programming that is narrowly tailored to address the correctional treatment needs of the ward and is being provided in a timely manner that is designed to meet the parole consideration date set for the ward; an assessment of the ward’s adjustment and responsiveness to treatment, programming, and custody; a review of the ward’s disciplinary history and response to disciplinary sanctions; an updated individualized treatment plan for the ward that makes adjustments based on the review required by this subdivision; an estimated timeframe for the ward’s commencement and completion of the treatment programs or services; and a review of any additional information relevant to the ward’s progress.

3. Prior to the revisions of Chapter 4, Statutes of 2003 [SB 459], “The Legislature ha[d] not clearly defined the circumstances under which a **juvenile** court may intervene in a matter concerning the rehabilitative needs of a **ward** it has committed to CYA” In re Owen E. (1979) 23 Cal. 3d 398, 403 (emphasis in original). The Owen court stated that, “section 779 does

not constitute authority for a juvenile court to set aside an order committing a ward to CYA merely because the court's view of the rehabilitative progress and continuing needs of the ward differ from CYA determinations on such matters arrived at in accordance with law." Id. at p. 405, and held that, "a juvenile court may not act to vacate a proper commitment to CYA unless it appears CYA has failed to comply with law or has abused its discretion in dealing with a ward in its custody." Id. at p. 406.

4. The Legislature addressed this issue directly in 2003, responding to the Owen court's implied suggestion that it, "clearly defined the circumstances under which a **juvenile** court may intervene in a matter concerning the rehabilitative needs of a **ward** it has committed to CYA." Owen, supra at p. 403 (emphasis in original). Chapter 4, Statutes of 2003 [SB 459], among other changes, added the following sentence to the first paragraph of Welfare and Institutions Code section 779 (emphasis added):

This section does not limit the authority of the court to change, modify, or set aside an order of commitment after a noticed hearing and upon a showing of good cause that the Youth Authority is unable to, or failing to, provide **treatment** consistent with Section 734.

Senate and Assembly Bill Analyses of SB 459, as well as analyses by their respective Public Safety, Rules and Appropriations Committees, state that this provision:

8) Clarifies that the court has the authority to change, modify, or set aside an order of commitment after a noticed hearing and upon a showing of good cause that the CYA is unable to, or failing to, provide treatment as required under other provisions of law."

No longer must a court refrain from intervening unless there is an abuse of discretion by the Youth Authority. The Juvenile Court is now charged with monitoring the ward's progress through its receipt of the periodic reviews, as required by Welfare and Institutions Code section 1720, and with changing, modifying, or setting aside an order of commitment when there is a failure of treatment, as now authorized by Welfare and Institutions Code section 779.

5. Because SB 459 created a mandate for the courts to begin overseeing the treatment of wards while in CYA (now DJJ) facilities, and to intervene when those treatment needs are not being met, a remedy not formerly available to our clients, the Public Defender is also required to monitor the conditions of confinement of his clients in DJJ custody and to intervene on their behalf when there is a failure of treatment. In addition, California Rules of Court, Rule 5.663(c) (formerly Rule 1479, adopted, eff. July 1, 2004), states:

(c) Right to representation A child is entitled to have the child's interests represented by counsel at every stage of the proceedings, including post-dispositional hearings. Counsel must continue to represent the child unless relieved by the court on the substitution of other counsel or for cause.

Due to these State-imposed mandates, the Los Angeles County Public Defender created the CYA Unit (now DJJ Unit) in May, 2004, consisting of three experienced Deputy Public Defenders, a psychiatric social worker, and a paralegal, to monitor and advocate for the 285 Public Defender clients who were then in CYA facilities. Although caseload and staffing have since been reduced, the mandate for advocacy on behalf of those Public Defender clients still in DJJ facilities remains.

6. The attached Declaration of DPD Shelan Y. Joseph outlines the duties of an attorney in the Public Defender's DJJ Unit. With the exception of the calculation and correction of time credits, none of the issues these duties address could have been the subject of litigation in the Los Angeles Superior Court prior to the passage of Chapter 4, Statutes of 2003 [SB 459].
7. Also attached are examples of the work done by the DJJ Unit, including a 779 Motion on behalf of a boy who did not receive court-ordered neurological testing, a YAAC Parole Appeal on behalf of a boy who made excellent progress at DJJ facilities despite being diagnosed with schizoaffective disorder and very low intellectual functioning, and a memorandum to the Director of the Division of Juvenile Facilities outlining the agreement reached between a client, his Deputy Public Defender from the DJJ Unit, and his treatment staff at the facility regarding his treatment goals. Again, none of this advocacy would have been effective prior to the passage of Chapter 4, Statutes of 2003 [SB 459], as there would have been no remedy in court for a failure of treatment. (The names of the clients in these documents have been omitted in order to protect client confidences.)

Dated: 2/29/2012



Carol A. Clem
Division Chief, Special Services

Declaration of Shelan Joseph

I, Shelan Joseph, declare as follows:

I am an attorney licensed to practice law in the State of California, presently, and since August of 1996, employed by the Los Angeles County Public Defender's Office.

In my duties as a Public Defender from May, 2004 through August, 2012, I was assigned to the Public Defender CYA Unit (now DJJ Unit) that represents youth committed to the Division of Juvenile Facilities (DJF).

In that capacity, pursuant to both California Rule of Court 5.336 and Penal Code Section 779, I monitored conditions of confinement on behalf of Public Defender clients committed to DJF.

Monitoring conditions of confinement included the following:

Advocating on behalf of clients to ensure that they were receiving appropriate treatment, training, education and mental health services.

For clients with mental health issues, I monitored clients to ensure continuous and appropriate treatment and medication administration. I also ensured that DJF was implementing programming consistent with the client's mental health disabilities. For example, for a client who was committed to DJF for a sex offense and who was diagnosed with Pervasive Developmental Disability, I ensured that the sex offender treatment program accounted for this disability and altered their curriculum to ensure that the sex offender program offered to the client was suited to his learning capabilities.

In the area of education, I monitored school progress to ensure that clients were on track to secure their high school diplomas. For special education clients, I attended Individualized Education Planning meetings. I advocated for clients to receive appropriate special education services. In addition, I monitored the services being provided by DJF, and where appropriate, filed Compliance Complaints with the State to mandate DJF to provide services.

I monitored treatment progress outlined by DJF to ensure that clients were on track to parole. I advocated at Parole Board hearings on behalf of clients. If clients were denied parole, where appropriate, I filed appeals to the Youth Offender Parole Board.

I reviewed all DJF documentation on behalf of the client to verify that correct sentencing credits, registration requirements and treatment objectives were documented.

Where clients did not receive appropriate credits I sent correct minute orders to DJF in order to correct the inaccuracies.

Where DJF imposed inaccurate registration requirements and/or did not follow treatment objectives I filed and litigated 779 motions with the appropriate Juvenile Courts to request alternative placements for our clients. 779 Motions were filed on behalf of those clients who were not receiving appropriate care and service within DJF.

I declare under penalty of perjury the foregoing is true and correct.

Executed this 25th day of February, 2012, in Los Angeles, California.

A handwritten signature in cursive script, appearing to read 'Shelan Y. Joseph', is written over a horizontal line.

Shelan Y. Joseph



**LAW OFFICES
LOS ANGELES COUNTY PUBLIC DEFENDER**

SPECIAL OPERATIONS
JUVENILE SERVICES DIVISION
590 Hall of Records
320 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012
(213) 893-0283

RONALD L. BROWN
PUBLIC DEFENDER

COUNTY OF LOS ANGELES TEST CLAIM
JUVENILE OFFENDER TREATMENT PROGRAM COURT PROCEEDINGS
WELFARE AND INSTITUTIONS CODE SECTIONS 779, 1731.8, 1719, 1720
ADDED OR AMENDED BY CHAPTER 4, STATUTES OF 2003 [SB 459]

Declaration of Shelan Y. Joseph

I, Shelan Joseph, declare as follows:

I am an attorney licensed to practice law in the State of California, presently, and since August of 1996, employed by the Los Angeles County Public Defender's Office.

In my duties as a Public Defender from May, 2004 through August, 2012, I was assigned to the Public Defender CYA Unit (now DJJ Unit) that represents youth committed to the Division of Juvenile Facilities (DJF).

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Executed this 25th day of February, 2012, in Los Angeles, California.

A handwritten signature in black ink, appearing to read 'Shelan Y. Joseph', written over a horizontal line.

Shelan Y. Joseph

Juvenile Parole Board
Mr. Chuck Supple, Chairman
4241 Williamsborough Dr. #223
Sacramento, California 95823

SENT VIA FEDERAL EXPRESS

Re: YAAC APPEAL FOR (OMITTED FOR CONFIDENTIALITY)

Dear Board Decision-Makers,

I am an attorney with the Los Angeles County Public Defender's Office and I currently represent the above named ward pursuant to SB459. On behalf of my client, we respectfully appeal the YAAC decision of October 17, 2007, by Mr. Nesbit, and Mr. Chabot, denying *omitted* parole.

The bases for appeal are: (1) the decision is contrary to law or policy; (2) the decision is contrary to board policy; and (3) there are extenuating circumstances that apply to *omitted* case. *omitted* appeal form is attached herein.

Factual Background:

omitted is 21 years old. He was committed to the Division of Juvenile Justice (DJJ) in October of 2001. In 2003, while at the Preston Youth Correctional Facility, *omitted* was hearing voices and experiencing visual hallucinations.

In November of 2003, *omitted* was diagnosed with schizoaffective disorder. In May, 2004, *omitted* began decompensating. He began experiencing an increase in auditory hallucinations, he lost twenty-five pounds and began to self-mutilate. *omitted* was transferred to the Intermediate Care Facility, in Norwalk, where he remained until October, 2005, when he was transferred to the Intensive Treatment Program at Heman G. Stark.

While on the Intensive Treatment Program, *omitted* has gained an understanding of his mental health issues. He has been medication compliant and has no further auditory or visual hallucinations. He has actively participated in all areas of treatment.

In addition to his mental health issues, *omitted* is also a special education student. He has conflicting reports regarding his level of cognitive functioning. Some reports have diagnosed *omitted* as mentally retarded. Other experts have diagnosed him as specific learning disabled. Despite the contradicting views on *omitted* cognitive classification, all experts agree that he is very low functioning. *omitted* last individual education plan dated March 8, 2007, found him to be emotionally disturbed. In his IEP, *omitted* tested at the second grade level in reading and in the first grade level in

written expression. *omitted* receives his educational instruction in the Special Day class setting¹.

Despite *omitted* challenges he has run an excellent program on the Intensive Treatment Program since 2005. He is currently Phase Level A. In the past year, *omitted* has not received any Level II or III DDMS. He has made significant progress understanding his mental health diagnosis. He is medication compliant and involved in all aspects of treatment. *omitted* has denounced his gang, is actively participating in tattoo removal, and has not had any documented gang activity on the unit.

In December, 2006, at his annual review, YAAC authorized a two month time cut for *omitted* due to his excellent progress in treatment and behavior.

In denying parole on October 9, 2007, the parole board stated that *omitted* had difficulty expressing himself. In addition, the board stated that *omitted* needs to “better understand his victim and his actions.” The board also indicated that *omitted may* benefit from inpatient treatment services.

The ITP treatment team developed a solid parole plan for *omitted*. Included in his parole plan was a day treatment program at College Hospital five days a week, along with counseling, education, and mental health services.

Bases for Appeal:

1. The decision is contrary to law or policy

A. The Parole Board’s decision violated *omitted* Federal and Constitutional Rights under the American Disabilities Act (ADA) and the Individual with Disabilities Education Act (IDEA)

The Parole Board’s decision to deny parole was based in large part upon the fact that *omitted* could not “express” himself. In fact, Mr. Chabot stated that “*omitted* needed to work on expressing himself better.”

¹ Please see attached Memorandum dated, October 16, 2007, submitted by Dr. Gilbert Turnquist, school psychologist for *omitted*.

This assertion is a violation of both the ADA as well as the IDEA. *omitted* qualifies under the ADA due to his mental impairment. As defined by the ADA, a mental impairment is, “[a]ny mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.” Clearly, *omitted* DSM-IV Tr² diagnosis of schizoaffective disorder qualifies him an individual under ADA.

Similarly, under the IDEA, “a person under 22 years of age and is defined as a person with one or more of the following limiting conditions...(5) emotional disturbance qualifies.” Due to *omitted* special education qualification of Emotional Disturbance he is also an individual described under IDEA.

Therefore, it is contrary to law discriminate against *omitted* on the basis of his mental health diagnosis or his cognitive disabilities. It is clear that the parole boards blatant disregard of *omitted* cognitive impairments is a violation of both Federal and State Law. As stated by Parole Board Commissioner English at the October 9, 2007, in her dissent, she stated that *omitted* is “limited in his cognitive skills and will need considerable external support.” *omitted* deficits clearly impact his “expression,” thereby limiting the way he communicates and articulates himself. For the parole board to document that *omitted* has “difficulty expressing himself” and use that as a factor in denying parole is a violation of Federal and State Law and a violation of *omitted* right to due process.

B. The Parole Board Decision is in violation of Penal Code Section 1719

Penal Code Section 1719, delineates the powers and duties of the DJJ Parole Board. The board is authorized to conduct hearings related to ordering parole and conditions of parole. Specifically, the Board is to make decisions pertinent to release on parole. The parole board is not authorized and/or qualified to make clinical assessments or evaluations. It is not within the purview of the parole board to make clinical determinations relative to parole.

An additional reason given by Mr. Nesbit and Mr. Chabot in denying parole was the fact that *omitted* parole plan recommended out patient services from College Hospital. The Board commissioners opined that “in-patient” services may be better for *omitted*. Specifically, the board stated that, “*omitted* may benefit from inpatient treatment services.” *omitted* was brought before the parole board based on the opinions of qualified clinical professionals. Both Nancy White, LCSW, and Dr. Lynch, Psy. D., who has been working with *omitted* for two years, evaluated *omitted* and participated in developing his parole plan.³ This plan included that *omitted* participate in an intensive out-patient program with College Hospital. The parole plan was formulated based on professional clinical evaluations coupled with compliance under Farrell, that wards be paroled to the least restrictive environment.

The Boards total disregard for the clinical opinion in support of release clearly violates the parole boards policy as they are not trained mental health professionals qualified to make clinical

²*omitted* has been diagnosed with an Axis I diagnosis of Schizoaffective Disorder under Section 295.70 of the DMS-IV TR.

³ Please see the attached Memorandum dated, October 9, 2007, submitted by Dr. Timothy Lynch, psychologist for *omitted*.

assessments related to treatment settings. The determination of which clinical setting would best serve *omitted* should rest solely with the professionals qualified to make clinical determinations.

2. The Decision is Contrary to Board Policy

omitted was not informed of his right to appeal the parole board's decision at the hearing. As of today's date he has not been advised of his right to appeal the decision.

3. There are Extenuating Circumstances Relating to *omitted* Case Which Require Board Action in the Interest of Justice

As detailed above and in his DJJ file, *omitted* has run an exemplary program while on the ITP. He has completed all board ordered programs, complied with treatment, attended group, denounced his gang, participated in tattoo removal and been medication compliant. The circumstances of his committing offense and his presentation during the board hearing need to be viewed in the larger context of his history of mental health issues and his low cognitive functioning. It is unconstitutional and contrary to public policy to incarcerate someone who has clearly progressed in treatment because they cannot present or express themselves at a level deemed suitable by members of the board who are not qualified to assess his mental health or cognitive deficits.

In conclusion, *omitted* hearing was conducted without evidence of due process of law, and the denial of parole was a violation of his constitutional rights. Contrary to the assertions at the hearing, the treatment team is clinically qualified to determine what a suitable parole plan is for *omitted*, given his conduct and good performance on the unit.

For all of the above reasons, *omitted* respectfully requests that the October 17, 2007, decision be overturned, and that he receive a new hearing where he can present, with the assistance of counsel and the treatment team why parole is appropriate at this time.

Sincerely,

Shelan Y. Joseph
Deputy Public Defender

cc: Ramon Martinez, Superintendent Heman G. Stark
Timothy Lynch, Psy. D.
Gilbert Turnquist, Psy.D.

Sincerely,

SHELAN Y. JOSEPH
Deputy Public Defender
Bar No: 180606

cc: Dr. Timothy Lynch

1 Justice, or, in the alternative, moves to change or modify the commitment order. The
2 Department of Juvenile Justice is unable to, or failing to, provide treatment consistent with
3 Welfare and Institutions Code section 734. This motion is based on the pleadings, minor's
4 history, points and authorities, exhibits, and any additional argument made at the time set for hearing
5 on the motion.

6 DATED: February 13, 2006.

7 Respectfully submitted,
8 MICHAEL P. JUDGE
9 PUBLIC DEFENDER

10 By _____
11 SHELAN Y. JOSEPH
12 Deputy Public Defender

13 I. STATEMENT OF FACTS

14 MINOR'S HISTORY

15 A. MINOR'S JUVENILE COURT HISTORY

16 A 777 motion was filed against *omitted*, on December 8, 2004, in Department 282 of
17 the Pomona Juvenile Court. Subsequent to a dispositional hearing, on April 12, 2005, the
18 court sentenced *omitted* to the Department of Juvenile Justice (DJJ).

19 *Omitted* juvenile history consists of two sustained petitions. On July 9, 2002,
20 subsequent to an admission the court sustained a petition alleging a misdemeanor
21 violation of Penal Code Section 243.6, the disposition ordered was Home on Probation.
22 On May 15, 2003, the court terminated *omitted* Home on Probation order and sent him to
23 Camp Community Placement (CCP). On February 19, 2004, a new petition alleging a
24 violation of Penal Code 245(a)(1) was filed. On May 6, 2004, pursuant to an admission to
25 a violation of 245(a)(1), the court ordered *omitted* to CCP. On December 8, 2004, a
26 motion was filed pursuant to Welfare and Institution Code 777 alleging several violations
27 of Camp rules. On April 12, 2005, as a result of a sustained 777 motion, the court ordered
28 *omitted* to the DJJ.

1 **B. MENTAL HEALTH HISTORY**

2 Prior to his commitment to DJJ, an Evidence Code Section 730 psychological
3 evaluation was performed on *omitted* by Dr. Douglas B. Allen, Ph.D., on March 17, 2005.
4 In his report, Dr. Allen noted that *omitted* had been in an automobile accident, which
5 resulted in a head injury. (Exhibit 1, pg. 4). In addition, Dr. Allen noted that *omitted* suffers
6 from a seizure disorder for which he is prescribed Dilantin. (Exhibit 1, pg. 3, 4). Dr. Allen
7 recommended that "*omitted* be referred to a Board Certified Neurologist for further
8 neurological study given his history of seizures, which has required medication
9 management." (Exhibit 1, pg. 6).

10 **C. CYA HISTORY**

11 The Court committed *omitted* to DJJ on April 12, 2005. The court set the maximum
12 time of confinement at three years. *Omitted* actual confinement ends in August 22, 2006.
13 His DJJ jurisdiction ends October 20, 2011.

14 *Omitted* was received at the Southern Youth Reception Center and Clinic in
15 Norwalk, California on September 26, 2005. On December 23, 2005, the Honorable Judge
16 Tia Fischer signed a court order to have DJJ perform neurological testing on *omitted*.
17 (Exhibit 2).

18 On January 5, 2006, counsel for *omitted*, faxed and mailed via United States Postal
19 Service the order for neurological testing to Mr. Tom Blay, Intake Coordinator for DJJ, in
20 Sacramento. (Exhibit 3). On January 6, 2006, pursuant to a telephone conversation with
21 Mr. Blay, wherein he requested specific information as to why the neurological testing was
22 needed, counsel sent additional correspondence addressing Mr. Blay's inquiries. (Exhibit
23 4). On January 10, 2006, counsel for *omitted* received a copy of an electronic mail
24 message from Dr. Thomas, MD, Medical Director of DJJ, stating that DJJ does not have a
25 board certified neurologist on site, and therefore, DJJ cannot comply with the court's order.
26 (Exhibit 5).

27

28

1 **II. THE CALIFORNIA YOUTH AUTHORITY HAS FAILED TO PROVIDE ADEQUATE**
2 **AND TIMELY TREATMENT**

3 Welfare and Institutions Code Section **1766 (b)** provides that within 60 days
4 of intake, the California Youth Authority shall provide the court with a treatment plan for the
5 ward, including an estimated time frame for each of the treatment programs or services
6 identified. Welfare and Institutions Code Section 1720(b) provides that the California
7 Youth Authority shall review the case to determine whether the orders and dispositions
8 should be modified or continued at intervals not exceeding one year. Subsection (e) of
9 1720 provides that, reviews shall be written and include verification of the treatment goals
10 and orders ensuring treatment is received in a timely manner, including an assessment of
11 the ward's adjustment and responsiveness to treatment, an updated individualized
12 treatment plan, an estimated timeframe for the ward's start and completion of the treatment
13 programs or services; and other information. Subsection (f) of 1720 states that the
14 department shall provide copies of the reviews prepared pursuant to this section to the
15 court.

16 The DJJ is not meeting *omitted* needs. DJJ cannot perform the neurological
17 testing ordered by this court. As a result, DJJ does not have the capacity to determine
18 what, if any neurological deficits *omitted* has. Without this knowledge, DJJ cannot
19 properly care for or treat *omitted* as required by Welfare and Institution Code Section 734.

20 **MEMORANDUM OF POINTS AND AUTHORITIES**

21 **I**

22 **WELFARE AND INSTITUTIONS CODE SECTION 779**
23 **PROVIDES THIS COURT WITH THE AUTHORITY TO CHANGE,**
24 **MODIFY, OR SET ASIDE AN ORDER OF COMMITMENT**

25 In pertinent part, Welfare and institutions Code section 779 provides: "The court
26 committing a ward to the Youth Authority may thereafter change, modify, or set aside
27

1 the order of commitment.” In 2003, section 779 was amended by Senate Bill 459 to
2 include, “This section does not limit the authority of the court to change, modify, or set
3 aside an order of commitment after a noticed hearing and upon a showing of good
4 cause that the Youth Authority is unable to, or failing to, provide treatment consistent
5 with Section 734.” (Welf & Inst. Code § 779.) Welfare and Institutions Code section 734
6 states, “No ward of the juvenile court shall be committed to the Youth Authority unless
7 the judge of the court is fully satisfied that the mental and physical condition and
8 qualifications of the ward are such as to render it probable that he will be benefitted by
9 the reformatory educational discipline or other treatment provided by the Youth
10 Authority.” (Welf. & Inst. Code § 734.)

11 II

12 **THE YOUTH AUTHORITY IS FAILING TO PROVIDE** 13 **PROPER TREATMENT TO THE MINOR**

14 As stated above, the DJJ has not developed an adequate treatment plan for
15 *omitted*. The court should be dissatisfied with the inability of DJJ to comply with its order to
16 conduct neurological testing. Moreover, *omitted* neurological needs remain undetermined.
17 Without proper assessments *omitted* mental and physical conditions cannot be benefitted by a
18 commitment to DJJ. Therefore, the defense respectfully requests that the court to terminate
19 *omitted* commitment to the Division of Juvenile Justice.

20 21 22 23 III

24 CONCLUSION

25 Counsel respectfully requests that this Court consider terminating its order
26 committing *omitted* to the Department of Juvenile Justice. DJJ cannot perform the necessary
27

1 neurological testing ordered by this court to determine *omitted* needs. Therefore, DJJ cannot
2 properly determine the treatment needs of *omitted*

3 DATED: February 13, 2006.

4

5

Respectfully submitted,
MICHAEL P. JUDGE
PUBLIC DEFENDER

6

7

By

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SHELAN Y. JOSEPH

Deputy Public Defender

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