

Modification of Court Orders

618.1 PURPOSE AND SCOPE

The purpose of this policy is to set forth guidelines and procedures for modifying court orders. This policy applies to all designated personnel.

618.1.1 DEFINITIONS

Definition related to this policy includes:

Modification - Changing a prior court order.

618.2 AUTHORITY AND REFERENCES

- Executive Committee;
- Penal Code §§ 1203.2 and 1203.3;
- Welfare & Institutions Code §§ 775 – 787.

618.3 POLICY

Modifications are submitted to court only after review and approval by the unit supervisor or designee.

618.4 ADULT CASES

618.4.1 MODIFICATION OF CUSTODY ORDERS

Modification of court-ordered detention may be appropriate when:

- (a) A death or critical illness in the family requires the adult's release from custody.
- (b) An unusual, credible employment or educational opportunity exists which cannot be later duplicated.

618.4.2 MODIFICATION OF CONDITIONS OF SUPERVISION

A request for condition modification may be submitted to the court when:

- (a) A condition was inadvertently omitted at the time supervision was granted which is required to effectively supervise the case.
- (b) A condition was incorrectly included at the time supervision was granted.
- (c) During the course of supervision, circumstances develop that require a condition not originally foreseen be added or deleted.

618.4.3 PROCEDURE FOR ADULT CASES

- (a) Designated personnel shall initiate hearings by placing matters on calendar in the appropriate court and notice all parties.
- (b) Prepare a memorandum and make it available to all parties at least two days prior to the hearing.

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- (c) Designated personnel shall enter a Juvenile Adult Management System (JAMS) contact detailing the modification request and court actions.

618.5 JUVENILE CASES

618.5.1 MODIFICATION OF DETENTION OR PLACEMENT/COMMITMENT ORDERS

Modification of court-ordered detention or placement/commitment may be appropriate when:

- (a) A death or critical illness in the family requires the youth's release from custody/detention.
- (b) The youth's health is seriously threatened by detention or placement/commitment.
- (c) An unusual, credible employment or educational opportunity exists which cannot be later duplicated.
- (d) The impact on public safety by a youth's release is minimal.
- (e) Except in very unusual cases, a youth has served at least one-half of the total commitment.
- (f) Weekend custody/detention would better serve the rehabilitation goals for the youth.
- (g) Change of juvenile placement/detention/commitment such as the youth's release or completion from a court-ordered program.

618.5.2 MODIFICATION OF CONDITIONS OF SUPERVISION

Conditions of supervision may be added or deleted when:

- (a) A condition was inadvertently omitted at the time supervision was granted and is required to effectively supervise the case.
- (b) During the course of supervision, circumstances develop that require a condition not originally foreseen be added or deleted.

618.5.3 PROCEDURE FOR JUVENILE CASES

- (a) Upon initiating a modification, the officer shall advise the youth and the parent(s)/legal guardian(s) of the proceedings. Officers shall request a court date and personally notice the parent(s)/guardian(s) of the hearing utilizing the JV-510 Proof of Service form (www.courts.ca.gov/documents/jv510.pdf). This must include the date and location to appear in accordance with legal requirements. A contact entry shall be made in JAMS identifying the method and date of notification.
- (b) Create and complete an investigation screen and report in JAMS.
- (c) A modification is initiated by Ex-parte in the absence of the youth when:
 1. The youth and/or parent(s)/legal guardian(s) have agreed to the modification of probation condition(s).
 2. The youth and/or parent(s)/legal guardian(s) have been informed of the right to legal counsel and waived in writing the right to legal counsel.
 3. The youth and/or parent(s)/legal guardian(s) consulted with counsel and agreed to the modification and such is stated in the body of the Ex-parte.

Riverside County Probation Department

Policy Manual

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