

Waiver of Rights

911.1 NARRATIVE STATEMENT:

While performing the daily tasks assigned, the Probation Officer may be required to take a youth into custody as per W&I Code Section 625. This function is a pre-intake duty and requires that if the youth is younger than fourteen years of age, the Probation Officer shall comply with the above procedure, then administer the Department's Gladys R. waiver questionnaire.

The advised of right then must be administered in compliance with W&I Code Section 625.2, i.e., "Miranda".

When a referral is received by the Probation Officer, the Probation Officer then performs intake functions in regard to that referral. The Waiver of Rights (department form #02-13588-425 Rev. 12/92 Attachment #1) is part of that function and must be administered as per W&I Code Section 627.5. The Probation Officer shall obtain all necessary signatures, indicating parental advisal. The form should be read and discussed by the youth and parents with the Probation Officer providing an explanation of each "Right".

When the youth or parent invokes the right to remain silent, the alleged offense shall not be discussed until a waiver is obtained or the matter is adjudicated in Court. If the youth/parents request an attorney be present during the discussion of the alleged offense, the Probation Officer shall not discuss the offense with the youth. If a petition is filed, the court will appoint counsel as per W&I Code Section 634. If the youth/parents request to have private counsel present during the discussion of the alleged offense, the Probation Officer shall make a diligent effort to accommodate the youth/parent request. If this cannot be arranged, the Probation Officer shall not discuss the offense with the youth. If a Petition is filed, the court will appoint counsel as per W&I Code Section 634. If the youth requests parental presence during the discussion of the alleged offense, this shall be treated as a request for an attorney's presence, (People vs. Burton 6 Cal. 3rd 3/75) and the Probation Officer shall proceed as above.

If the youth is unable to sign the waiver form, the Probation Officer shall so state the reason for the inability (blind, mental disability, etc.), and enter upon the waiver form the youth's decision given orally to the Probation Officer, to either discuss or not discuss the matter. If the youth is unwilling to sign the waiver form, the Probation Officer shall so state the reason for the unwillingness (uncooperative, undecided, hostile, etc.) also, the Probation Officer shall handle the matter as though the youth were invoking the right to remain silent.

911.2 ATTACHMENTS:

[See attachment: Waiver of Rights Attachment A \(Lexipol 8-24-21\).pdf](#)

Attachments

Waiver of Rights Attachment A (Lexipol 8-24-21).pdf



TRACY REECE
Chief Probation Officer

JULIE FRANCIS
Assistant Chief Probation Officer

WAIVER OF RIGHTS AND STATEMENT OF CONFIDENTIALITY

- A. The following information is provided in order that you may understand your rights pursuant to California Law (Welfare and Institutions Code Section 627.5).
1. You have the right to remain silent.
 2. Anything you say to the Probation Officer about the charges being made against you will be used to help him/her decide whether you should go to Court and whether you should be held in Juvenile Hall.
 3. Your statements to the Probation Officer about these charges can be used against you in Court for the purpose of proving these charges.
 4. You have the right to talk to a lawyer and have him/her present with you while you are being questioned.
 5. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish one.
 6. You have the right to confrontation by and cross-examination of witnesses at any Court hearing.

If you admit the charges or if they are found to be true in Court, there is the possibility of placement on probation in your parents' home or suitable placement outside your parents' home.

B. I have been advised of my constitutional rights and I understand the possible results if I admit to these charges or if they are found to be true in Court.

C. **Understand all of the above, I have decided to** (Please initial one of the following boxes):

1. Agree to waive (give up) my right to a lawyer and talk with the Probation Officer.
2. Not talk with the Probation Officer and request a lawyer be appointed to represent me.

Date: _____ **Minor's Signature:** _____

PARENTS' STATEMENT:

- The minor's mother and/or father (or guardian) was/were advised of the child's rights and agree with his/her decision to talk with the Probation Officer.
- The minor's mother and/or father (or guardian) was/were advised of the child's rights and disagree(s) with his/her decision to talk with the Probation Officer.
- The minor's parent(s)/guardian could not be contacted by the Probation Officer.

Date: _____ **Probation Officer's Signature:** _____



TRACY REECE
Chief Probation Officer

JULIE FRANCIS
Assistant Chief Probation Officer

SETTLED OUT-OF-COURT (SOC) AGREEMENT

In making this admission to the Probation Officer, I understand that, even though a Petition might not be filed, the Juvenile Court may consider my admission as a matter of record at any further hearing and my admission could cause me to be placed on probation, removed from my home, to be detained in Juvenile Hall or to be placed in a home, school, ranch or the California Department of Juvenile Justice.

Having been fully advised of my rights and understanding the possible consequences of my admission, I now admit to:

Charge(s): _____

Date: _____ **Minor's Signature:** _____

I agree to make restitution to the victim(s) in the amount of \$ _____ through the Probation Officer, at the rate of \$ _____ per _____, or as a one-time payment no later than _____.

Date: _____ **Minor's Signature:** _____

I voluntarily agree to perform _____ hours of unpaid community service for a nonprofit agency, to be completed no later than _____.

Date: _____ **Minor's Signature:** _____

I voluntarily agree to make a \$ _____ donation to charity no later than _____.

Date: _____ **Minor's Signature:** _____

I voluntarily agree to: _____

Date: _____ **Minor's Signature:** _____