

### SAMPLE DEPENDENCY PLEA

APPEARANCES:

FOR THE MINOR: JANE DUARTE, ESQUIRE

FOR THE MOTHER: JOHN GARCIA, ESQUIRE

CASE SOCIAL WORKER: MARY CASTILLO

COURT OFFICER: SUSAN JONES

THE CLERK: Calling the matter of Francisco Doe, present in court. Also present, Mary Castillo, case social worker; court officer, Susan Jones; Jane Duarte for and with the child; John Garcia for and with the mother, who is being assisted by the Spanish interpreter.

THE COURT: We're here for the jurisdiction and disposition. And I received a waiver of rights in this matter.

MR. GARCIA: Correct, Your Honor. I reviewed that in Spanish with the mother and it also was translated by a certified interpreter.

THE COURT: All right then, very well, Mrs. Doe, I understand that you wish to submit to the petition on the basis of the social worker's report in this matter; is that correct?

MR. GARCIA: Admission, Your Honor.

THE COURT: It's an admission. You are right. Okay. She wants to admit to the petition?

MR. GARCIA: Correct.

THE COURT: Is that correct, ma'am?

THE MOTER: Yes.

THE COURT: I'm going to go over some of the rights that you have in these proceedings to make sure you understand what rights you are giving up. In terms of this waiver of rights form, did you read, understand and sign this form?

MR. GARCIA: It was ---

THE MOTHER: Lo firmé.

MR. GARCIA; She did not read it.

THE COURT: Did you go over this form with your attorney and with the Spanish interpreter?

THE MOTHER: Sí.

THE COURT: And did you understand the contents of what was on this form that was being read to you by the Spanish interpreter?

THE MOTHER: Sí.

THE COURT: If you had any question about what was contained in the form were you able to ask your attorney, Mr. Garcia?

THE MOTHER: Sí.

THE COURT: And did he answer your questions satisfactorily?

THE MOTHER: Sí.

THE COURT: Now, do you understand that by admitting to the allegations of the petition you are going to be giving up several rights? I'm going to explain those rights to you to make sure you understand what rights you are going to be giving up. Do you understand that you have a right to a trial or hearing in this matter?

*(Discussion between Mr. García and mother, sotto voce.)*

THE MOTHER: Sí.

THE COURT: And do you understand that you have the right to see and hear witnesses who testify?

THE MOTHER: Sí.

THE COURT: And you have the right to cross-examine witnesses, the social worker, or probation officer who prepared – sorry, the social worker who prepared the report and the persons whose statements are contained in the report?

THE MOTER: Sí.

THE COURT: And you also have the right to testify on your own behalf and to present your own evidence and witnesses?

THE MOTHER: Sí.

THE COURT: You also have the right to use the authority of the court to compel witnesses to come to court and to produce evidence?

THE MOTHER: Sí.

THE COURT: Do you also understand that you have the right to see and hear witnesses who testify?

THE MOTHER: Sí.

THE COURT: And you have the right to cross-examine witnesses, the social worker, or probation officer who prepared --- sorry, the social worker, or the probation officer who prepared the report and the persons whose statements are contained in the report?

THE MOTHER: Sí.

THE COURT: And you also have the right to testify on your own behalf and to present your own evidence and witnesses?

THE MOTHER: Sí.

THE COURT: You also have the right to use the authority of the court to compel witnesses to come to court and to produce evidence?

THE MOTHER: Sí.

THE COURT: Do you also understand that you have the right to assert any privilege against self-incriminations in these proceedings?

THE MOTHER: Sí.

THE COURT: By admitting to the allegations in the petition you are going to be giving up all these rights; do you understand that?

THE MOTHER: Sí.

THE COURT: And do you hereby agree to give up those rights?

*(discussion Between Mr. García and mother, sotto voce.)*

THE MOTHER: Sí.

THE COURT: And there are certain consequences to admitting to the allegations in the petition. One of those consequences will be that the Court will probably find that the petition is true; do you understand that?

THE MOTHER: Sí.

THE COURT: And if you – if the petition is found to be true, and the child, Francisco, is declared to be a dependent of the court, the court may assume custody of the child and under certain circumstances it is possible that no reunification services will be offered or provided; do you understand that?

THE MOTHER: Sí.

THE COURT: And do you also understand that for a child who is three years or older at the time of initial removal, that if the court assumes custody of the child and the child is not returned within one year or at most 18 months from the time the child is taken into custody, the court will make a permanent plan for the child, which could result in termination of parental rights and placement of the child for adoption; do you understand that?

THE MOTHER: Sí.

THE COURT: All right. Very well. The Court find that the allegations contained in the --- in this petition filed on July 18<sup>th</sup> of 2017 are true. And I'll sustain that petition. And then with respect to the disposition, Mr.García?

MR. GARCIA: I've reviewed the report, the report has been discussed with the mother, the contents of the report, and also been translated by the Spanish interpreter. We're willing to submit on the report.

THE COURT: All right. And then Ms. Duarte, any comments?

MS. DUARTE: Not on jurisdiction, no.

THE COURT: Okay, and disposition?

MS. DUARTE: Disposition, I think, the Court remembers that Francisco has been here on some 602 petitions in the past.

THE COURT: Yes.

MS. DUARTE: And there has been an issue always about his competency. And he's now at the Fred Finch Center. I spoke just very, very briefly to his social worker today in the Hall. But I called her a week or two ago and had a discussion about how he's doing there. He's ready to move to a lower level of care, he says. And they are saying he's not quite there yet. There have been some brush-ups with the rules and he's trying to find his way. And they said that he's doing well with prompting from the staff. I'm going to echo his mother's concerns about wanting him to get vocational training. I really think that if he can find some job skills, where he can get a job and do something that he Takes pride in, that that's really the key toward him moving to a better place.

THE COURT: All right.

THE SOCIAL WORKER: Nothing further.

THE COURT: Ms. Jones?

THE COURT OFFICER: No.

THE COURT: All right, Francisco, I understand you would like to move to a lower level of care. And I know you think that you are ready for that. You just have to demonstrate that more to the Fred Finch faculty. They believe you need more work on your impulse control and some other things. I know you and I have had many discussions. I'm going to ask that you stick with it and keep working toward the goal. And eventually you'll get there. Fred Finch is an excellent program.

MS. DUARTE: He's safe there. That was a real concern his mother had about him being in the neighborhood and being exploited by both peers and adults. So he's in a good place now.

THE COURT: And that way he can learn to mature, to become his own person without being influenced or pushed around by others around him. So I'm really happy to hear that. That's a good placement for you. So I'll go ahead and adopt the recommendations of the Agency's report, the jurisdiction disposition report that I received on August 15<sup>th</sup> of 2017. Francisco, we'll see you back in court on --- I guess we won't see Francisco until February then, the next review hearing, which is the FR six-month review, February 23<sup>rd</sup> at 2:00. And in the meantime keep up the good work.

THE MINOR: I did good today. Will I go to a lower level?

THE COURT: Not today.

THE MINOR: Until that court date?

MS. DUARTE: They can move you to a lower level even before February.

THE COURT: Yes. You don't have to wait until February. Could be they are going to move you sooner. That's up to you and the facility. So hopefully when I see you in February that will have happened and you'll be able to tell me how much you are enjoying that. Okay. All right. Thank you.

THE MINOR: Nice seeing you again.

THE COURT: See you in six months.