

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA
JUVENILE DIVISION

FILED

2011 MAR 26 A 8 21

ORDER PROVIDING THAT STATEMENTS MADE BY YOUTH DURING YOUTH AND FAMILY
TEAM MEETINGS ARE PROTECTED FROM USE IN FUTURE PROCEEDINGS

The court finds that youth involved with both the juvenile justice and child welfare system represent a particularly vulnerable population in need of meaningful joint coordination and service delivery. Further, the court finds that youth and their families must be engaged in the process of developing an effective service plan. Accordingly, a new process culminating in "Youth and Family Team Meetings" (YFTM) has been developed to engage families and other natural supports of dually involved youth or those youth who are at risk of becoming dually involved. The YFTM is designed to assess the needs and strengths of the youth and family and develop appropriate recommendations to the court that meaningfully meet the youth's needs. Candor on the part of the minor is fundamental to the success of this meeting.

The YFTM will be formally convened by the Probation Officer and shall also include the current social worker, and may also include a dually involved youth advocate, non-attorney representatives from the minor's and/or parent's attorney's office(s), representatives from Child Advocates, treatment providers and other supports important to the youth and family.

The court finds that, in order for youth to feel comfortable speaking freely throughout the YFTM, they will need assurance that statements made during the meeting will be excluded from use in future proceedings. Judicially declared rules of evidence based on the privilege against self-incrimination, known as use immunities, have been established to bar the admission of incriminating statements made in certain contexts for policy reasons. Such immunities are consistent with the rehabilitative goals of the Juvenile Court. Based upon this finding, and consistent with *In re Wayne H.* (1979) 24 Cal.3d. 595, and its progeny, and recognizing that the YFTM meetings are non-accusatory events not calculated to elicit evidence of guilt, but are another pre-adjudication probation interview, the court makes the following order:

No statements, admissions or confessions made by, or incriminating information obtained from, a youth participating in a Youth & Family Team Meeting shall be admitted as substantive evidence or evidence of impeachment in any current or future juvenile justice and/or adult court adjudication proceeding.

So Ordered.

Date:

March 26th 2011



The Honorable Patrick Tondreau

Presiding Judge of the Juvenile Court