

West's Annotated California Codes
Welfare and Institutions Code (Refs & Annos)
Division 2. Children
Part 1. Delinquents and Wards of the Juvenile Court
Chapter 2. Juvenile Court Law (Refs & Annos)
Article 15. Wards--Temporary Custody and Detention (Refs & Annos)

West's Ann.Cal.Welf. & Inst.Code § **635**

§ **635**. Examination by court; order releasing minor from custody;
factors in determination; written report by probation officer

Effective: January 1, 2015

Currentness

(a) The court will examine the minor, his or her parent, legal guardian, or other person having relevant knowledge, hear relevant evidence the minor, his or her parent, legal guardian, or counsel desires to present, and, unless it appears that the minor has violated an order of the juvenile court or has escaped from the commitment of the juvenile court or that it is a matter of immediate and urgent necessity for the protection of the minor or reasonably necessary for the protection of the person or property of another that he or she be detained or that the minor is likely to flee to avoid the jurisdiction of the court, the court shall make its order releasing the minor from custody.

(b)(1) The circumstances and gravity of the alleged offense may be considered, in conjunction with other factors, to determine whether it is a matter of immediate and urgent necessity for the protection of the minor or reasonably necessary for the protection of the person or property of another that the minor be detained.

(2) If a minor is a dependent of the court pursuant to [Section 300](#), the court's decision to detain shall not be based on the minor's status as a dependent of the court or the child welfare services department's inability to provide a placement for the minor.

(c)(1) The court shall order release of the minor from custody unless a prima facie showing has been made that the minor is a person described in [Section 601](#) or [602](#).

(2) If the court orders release of a minor who is a dependent of the court pursuant to [Section 300](#), the court shall order the child welfare services department either to ensure that the minor's current foster parent or other caregiver takes physical custody of the minor or to take physical custody of the minor and place the minor in a licensed or approved placement.

(d) If the probation officer has reason to believe that the minor is at risk of entering foster care placement as described in [Section 11402](#), then the probation officer shall submit a written report to the court containing all of the following:

(1) The reasons why the minor has been removed from the parent's custody.

(2) Any prior referrals for abuse or neglect of the minor or any prior filings regarding the minor pursuant to [Section 300](#).

- (3) The need, if any, for continued detention.
- (4) The available services that could facilitate the return of the minor to the custody of the minor's parents or guardians.
- (5) Whether there are any relatives who are able and willing to provide effective care and control over the minor.

Credits

(Added by Stats.1961, c. 1616, p. 3475, § 2. Amended by Stats.1976, c. 1070, p. 4809, § 1.5, eff. Sept. 21, 1976; Stats.1976, c. 1071, p. 4831, § 36; Stats.1977, c. 1241, p. 4182, § 3, eff. Oct. 1, 1977; [Stats.1999, c. 997 \(A.B.575\), § 5](#); [Stats.2014, c. 760 \(A.B.388\), § 5, eff. Jan. 1, 2015.](#))

Editors' Notes

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West's Ann. Cal. Welf. & Inst. Code § **635**, CA WEL & INST § **635**

Current with urgency legislation through Ch. 807 of 2015 Reg.Sess. and Ch. 1 of 2015-2016 2nd Ex.Sess.

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