



OFFICE OF THE DISTRICT ATTORNEY

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

DAN DOW
District Attorney

ERIC J. DOBROTH
Assistant District Attorney

JERRET C. GRAN
Chief Deputy District Attorney

SHERYL M. WOLCOTT
Chief Deputy District Attorney

LISA B. MUSCARI
Chief Deputy District Attorney

TERRY O'FARRELL
Chief, Bureau of Investigation

PC 1000.12, CHILD ABUSE DEFERRED ENTRY OF JUDGMENT

Date: December 3, 2021

INTENT OF DEJ PROGRAM:

The intent of this Deferred Entry of Judgment (DEJ) program is to promote reunification and the development of healthy parental skills for defendants facing misdemeanor child abuse charges resulting from unlawful parental discipline. This program will allow, on a limited basis, first time offenders who cooperate with Child Welfare Services (CWS) to receive treatment and education in lieu of conviction for low level violations of Penal Code Section 273a(b). Our goal, with the oversight of Probation and CWS, is to have these offenders work towards reuniting with their children while simultaneously addressing their criminal behavior by following the directives of our office, Probation and CWS.

PROCESS OF DEJ PROGRAM

The defendant will be accepted into this program only with the approval of the District Attorney's Office (DA) after having pleaded guilty or no contest to the relevant charges. By requiring the defendant to plead to the charges, the program emphasizes personal accountability by the defendant for their actions. Upon our office's approval, the court will refer the case to the probation department for a *suitability report*. If the probation department finds the defendant suitable, they will include the terms of the DEJ program in the report. These terms, unique to each case, will be agreed upon by the DA, CWS, Probation and the defendant. Upon successful completion of the program, the defendant will be allowed to withdraw their plea and the case will be dismissed.

TERMS OF PC 1000.12 DEJ:

- (1) Plead guilty or no contest to the charges listed on the Complaint, or as otherwise agreed.
- (2) 2 years of supervised DEJ.
- (3) Obey all laws during the period of DEJ.
- (4) Agreement and adherence to the terms of the case-specific suitability report and CWS dependency case plan. Probation and District Attorney will develop a DEJ case plan with specific goals for the individual participating in the DEJ program by incorporating elements of the dependency case plan that are appropriate for DEJ completion. CWS will provide progress reports at 6-month

intervals to coincide with Case Plan Progress reports submitted to the dependency court. However, the periodic progress reports will be separate and brief reports created and prepared by CWS. These reports will include but not be limited to: progress demonstrated in individual and/or family therapy, parental skills education, and substance abuse treatment and/or testing, if applicable.

- (5) Waive objection to release of any CWS case plan progress and/or report submission to the District Attorney's Office and the Probation Department for the sole purpose of monitoring compliance.
- (6) Perform 20 hours of community service in a program pre-approved by the DA or Probation, once the CWS case plan is successfully completed.
- (7) Suspend payment of the DEJ suitability report fee of \$58 and DEJ monitoring fee of \$5 per month, pending successful completion of DEJ program.
- (8) Suspend enrollment and completion of the 52-week child abuse treatment program, pending successful completion of DEJ program.
- (9) Upon successful completion of the terms of DEJ and the CWS dependency case plan, the District Attorney's Office will not oppose early terminating of DEJ. The defendant will be allowed to withdraw their plea and the case will be dismissed.

Eric Dobroth

ERIC DOBROTH
ASSISTANT DISTRICT ATTORNEY