SUPERIOR COURT OF CALIFORNIA, **COUNTY OF TUOLUMNE** **12855 Justice Center Dr** **Sonora, CA 95370** **Phone: (209) 533-5555**	Space below for use by Court Clerk only.
TUOLUMNE COUNTY DEPARTMENT OF SOCIAL SERVICES In the Matter of Minor(s). Person(s) coming Under the Juvenile Court Law.	Case Number:

WAIVER OF CONSTITUTIONAL RIGHTS AND PLEA OF GUILTY TO CONTEMPT
[C.C.P. § 1209(a)(5)] - (FIRST PLEA), AND ORDER THEREON

I,_____, am the parent of the minor in the above entitled matter. I understand that I am charged with contempt pursuant to Code of Civil Procedure Section 1209 (a)(5) for violation of a court order.

I understand that I am charged in the Order to Show Cause Re Contempt filed on _____ with

_____ count(s) of contempt for violation of the order(s) of this Court.

I understand that the elements of contempt for violation of a court order are:

1. There was a valid court order.
2. I had knowledge of the order.
3. I willfully violated the order.

I understand that the defenses to contempt are one or more of the following:

1. There is no valid court order.
2. I did not know about the court order.
3. I did not willfully violate the court order.

I understand the penalties for a finding of contempt under Code of Civil Procedure Section 1218 for the violation of a court order are:

Five (5) days in jail or a fine of up to $1,000, or both, for each count of contempt.

By personally initialing below, I indicate that I understand the following rights and I expressly give up and waiver each right knowingly and voluntarily as each applies to this charge or charges:

	I understand this right.	I give up this right.
1. Right to a speedy and public trial	_____	_____
2. Right to confront and cross-examine witnesses against me.	_____	_____
3. Right to remain silent and not incriminate myself.	_____	_____
4. Right to subpoena witnesses and produce evidence.	_____	_____

I have discussed my case with my attorney. We discussed the rights that I am giving up, the elements of the offense(s) charged, the possible defenses, and the consequences of my plea(s). _____

ALL PROMISES MADE TO ME CONCERNING THIS PLEAS ARE AS FOLLOWS:

INDICATED JUDGMENT OF COURT:

The Court has indicated to me that if I enter a plea of guilty to all counts of contempt alleged in the Order to Show Cause and Affidavit re Contempt, I will be placed on probation for a period of time equal to the duration of the Child Welfare Services Case Plan. In addition, the Court has indicated that the following terms and conditions of probation will be imposed:

1. I will be required to participate in, or continue my participation in the Dependency Drug Court Treatment Program as a part of the Child Welfare Services Case Plan.
2. I will be required to comply with all orders of the Juvenile Court Judge and all conditions of the Child Welfare Services Case Plan.
3. I will waive all of my due process rights as set forth in the attached form entitled **ACKNOWLEDGMENT AND WAIVER OF DUE PROCESS RIGHTS** and all of my constitutional rights as set forth in this **WAIVER OF CONSTITUTIONAL RIGHTS AND PLEA OF GUILTY TO CONTEMPT** form as they would apply to any violation of these terms and conditions of my probation.
4. I will consent to the Court's imposition of any portion of the jail time that could have been imposed upon the entry of my plea of guilty to the contempt charges in this case if the Court, in its absolute discretion, should find that the imposition of all or any portion of that jail time is appropriate for a violation of any term or condition of my probation. I understand that any sanction will be imposed immediately, without notice, hearing, or right to assistance of counsel.
5. I will consent to be housed with the general population at the Tuolumne County Jail if ordered to serve any time in the Tuolumne County Jail as a result of a sanction for violation of any term or condition of my probation.

OTHER PROMISES: ☐ None ☐ As follows:

_____

_____

_____

PLEA

1. Having in mind the nature of the charge(s) against me, the rights I will be giving up, and all of the possible consequences of my plea, I plead GUILTY to the following counts of contempt:

   Count(s)_____ of the Order to Show Cause Re Contempt filed on _____.

2. I admit that during the time periods for which I am pleading guilty that there was a valid court order, that I had knowledge of the order and that I willfully violated the order.

3. My decision to enter this plea has been made freely and voluntarily, without threat or fear to me or to anyone closely related to, or associated with me.

4. I am entering this plea of guilty because I am in truth and in fact guilty and not for any other reason and because I desire to have the court impose the sentence as stated in the Indicated Judgment set forth above.

5. I understand that I may not be sentenced earlier than six hours or later than five days after my plea. I give up this right and agree to be sentenced at this time.

I understand each of the foregoing items. I have personally initialed appropriate items as proof thereof. I declare under penalty of perjury that the foregoing is true and correct.

Executed this _____ day of _____, 20____, in Tuolumne County, California.

_____

Signature of Minor's Parent

ATTORNEY'S STATEMENT

I am the attorney of record for the minor's parent. I have explained each of his/her rights and explained all of the above to the minor's parent, including the attached Acknowledgment and Waiver of Due Process Rights form. I concur in his/her decision to waive his/her rights as contained in this plea form and the attached Acknowledgment and Waiver of Due Process Rights form, and to enter a plea of GUILTY. I further stipulate that this document and all of its attachments may be received by the Court as evidence of the intelligent waiver of rights by the minor's parent, and that it shall be filed by the Clerk as a permanent record of that waiver.

Dated: _____ Signature:_____

INTERPRETER'S STATEMENT

I, the undersigned, a qualified interpreter, having been sworn, duly translated this form and all of its attachments in the_____ language. The minor's parent indicated an understanding of the contents of the form and all of its attachments and ten signed and initialed the form and its attachments in my presence.

Dated: _____ Signature:_____

Printed Name:_____

FINDINGS AND ORDERS

THAT COURT FINDS THAT:

1. The minor's parent and/or his/her attorney appeared in open court and entered his/her plea and admission(s).
2. The minor's parent has knowingly, intelligently, and understandingly waived his/her rights as set forth above, including his/her Acknowledgment and Waiver of Due Process Rights attached hereto.
3. The minor's parent understands the nature of the charge(s) and the consequences of his/her plea and admission(s).
4. There is a factual basis for the plea.
5. The waivers of his/her rights by the minor's parent and his/her plea and admission(s) are free and voluntary.

IT IS ORDERED THAT:

1. The plea and admission(s) by the minor's parent be entered.
2. The minor's parent is sentenced to the terms of the Indicated Judgment as set forth on pages 2 and 3 of this Waiver of Constitutional Rights and Plea of Guilty to Contempt.

Dated:_____ _____

Judge of the Superior Court

ACKNOWLEDGMENT AND WAIVER OF
DUE PROCESS RIGHTS

I acknowledge and understand that in addition to the constitutional rights that are set forth in the attached plea form, I have the following due process rights that I hereby waive as a condition to the imposition of the indicated judgment in the attached Waiver of Constitutional Rights and Plea of Guilty to Contempt form.

1. The right to advance notice, either written or verbal, of any violation of a term or condition of my probation in this case.
2. The right to have an evidentiary hearing to establish a violation of a term or condition of my probation in this case.
3. The right to be represented by an attorney in any proceeding involving a violation of any term or condition of probation in this case.
4. The right to remain silent.
5. The right to assert any privilege as set forth in the California Evidence Code or any California case law with respect to any communication I may have with a mental health professional or a medical doctor as a part of my participation in the Dependency Drug Court Treatment Program or any other aspect of the Child Welfare Services Case Plan.

Dated:_____ _____

Signature of Minor's Parent

I concur in the waiver of due process rights by the minor's parent as set forth above.

Dated:_____ _____

Signature of Attorney