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JUVENILE JUSTICE AND RELATED YOUTH PROGRAM BILLS

Pending in the 2018 Session of the California Legislature

August 13, 2018

This bulletin describes bills pending in the 2018 session of the California Legislature on the subjects of juvenile justice, youth crime and violence prevention, probation foster care and related matters. This edition updates bill amendments and committee status through August 10th, covering the first week of activity following the month-long summer recess. The 2018 session now has just three weeks to go, with a scheduled final adjournment date of August 31st. Surviving bills for the most part are facing final Appropriations Committee and Floor votes in the opposite house. The full text of any bill can be accessed on the state legislative website at www.leginfo.legislature.ca.gov. More information on legislation, budget and policy issues affecting a range of youth justice subjects is available on the Commonweal Juvenile Justice Program website-- www.comji.org.

Assembly bills

AB 371 (Cooley, D. – Rancho Cordova). Contacting minor for purposes of human trafficking. Adds human trafficking to the list offenses in Penal Code Section 288.3 for which contact with a minor for purposes of involving the minor in the offense is a felony. *Passed the Assembly 77-0-3. Held in the Senate Appropriations Committee, dead.*

AB 1214 (Stone, D. – Santa Cruz). Juvenile competency in delinquency proceedings. This bill is a May gut & amend that transplants the author's prior (2017) version of juvenile competency reform into AB 1214 as a fresh vehicle. Last year, Governor Brown vetoed Stone's AB 935, now substantially revived as AB 1214. AB 1214 would expand the definition of incompetency, beyond inability to understand the proceedings or assist counsel, to include elements related to mental illness, development disability and immaturity. Under the bill, where the court finds substantial evidence raising doubt about the competency of a minor in a WIC 601 or 602 proceeding, the court must suspend delinquency proceedings and appoint an expert to evaluate the minor's condition and competency. AB 1214 sets out qualifications for the expert including expertise in child and adolescent development, and it includes detail on the methods that must be employed by the expert in making his or her determination and recommendation to the court. Provides that additional experts may be retained by the district attorney or minor's counsel to supplement the testimony of the court appointed expert. Requires the competency determination to be made in an evidentiary hearing with a presumption that the minor is competent. If the minor is found by the court based on a preponderance of evidence to be incompetent, minor must be referred for remediation services designed to restore competency. The remediation period cannot exceed one year. If competency is considered to be restored during the remediation period, the delinquency proceedings are reinstated.

During remediation, the bill states limits on any secure confinement lasting longer than six months from the finding of incompetency. A special provision allows those found incompetent and charged with listed serious (WIC 707) offenses to be detained for longer periods not to exceed 18 total months. (These time limits for remediation and confinement were subjects of intense debate when the predecessor bill, AB 935, was passed and then vetoed last year). If it is determined that competency cannot be restored through remediation within six months, the court must dismiss the delinquency petition. Requires the Judicial Council to adopt court rules to implement the revised procedure. *On suspense in the Senate Appropriations Committee, set for hearing on 8/16.*

AB 1488 (Thurmond, D. - Richmond). County juvenile transition centers. As now amended, AB 1488 would require each California county to establish a working group of juvenile justice stakeholders to "... discuss and assess the resources that are needed for the creation or support of a juvenile transition center in the county". The juvenile transition center would, if established, provide transitional housing and related services to juveniles "upon release from juvenile correctional facilities". The bill does not specify the types of "juvenile correctional facilities" to which it would apply. In addition to transitional housing, other services to be made available in the transition centers include "education, work training, health and mental health services, family and social services, and legal services." An urgency measure requiring a two-thirds vote of each house. Counties would be required to implement the measure (as now amended) only to the extent that state funds become available from the state or other sources. *Passed Assembly 67-0-13. Then failed to meet the July 6 deadline for passing the policy committee in the opposite house. Dead.*

AB 1584 (Gonzales-Fletcher, D.- San Diego). DNA sample collection from minors. (New addition to tracking list). AB 1584 prohibits a law enforcement officer, agent or employee from collecting a biological sample including DNA swabs from any minor who is under criminal investigation for participation in a crime. The ban does not apply where the bio-sample is collected pursuant to a valid search warrant or court order; where sample collection is expressly authorized by statute; or where the minor consents in writing to the sample after certain admonishments are given and after the minor has the opportunity to consult privately with a parent, guardian or attorney regarding the collection of the sample. The bill also provides that the detention of the minor may not be extended due to delays in the required contact and engagement of parents, guardian or counsel. In addition, if the minor's DNA is collected the results may not be entered in defined DNA data bases. *Passed the Assembly 73-0-4; non-fiscal bill pending vote on the Senate Floor.*

AB 1617 (Bloom, D.- Santa Monica). Access to confidential juvenile case files on appeal. This is a "gut and amend" that went from a Fish & Wildlife Department bill to a juvenile confidentiality bill in the Assembly in May. As altered, AB 1617 would amend the confidentiality section of the Juvenile Court Law (Welfare and Institutions Code Sec. 827) to permit an individual who files a writ or notice of appeal from a Juvenile Court order, or a respondent to the writ or appeal, to inspect and copy juvenile case files for use in the appeal or proceeding where access to the record was previously granted to the individual in the matter by the Juvenile Court. *Passed the Assembly 56-20-4. Pending Senate Floor vote.*

AB 1744 (McCarty, D. - Sacramento). After School Education and Safety Act (ASESA) and 21st Century After School programs: substance abuse prevention services, marijuana taxes. AB 1744 amends the ASESA to add, to the "educational enrichment" element that ASESA programs may offer, the option of offering "youth development activities that promote healthy choices and behaviors in order prevent and reduce substance abuse and improve school retention and performance". The bill also amends the 21st Century High School After School Safety and Enrichment for Teens program by adding the same substance abuse/school retention service

elements. As amended the bill requires the state Dept. of Health Care services to enter into an agreement with the Department of Education to implement and allocate funds to designated ASESAs programs. The bill also amends the 2016 marijuana initiative adopted by California voters to provide that marijuana taxes allocated to a youth fund established by the initiative may be used to support the substance abuse services authorized by the bill for the ASESAs and 21st Century after school programs. *Passed the Assembly 73-0-5. On suspense in the Senate Appropriations Committee, hearing scheduled for 8/16.*

AB 1930 (Stone, D – Santa Cruz). Resource family applications. In early June this bill was massively amended to recast code provisions affecting the resource family qualification and approval process under the state’s Continuum of Care Reform (CCR). As amended, the bill alters procedures for emergency placements of dependent youth with resource family applicants who have yet to complete the required home environment, permanency planning or psychosocial assessments or whose criminal background checks are still pending. The bill also adjusts confidentiality provisions relating to the resource family application and approval process. Makes multiple and additional changes in the resource family application/ approval process. *Pending Senate Floor vote.*

AB 2010 (Chau, D. - Arcadia). Ban on pepper spray in juvenile facilities. AB 2010 would impose a general ban on possession or use of chemical agents by employees or officers of a juvenile facility. A juvenile facility is defined in the bill to include juvenile halls, probation camps, the facilities of the state Division of Juvenile Justice, regional youth education and correctional facilities and “any other local or state facility used for the confinement of minors or wards”. An exception allows pepper spray to be used “only as a last resort when necessary to suppress a riot and only when de-escalation techniques have been unsuccessful or are not reasonably possible”, and then only with the approval of the facility administrator or designee and subject to documentation and incident reporting. *Held without recommendation 4/17 in the Assembly Public Safety Committee. Dead.*

AB 2043 (Arambula, D. – Fresno). Family Urgent Response System and hotline for foster children and youth and caregivers. AB 2043 states legislative intent to improve system responses and coordination of services in relation to the state’s Continuum of Care Reform (CCR) that has shifted foster children and youth from traditional group homes to family-based or high-end residential care. As amended, AB 2043 requires the state Department of Social Services to establish a 24-hour hot line by January 2020 for current and former foster children/youth and their caregivers who have emotional, behavioral or other needs that require immediate support response to prevent placement disruptions and to help connect foster youth and caregivers to community services. The bill also requires child welfare, probation, and behavioral health agencies, in each county, to establish by January 2020 a Family Urgent Response System defined as “ a coordinated statewide, regional, and county-level system designed to provide collaborative, timely, in-home, in-person mobile crisis response for purposes of stabilizing the living situation, mitigating the distress of the caregiver or child or youth, and connecting the caregiver and child or youth with linkages to the existing array of local services”. The bill lists the service requirements and components that must be provided by each county under the Family Urgent Response System including phone crisis intervention, deployment of mobile response teams having 24/7 availability, providing in-person responses within 3 hours of a call and providing other services and linkages described in the bill. Requires counties to submit comprehensive Family Urgent Response System plans to the state Dept. of Social Services by April of 2019. *Passed the Assembly 78-0-0. In Senate Appropriations Committee for hearing scheduled for 8/16.*

AB 2083 (Cooley, D. - Rancho Cordova). County memoranda on roles and responsibilities of local agencies serving foster youth with histories of trauma, and related state agency service plans and reports. As amended, AB 2083 requires each county to “develop and implement a memorandum of understanding setting forth the roles and responsibilities of agencies and other entities that serve children and youth in foster care who have experienced severe trauma.” The memoranda are intended to identify and fill service gaps that may exist under the state’s Continuum of Care Reform (CCR) and to ensure that foster children and youth receive care that is trauma-informed. Under CCR, the caseload of foster youth (including probation-placed youth) has shifted away from traditional group homes to either family-based care or placement in a high-end residential treatment program (Short Term Residential Therapeutic Program, or “STRTP”). The bill lists the agencies that must be involved in adopting the local memoranda and sets out the procedures and practices that must be included in the memoranda. The bill also establishes a state “interagency resolution team” consisting of representatives from the state departments of Social Services, Education, Health Care Services and Developmental Services. The interagency resolution team is tasked with guiding and coordinating local development of the service memoranda required by the bill. In addition, the interagency resolution team is required, by January 2020, to submit recommendations to the Legislature on service or placement availability gaps affecting the target foster youth population, including (as amended) options for a “statewide, pooled financing structure and a process for centralized entry, authorization, and access to services for foster youth with intensive needs”. The bill further requires the interagency team by January 2020 to develop, in consultation with affected stakeholders, “a multiyear plan for increasing the capacity and delivery of trauma-informed care to foster children and youth served by short-term residential therapeutic programs and other foster care and behavioral health providers”. July amendments set out confidentiality and information sharing criteria for the various entities created or affected by the bill. *Passed the Assembly 78-0-0. On suspense in the Senate Appropriations Committee, hearing scheduled for 8/16.*

AB 2119 (Gloria, D. – San Diego). Gender-affirming foster care rights and health/mental health care. This bill was vastly amended in the first week of August to delete the former addition to the foster care bill of rights (Welfare and Institutions Code Section 16001.9) that added the right “to have access to gender affirming health care and gender affirming behavioral health services”. Now the bill takes a different approach to the same end by modifying WIC Section 16010.2 to specify that the right of minors and nonminors in foster care to health and mental health care includes gender-affirming health and mental health care. The bill also now amends the existing foster care right to be placed in out of home care according to “gender identity” to include the right of the ward to be involved in the development of their own case plan including “placement and gender affirming health care with consideration of their gender identity”. Furthermore, the bill now tasks the Department of Social Services, in coordination with named stakeholders, to develop “guidance describing best practices” for foster youth in relation to gender affirming health and mental health care, including guidance on Medi-Cal services for transgender beneficiaries. The April amendment that barred providers from applying gender-changing treatments was taken out of the bill in June. *Passed the Assembly 46-22-10; in the Senate Appropriations Committee.*

AB 2247 (Gipson, D. – Carson). Placement preservation strategies to be included in dependency case plans. Per June amendments, the bill adds section 16010.7 to the Welfare and Institutions Code, requiring social workers and child and family team members to include, in the required case plan for dependent wards, “a strategy to preserve the child’s placement that may include, but is not limited to, conflict resolution practices and facilitated meetings”. This represents a modification of the bill’s former requirement that prior to any change in placement a plan to maintain the existing placement had to be developed. Under the new version of AB 2247, a placement change can be

made by the social worker only after implementing the case plan preservation strategies and then finding that the change in placement remains necessary. The bill retains the requirement of 14 day notice to named parties prior to activating the placement change. The prohibition on making the change during night time hours has been modified to ban any transfer to the new placement between the hours of 9:00 p.m. and 7:00 a.m. unless a child over age 10 or the child's representative, the caregivers on both ends and the social worker agree to a different schedule. Requires the Office of State Foster Care Ombudsman to make certain responses to complaints that the placement provisions of the bill have not been observed. Also provides that the placing agency may implement a placement change without adhering to these requirements where remaining in the current placement would pose a threat to the child's health or safety, or where the child/child's representative, caregiver and social worker agree to waive the requirements. As amended the bill includes clarification that its provisions apply to dependent rather than delinquent wards and does not apply to non-minor dependents placed in a listed Transitional Housing or independent living program. *Passed the Assembly 78-0-0. In the Senate Appropriations Committee for hearing scheduled 8/16.*

AB 2337 (Gipson, D. – Carson). Revisions in nonminor dependency jurisdiction. AB 2337 revises the criteria used by courts to determine the eligibility of certain nonminors for continuing foster care benefits after age 18. It modifies the existing procedure by which qualifying nonminors can petition the court to resume dependency jurisdiction prior to age 21, including changes to the hearing process for nonminors in which the court must make various dispositional determinations regarding the nonminor's continuing foster care status, living situation and status as a nonminor dependent. *Passed the Assembly 78-0-0. In the Senate Appropriations Committee for hearing scheduled for 8/16.*

AB 2448 (Gipson, D. – Carson). Access to computer technology and the Internet in juvenile placements and facilities. Reintroduces similar 2017 legislation vetoed by the Governor. AB 2448 amends the Welfare and Institutions Code to establish the right of dependent and delinquent wards of the court to participate in "age-appropriate extracurricular, enrichment, and social-activities, including, but not limited to, access to computer technology and the Internet". The bill also adds two new sections to the Welfare and Institutions Code specifying that minors detained in a juvenile hall or committed to a county probation camp *shall* be provided with access to computer technology and the Internet for purposes of education and *may* be provided with such access to maintain relationships with families. In addition, the bill provides that Short Term Residential Therapeutic Programs, group homes and other listed caregivers must apply a "reasonable and prudent parent standard" in deciding whether to give permission to a foster youth to participate in enrichment and social activities that include access to computer technology and the internet. A similar bill by Mr. Gipson was vetoed last year by the Governor who targeted the bill's provisions requiring the Division of Juvenile Justice (DJJ) to comply; DJJ has been removed from this re-try bill. *Passed the Assembly 50-24-4. In the Senate Appropriations Committee for hearing scheduled for 8/16.*

AB 2595 (Oberholte, R. – Big Bear Lake). Maximum term of confinement in the Division of Juvenile Justice and continuing jurisdiction over DJJ wards. As amended in June, AB 2595 would now require (rather than simply permit) the Juvenile Court to set a maximum term of confinement for a ward committed to the Division of Juvenile Justice (DJJ). The new language appears at Welfare and Institutions Code Section 731 (c). The maximum term is to be set by the court "*based upon the facts and circumstances of the matter or matters that brought or continued the ward under the jurisdiction of the court and as deemed appropriate to achieve rehabilitation*". The bill continues to provide that the term of commitment in DJJ may not exceed the maximum term for an adult convicted of the same offense. It makes other changes to Section 731 (c), by reiterating the

current statutory authority of the Board of Juvenile Hearings to determine ward discharge dates, and by reconfirming that local court jurisdiction over DJJ wards lasts until age 25 or otherwise terminated by the court or by operation of law. *Passed the Assembly 73-0-5; passed Senate Public Safety Committee 6/19; non-fiscal bill, pending vote on the Senate Floor.*

AB 2605 (Gipson, D.- Carson). Limits on placement provider contacts with law enforcement. As substantially amended in April, AB 2605 adds Section 1531.6 to the Health and Safety Code, requiring designated foster care providers to “develop protocols that dictate the circumstances under which law enforcement may be contacted in response to the conduct of a child residing at the facility”. Providers subject to the requirement include group homes, transitional and temporary shelter care facilities and short term residential therapeutic programs (“STRTPs”), The protocols must employ “trauma-informed and evidence-based deescalation and intervention techniques”; must specify that contacting law enforcement “shall be used only as a last resort once other deescalation and intervention techniques have been exhausted” and then only upon approval of a staff supervisor; *must* require relevant staff training; and must address how law enforcement is to be contacted in emergency situations. As amended the bill would not prohibit law enforcement contacts for behavior incidents that require reports to law enforcement under other provisions of law including incidents of child abuse or running away from the facility. *Passed the Assembly 78-0-0, pending vote on the Senate Floor.*

AB 2659 (Cooley, D. – Rancho Cordova). Access to confidential dependency records for use in criminal proceedings. AB 2659 amends Section 827 of the Welfare and Institutions Code (the “confidentiality” section) by creating a procedure whereby the prosecution or defense in a criminal case may petition either the Juvenile Court or the Criminal Court to release a juvenile dependency case file. The petition must reference the specific records sought for release. The court may release the record to the prosecution or defense making the request, where it determines that the file “contains information that is material to a current criminal prosecution”. The bill defines materiality as containing information that is “inculpatory, is exculpatory, impeaches a witness, tends to negate the guilt of the accused, mitigates the offense, or mitigates the sentence”. AB 2659 requires that information obtained under a court order for this purpose shall be kept confidential and shall not be released to the media or other individuals who are not directly connected with the criminal case. Requires that the information shall not be made part of any court file that is open to the public, with limited exceptions. *Held in the Assembly Appropriations Committee. Dead.*

AB 2706 (Jones-Sawyer, D. – L.A.). Division of Juvenile Justice discharge procedure, probation participation. As amended, AB 2706 authorizes (rather than requires) the probation department of a county making a commitment of a juvenile to the Division of Juvenile Justice (DJJ) to participate in the ward’s DJJ re-entry case conference, either in person or by video conferencing. *Failed to pass policy committee deadline in the house of origin. Dead.*

AB 2720 (Waldron, R. – Escondido). Juvenile Re-Entry Grant Fund program expansion. The Juvenile Re-Entry Grant Fund was established in 2010 as a component of legislative reforms realigning state youth parole operations from the Division of Juvenile Justice (DJJ) to local probation departments. The Re-Entry Grant Fund pays counties for probation supervision and service costs supporting DJJ ward re-entry needs until their discharge from local court jurisdiction. This bill would extend eligibility of DJJ wards for Re-Entry Fund services for a two-year period beyond their discharge from local court jurisdiction, but only to the extent that “unexpended” grant funds are available to support the service extensions. As most recently amended (August 8), the bill would not take effect unless and until the Legislature approves a Constitutional Amendment that

would then have to be approved by state voters in the 2020 general election—this due to the fact that the bill would change constitutional realignment provisions adopted previously through the initiative process. *Passed the Assembly 73-0-5; pending vote on the Senate Floor.*

AB 2905 (Acosta, R. – Santa Clarita). California Foster Youth Enrichment Grant Pilot Program.

The bill requires the State Department of Social Services to establish a pilot program in in two rural and two urban counties to provide foster youth with grants of up to \$500 to pay for enrichment services including academic, recreational, social and other skill development activities. Sets out criteria for foster youth who would qualify for the grants. Stated goal is to support successful transition to adulthood and to build skills, abilities, self-esteem and well-being of foster youth. Depends on appropriation of funds in the budget. Includes a program sunset date of 2023. *Held under submission in the Assembly Appropriations Committee. Dead.*

AB 2952 (Stone, D- Santa Cruz). “Brady” amendment to juvenile record sealing law.

AB 2952 amends Welfare and Institutions Code Section 786 which requires the Juvenile Court to seal juvenile offense records on its own initiative upon determining that the juvenile has attained satisfactory completion of probation or diversion. This bill would add, to the other provisions of Section 786 that allow an auto-sealed record to be accessed for various purposes, a provision allowing a prosecutor to ask the Juvenile Court to access and use the sealed record to meet statutory or constitutional (“Brady”) requirements to furnish exculpatory evidence to the defense in a criminal prosecution. The bill requires the court to review the sealed records identified by the prosecution as needed to meet the disclosure obligation; requires notice to the person whose record has been sealed with an opportunity for that person to respond prior to the court’s ruling; and provides that if the record is authorized for disclosure, the court’s order must include limits on use of the information in order to protect the confidentiality of the person whose sealed record is being accessed. A technical amendment in June conforms WIC Section 786.5 (probation and diversion record sealing) to Section 787 (access to sealed records for data reports and evaluations). *Passed the Assembly 73-0-5, pending vote on the Senate Floor.*

AB 3005 (Chen, R- Diamond Bar). Access to confidential juvenile case files in fraud investigations.

This bill amends Welfare and Institutions Code Section 827 (the “confidentiality” section) to allow a juvenile case file to be accessed by an investigator employed by a county auditor-controller to support investigation into allegations of waste, fraud or abuse including misuse of information such as minors’ health information. Includes specific limits on the parties’ dissemination and use of any case file information accessed under this provision. *Double-referred to the Assembly Committees on Judiciary and Privacy and Consumer Protection; hearing in Assembly Judiciary was canceled. Missed policy committee deadlines. Dead.*

AB 3046 (Gipson, D. – Carson). Additions to the foster care bill of rights.

This bill adds approximately 20 changes to rights of foster youth that are listed in Welfare and Institutions Code Section 16001.9. Among the rights added by the bill are the rights to contact health and service providers and family members; the right to be placed with relatives or nonrelative extended family members; the right to be placed in the least possible restrictive setting; the right to be referred to by his or her preferred name and gender pronoun and to maintain the privacy of his or her sexual or gender identity; and the right to have reasonable access to computer technology and the Internet. *Double-referred to the Assembly Committees on Human Services and Judiciary. Hearings cancelled, missed policy committee deadlines. Dead.*

Senate bills

SB 439 (Mitchell, D. – L.A. and Lara, D. – Bell Gardens). Limiting delinquency jurisdiction to minors between ages 12 and 17, with exceptions. SB 439 would limit the jurisdiction of the Juvenile Court in delinquency cases (WIC 601 status offenses and WIC 602 criminal offenses) to minors aged 12 through and including age 17, effectively exempting minors below age 12 from petitions and proceedings under those sections of the Welfare and Institutions Code. However, as amended in June, the bill now also provides that a minor under age 12 who is alleged to have committed murder or rape with force, violence or great bodily harm will remain within the delinquency jurisdiction of the Juvenile Court. The June amendments also add a new Section 602.1 to the Welfare and Institutions Code, providing that where a minor under age 12 comes to the attention of law enforcement for status or criminal offenses (except murder or rape), “...the response of the county shall be to release the minor to his or her parent, guardian, or caregiver.” The bill now also requires counties to “... develop a process for determining the least restrictive responses that may be used instead of, or in addition to, the release of the minor to his or her parent, guardian, or caregiver.” The release and response provisions of the newly added section (602.1) would not take effect until January 2020. *Passed the Senate 24-13-3. On suspense in the Assembly Appropriations Committee, hearing set for 8/16.*

SB 607 (Skinner, D. – Berkeley). School suspension for willful defiance. SB 607 places new limits on the criteria or reasons for which a pupil may be suspended from school. Current law (Education Code Section 48900) does not allow a pupil in grades 1-3 to be suspended for disrupting school activities or otherwise willfully defying the valid authority of school personnel. SB 607 would extend this ban on suspension for disruption or willful defiance to cover pupils in grades 1-5 (permanently) and additionally to cover pupils in grades 6-12 with a sunset date for the grade 6-12 group of July 2028. Amendments have added charter schools to the bill, banning suspension or expulsion for school disruption or willful defiance of charter school pupils in grades 1 through 12. *Two-year bill. Pending vote on the Assembly Floor.*

SB 918 (Wiener, D. – San Francisco). Homeless Youth Act of 2018. This bill started out by establishing a dedicated Office of Homeless Youth in the Department of Housing and Community Development, with a \$60 million appropriation supporting a homeless youth services grant program. The bill was scaled back in May by amendment in the Senate Appropriations Committee. As amended, SB 918 would still establish a grant program supporting local homeless youth services, but funding of the grant program would now depend on non-specified budget appropriations or other state, federal and private resources. The grant program would be administered by the Housing First and Homeless Coordinating Council, established by 2016 legislation to coordinate policy and services designed to prevent homelessness in California. The Council is made up of state agency and homeless service/advocacy representatives appointed by the Governor and the Legislature. Grants awarded by the Council would go to private, nonprofit organizations serving homeless youth, with preferences for applicants engaged in service networks, local continuums and “coordinated entry systems”. Grants must support an array of named services including substance abuse prevention, housing, shelter care, vocational training, counseling and other listed services. SB 918 also tasks the Council with the following:

- Leadership, coordination and goal setting to reduce youth homelessness
- Identify policy, funding and service gaps affecting homeless youth

- Increase system integration to prevent homelessness among youth involved with the child welfare or juvenile justice systems
- Data collection and outcome measure development related to youth homelessness
- Produce a report to the Legislature by December 31, 2019 with recommendations related to “funding, policy, and practice gaps across systems that serve, or hold the potential to serve, young people experiencing homelessness in California”.

Passed the Senate 37-0-2 as amended; in the Assembly Appropriations Committee for hearing 8/16.

SB 934 (Allen, D.- Santa Monica). California Violence Prevention and Intervention Program. SB 934 would codify the CalVIP grant program that provides state funds to cities and community-based organizations for gang violence prevention. This is another “gut and amend” bill that replaced an unrelated measure with the CalVIP provisions in late March. The CalVIP grant program (formerly “CalGRIP” until renamed last year) has, for many years running, operated under terms and definitions contained in budget and trailer bills. SB 934 would essentially package the current grant provisions into a dedicated section of the Penal Code (adding PC Section 14130). Grants would continue to be awarded by the Board of State and Community Corrections (BSCC) to eligible cities and CBOs to support “evidence-based violence intervention and prevention programs in communities that are disproportionately impacted by violence”. Grants to cities would need to allocate 50% of the funds to community-based agencies or to non-law-enforcement agencies primarily dedicated to violence prevention. City grantees must also coordinate grant activity with designated local stakeholder groups. The bill does not alter the appropriations that have steadily been made to CalGRIP/CalVIP in recent years at the level of \$9.2 million statewide per year. In 2017, BSCC awarded three-year CalVIP grants to 10 cities and 10 CBOs, including a statutory \$1 million set aside for Los Angeles County *Status: Held under submission in the Senate Appropriations Committee; failed to meet deadline. Dead.*

SB 1004 (Wiener, D. – S.F.). Mental Health Services Act (MHSa)-- Prevention and Early Intervention spending priorities. (New addition to the tracking report). SB 1004 imposes new requirements on the MHSa Oversight and Accountability Commission and on counties regarding the scope and expenditure of MHSa funds under the Prevention and Early Intervention (PEI) share created by this 2004 voter initiative. Intent language states the overall goal of expanding, improving and documenting the effectiveness of PEI programs and services supported by the MHSa. Among its many provisions, the bill requires the state Commission (by January 2020) to adopt priorities for expenditures of PEI funds, and it further requires counties making MHSa fund allocations to include those priorities to their county MSHA plans and to spend accordingly. The bill designates four major PEI priority areas for the Commission to adopt and for counties to implement. These include: a) childhood trauma and early intervention, b) early psychosis and mood order detection, c) outreach and engagement strategies that target secondary school and transition age youth with an emphasis on college-related programs and d) “culturally competent and linguistically appropriate prevention and intervention”. Counties would be able to add other PEI spending priorities to the local plan but could only proceed to implement them after the Commission has approved the local plan and its adjusted priorities. Elements pertaining to each of the designated PEI priority areas are spelled out in the bill, including (under the outreach to secondary school and transition age youth priority) services for juvenile justice system youth with emotional or behavioral problems. Other definitional and process changes in the scope, management and monitoring of MHSa Prevention and Early Intervention funds are included in the bill. *Passed the Senate 38-0-1; in the Assembly Appropriations Committee for hearing scheduled for 8/16.*

SB 1083 (Mitchell, D. – L.A.) Resource family approvals. This bill makes changes to the approval process for resource families under the state’s Continuum of Care Reform (CCR). Under CCR, licensed group homes for foster youth are eliminated and replaced with alternative placement options including home-based placement with a “resource family”. As amended, the bill extends the deadline for current foster care providers to convert to resource family status under CCR by one year to December 31, 2020. The bill also exempts providers having children voluntarily placed in foster care by a parent or guardian from the resource family approval process. The bill also changes the requirements and timing of home environmental and permanency assessments required for resource families. It adds a requirement for social workers or child advocates making disposition and case review reports to the court to include updates on resource family status and on fund supporting the resource family placement. Makes other changes related to relative placements and Kin-Gap payments. *Passed the Senate by a 38-0-1 vote; in the Assembly Appropriations Committee for hearing scheduled on 8/16.*

SB 1106 (Hill, D. – San Mateo). Young adult deferred entry pilot program expansion. In 2016, Sen. Jerry Hill carried SB 1004 which established the Young Adult Deferred Entry Pilot program—a five-county pilot allowing qualified young adults age 18-21 at the time of the offense to be housed in the county juvenile hall in order to receive the programming and other services available under the juvenile court law. The bill included requirements that young adults be separated from minors in the juvenile hall and that pilots must be evaluated by the Board of State and Community Corrections (BSCC). The five county pilots are currently operating in Butte, Napa, Nevada, Santa Clara and Alameda Counties. They were scheduled to end in January 2020. SB 1106 extends the life of the pilots by two years to January 2022. As amended, AB 1106 also adds Ventura County as a sixth participating pilot county. The bill also advances the date for BSCC to submit evaluation reports on each pilot to legislative budget committees to December 21, 2020. *Passed the Senate 27-6-6; in the Assembly Appropriations Committee for hearing scheduled for 8/16.*

SB 1168 (Anderson, R. – Alpine). Commitments to the state Division of Juvenile Justice. SB 1168 changes the offense criteria governing who can be committed by a Juvenile Court to the state Division of Juvenile Justice (DJJ). Currently, Welfare and Institutions Code Section 733 bars commitment to DJJ where the most recent offense in any petition sustained by the Juvenile Court is not a WIC Section 707 (b) listed (serious) offense or a Penal Code Section 290.008 listed sex offense. This bill amends Section 733 to provide that a commitment to DJJ may be ordered by the court where any single offense in the most recently sustained petition is a WIC 707 (b) or Penal Code Section 290.008 offense. The amendment, sponsored by the California District Attorneys Association, is intended to clarify DJJ eligibility in cases where the petition in question involves multiple offenses and where any one of the sustained petition offenses is a qualifying 707(b) or 290.008 offense. *Held in the Senate Appropriations Committee, failed to meet deadline. Dead.*

SB 1198 Wilk (R.- Lancaster). Sex offender management, research and risk instruments. States the intent of the Legislature to conduct research on recidivism of sex offenders to validate the effectiveness of the State-Authorized Risk Assessment Tool for Sex Offenders (“SARATSO”) and to document outcomes related to recent changes in California juvenile and adult sex offender registration laws. This bill tasks the SARATSO Review Committee (consisting of representatives from the Dept. of Justice, CDCR and the Dept. of State Hospitals) with sponsoring research on recidivism of sex offenders to further validate the risk instruments now in use and to support evaluation of sex offender laws and management practices. The bill also adds two members to the Sex Offender Management Board having juvenile justice expertise, including a probation officer (appointed by the Assembly Speaker) and a juvenile sex offender treatment provider (appointed by

Senate Rules). The bill also tasks the Sex Offender Management Board and the SARATSO Review Committee with additional duties including certification of standardized sex offender treatment programs, maintaining standards for certifying polygraph examiners and research into the selection and use of reliable and objective protocols and instruments for predicting sex offender recidivism. *Passed the Senate 37-0-2, in the Assembly Appropriations Committee, hearing set for 8/16.*

SB 1281 (Stern, D. – Agoura Hills). Access to sealed juvenile records to enforce ban on firearm possession. Penal Code Section 29820 bans possession of any firearm prior to age 30 by a person found by the Juvenile Court to have committed an offense enumerated in Section 29820, including any listed WIC Section 707 (b) serious offense. This bill would permit a prosecutor and the Department of Justice to access an offense record sealed by the Juvenile Court under WIC Section 786 for the purpose of enforcing the firearm possession ban. It would additionally prohibit the destruction of a WIC Section 786 sealed record until age 33 for any individual whose underlying juvenile offense has triggered the firearm possession ban. *Passed the Senate 39-0; pending vote on the Assembly Floor.*

SB 1391 (Lara, D. – Bell Gardens & Mitchell, D.- L.A.). Banning transfers of 14-15 year olds to adult criminal courts. Under current law, the Juvenile Court may order the transfer of a juvenile aged 14 or older to the jurisdiction of the adult criminal court if the juvenile meets offense and other statutory criteria for transfer. Upon conviction in adult court, the juvenile may be sentenced to the full adult prison term. This bill would eliminate transfer authority and the jurisdiction of the adult criminal court over juveniles who were age 14 or 15 at the time of the offense. In 2016, according to the California Department of Justice, juveniles aged 14 or 15 accounted for 31 (or net 8 percent) of all 406 juveniles transferred to adult criminal courts, either via prosecutorial direct file or order of the court after a juvenile “fitness” hearing. Since the adoption of Proposition 57 in 2016, prosecutors can no longer “direct file” juvenile cases in adult court and all transfers must be made by the juvenile court after a “transfer” hearing. *Passed the Senate on May 30 by a 23-15-1 vote; in the Assembly Appropriations Committee, hearing scheduled for 8/16.*

Bill digests by David Steinhart, Director, Commonweal Juvenile Justice Program. Updated reports are posted on our website at www.comjj.org.