
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Loni Hancock, Chair

2015 - 2016 Regular

Bill No: AB 2000 **Hearing Date:** June 28, 2016
Author: Campos
Version: May 31, 2016
Urgency: No **Fiscal:** Yes
Consultant: AA

Subject: Wards: *Termination of Juvenile Court Jurisdiction*

HISTORY

Source: Juvenile Court Judges of California

Prior Legislation: SB 945 (Liu) – Ch. 631, Stats. 2010

Support: Commonweal Juvenile Justice Program; Legal Services for Prisoners with Children; National Association of Social Workers; East Bay Children's Law Offices; Youth Law Center

Opposition: None known

Assembly Floor Vote: 68 - 9

PURPOSE

The purpose of this bill is to 1) prohibit the juvenile court from terminating jurisdiction over a ward who has attained 17 years of age until the court conducts a hearing and finds that the probation department has provided, or made reasonable efforts to provide, certain information, documents, and services to the ward; 2) authorize a juvenile court at its discretion to make these provisions applicable to a ward under 17 years of age, as specified; and 3) provide circumstances to not delay the termination, as specified.

Under current law the purpose of juvenile court law "is to provide for the protection and safety of the public and each minor under the jurisdiction of the juvenile court and to preserve and strengthen the minor's family ties whenever possible, removing the minor from the custody of his or her parents only when necessary for his or her welfare or for the safety and protection of the public." (Welfare and Institutions Code ("WIC") § 202.)

Current law generally provides for minors to come under the jurisdiction of the juvenile court due to neglect or abuse, as specified (WIC § 300 et seq.), or as a consequence of delinquent conduct. (WIC §§ 601, 602.)

Current law generally describes how long the court may retain jurisdiction over a person found to be a dependent or delinquent ward of the court, as specified. (Welfare and Institutions Code (WIC) §§ 607 et seq.)

Current law requires that whenever the juvenile court terminates jurisdiction over a ward who also has been a dependent ward of the court or in foster care, or upon release of a ward from a facility that is not a foster care facility, a probation officer or parole officer shall provide the person with, at a minimum, all of the following:

- 1) A written notice stating that the person is a former foster child and may be eligible for the services and benefits that are available to a former foster child through public and private programs, including, but not limited to, any independent living program for former foster children, as specified.
- 2) Existing information that informs the person of the availability of assistance to enable the person to apply for, and gain acceptance into, federal and state programs that provide benefits to former foster children, as specified.
- 3) Existing information that informs the person of the availability of assistance to enable the person to apply for, and gain acceptance into, federal and state programs that provide independent living services to youth 16 years of age and over who may be eligible for services, as specified. (WIC § 607.3; *see also* WIC § 607.5)

This bill would enact a new law to provide that the juvenile court shall not terminate jurisdiction over a ward who has attained 17 years of age, as specified, until a hearing is conducted pursuant to this section and the court finds that the following information, documents, and services have been provided to the ward, or, in any case in which the information, document, or service is unavailable or cannot be provided, that the probation officer has made reasonable efforts to provide the following information, documents, or services to the ward:

- 1) Written information concerning the ward's case, including any known information regarding the ward's Indian heritage or tribal connections, if applicable, directions on how to access the documents the ward is entitled to inspect under Section 827, and the date on which the jurisdiction of the juvenile court would be terminated.
- 2) Written information regarding any psychoactive or other medications that the ward is taking, including the dosage, the reason the medications were prescribed, contact information of the prescribing doctor or psychiatrist, and information regarding how to maintain the medication regimen if the ward so chooses.
- 3) The following documents:
 - A. Social security card or a photocopy thereof.
 - B. Certified copy of his or her birth certificate.
 - C. Health and education summary, as described in subdivision (a) of Section 16010, if applicable.
 - D. Driver's license, as described in Section 12500 of the Vehicle Code, or identification card, as described in Section 13000 of the Vehicle Code.
 - E. A letter prepared by the probation department that includes the following information:

- (i) The ward's name and date of birth.
 - (ii) The dates during which the ward was within the jurisdiction of the juvenile court.
- F. If applicable, the death certificate of the parent or parents.
- G. An advance health care directive form.
- 4) Assistance with completing an application for Medi-Cal or assistance with obtaining other health insurance, unless the ward has health insurance.
 - 5) Referrals to transitional housing, if available, or referrals to assistance with securing other housing, unless the ward has housing.
 - 6) Referrals for assistance with obtaining employment or other financial support.
 - 7) Referrals for assistance in applying for admission to college or to a vocational training program or other educational institution and in obtaining financial aid, where appropriate.
 - 8) If the ward has been in out-of-home placement for 90 days or longer from the date the ward entered foster care or was committed or detained for 90 days or longer, contact information in the ward's file for individuals who are important to the ward, based on the ward's best interests.
 - 9) Information about the sealing of juvenile records as required by subdivision (h) of Section 781, including information on the sealing provisions of Section 786 and other applicable provisions regarding the sealing of juvenile records.
 - 10) If the ward has applied for special immigrant juvenile status or otherwise applied for legal residency, and the application is being processed, information on the status of the application and whether an active juvenile court case is required for approval of the application.

This bill would provide that the “ward shall not be held in physical confinement or subject to any terms or conditions of probation if a continuance of the termination hearing is required solely for the probation department to comply with the requirements of this section.”

This bill would provide that if “the ward has met his or her rehabilitative goal and requests immediate termination of jurisdiction, the termination shall not be delayed for the probation department to comply with this section.”

This bill would provide that a “juvenile court may, in its discretion, make the provision of information, documents, services, and referrals for service required by this section applicable to a ward under 17 years of age, if requested by the ward, and if the court finds that doing so is in the best interest of the ward.”

This bill would provide that the “ward, after having an opportunity to confer with the ward's counsel, may waive the right to receive the information, documents, services, and referrals for service specified in this section.”

This bill would require the Judicial Council to develop and implement standards, and develop and adopt appropriate forms, necessary to implement this section.

RECEIVERSHIP/OVERCROWDING CRISIS AGGRAVATION

For the past several years this Committee has scrutinized legislation referred to its jurisdiction for any potential impact on prison overcrowding. Mindful of the United States Supreme Court ruling and federal court orders relating to the state's ability to provide a constitutional level of health care to its inmate population and the related issue of prison overcrowding, this Committee has applied its "ROCA" policy as a content-neutral, provisional measure necessary to ensure that the Legislature does not erode progress in reducing prison overcrowding.

On February 10, 2014, the federal court ordered California to reduce its in-state adult institution population to 137.5% of design capacity by February 28, 2016, as follows:

- 143% of design bed capacity by June 30, 2014;
- 141.5% of design bed capacity by February 28, 2015; and,
- 137.5% of design bed capacity by February 28, 2016.

In December of 2015 the administration reported that as "of December 9, 2015, 112,510 inmates were housed in the State's 34 adult institutions, which amounts to 136.0% of design bed capacity, and 5,264 inmates were housed in out-of-state facilities. The current population is 1,212 inmates below the final court-ordered population benchmark of 137.5% of design bed capacity, and has been under that benchmark since February 2015." (Defendants' December 2015 Status Report in Response to February 10, 2014 Order, 2:90-cv-00520 KJM DAD PC, 3-Judge Court, *Coleman v. Brown, Plata v. Brown* (fn. omitted).) One year ago, 115,826 inmates were housed in the State's 34 adult institutions, which amounted to 140.0% of design bed capacity, and 8,864 inmates were housed in out-of-state facilities. (Defendants' December 2014 Status Report in Response to February 10, 2014 Order, 2:90-cv-00520 KJM DAD PC, 3-Judge Court, *Coleman v. Brown, Plata v. Brown* (fn. omitted).)

While significant gains have been made in reducing the prison population, the state must stabilize these advances and demonstrate to the federal court that California has in place the "durable solution" to prison overcrowding "consistently demanded" by the court. (Opinion Re: Order Granting in Part and Denying in Part Defendants' Request For Extension of December 31, 2013 Deadline, NO. 2:90-cv-0520 LKK DAD (PC), 3-Judge Court, *Coleman v. Brown, Plata v. Brown* (2-10-14).) The Committee's consideration of bills that may impact the prison population therefore will be informed by the following questions:

- Whether a proposal erodes a measure which has contributed to reducing the prison population;
- Whether a proposal addresses a major area of public safety or criminal activity for which there is no other reasonable, appropriate remedy;
- Whether a proposal addresses a crime which is directly dangerous to the physical safety of others for which there is no other reasonably appropriate sanction;
- Whether a proposal corrects a constitutional problem or legislative drafting error; and
- Whether a proposal proposes penalties which are proportionate, and cannot be achieved through any other reasonably appropriate remedy.

COMMENTS

1. Stated Need for This Bill

The author states in part:

Youth who exit the juvenile criminal justice system at age 17 and after lack preparedness and self-sufficiency; they are faced with many barriers that can lead to undesired adult outcomes. Providing this vulnerable population with vital information, documents, referrals for services, and assisting them to regain basic health insurance coverage will help them in their transition to adulthood and decrease the likelihood of incarceration, homelessness, unemployment, and early and unwanted pregnancies. . . .

Currently there is no requirement to provide reentry or aftercare services to youth who are exiting Juvenile Probation and are being released from custody unless they are a current foster youth. The number of juvenile probation youth who leave probation with current foster care status is small. There is no law that the Probation Department or the Court has to ensure that the youth leave with important documents like birth certificates or school and placement history, though most or all of these documents are in the youth's probation file.

. . . AB 2000 aims to help juvenile justice youth age 17 and over, by providing them with vital documents that they will need in their transition into adulthood. The legislation would provide equity to the young adults who exit the court systems from Juvenile Probation similarly, but on a smaller scale, as for foster youth.

Youth who exit the foster care or juvenile justice system after age 17 are faced with major challenges. For juvenile court youth, transition often results in problems with accessing education, health care benefits, stable housing, and economic supports. Emancipated juvenile court youth are more likely to experience homelessness, unemployment, unplanned pregnancy, adult criminal court involvement, and substance abuse. They are also less likely to earn enough to support themselves, have a high school diploma, and enroll in college or other postsecondary education or training.

Providing services and support to youth reentering society can help reduce recidivism and foster successful reconnections with families and communities. . .

2. What This Bill Does

Current law (WIC Section 391(e)) provides that foster youth who age out of the dependency system when they become adults (or 21 years of age for "nonminor dependents") are provided with a number of documents and resources when leaving the dependency system. Prior to termination of the juvenile court's jurisdiction, the county welfare department is required to do a number of things to help the nonminor transition to living without the support of the juvenile court and the county welfare department.

This bill would provide a structure adopting this general approach for delinquent wards of the juvenile court, so they can receive information that could help them before the court terminates jurisdiction. The information is specified on pages two and three of this analysis.

3. Background

The Assembly Appropriations Committee's analysis of this bill quotes the sponsor, Juvenile Court Judges of California, explaining the need for the legislation:

Information such as medication needs, a Social Security card or copy, a copy of the youth's birth certificate, driver's license, and a health and education summary should be in the file. Assistance with obtaining Medi-Cal, and referrals for assistance for housing, employment, financial support, and college or vocational school applications are all resources that most juvenile justice probation departments have at their disposal. This legislation seeks a more concerted effort to rally behind a youth prior to leaving the system and is unlikely to cause a greater burden for the probation department to document or research because most of the information is already in the file or easily obtainable.

This bill does not propose assistance with certain of the items listed above but instead proposes referrals for assistance, for example, a resources print out of options rather than specific assistance to obtain those services. Medi-Cal assistance has been included because many youth lose their Medi-Cal coverage while incarcerated, and upon exit lack the resources and information to resume coverage.

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