

AMENDED IN SENATE MAY 22, 2008

AMENDED IN ASSEMBLY MARCH 24, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 3051

Introduced by ~~Committee on Judiciary (Jones (Chair), Evans, Feuer, Krekorian, Laird, Levine, and Lieber)~~ Assembly Member Jones

February 28, 2008

An act to amend Section 349 of the Welfare and Institutions Code, relating to family law.

LEGISLATIVE COUNSEL'S DIGEST

AB 3051, as amended, ~~Committee on Judiciary~~ Jones. Family law: court appearances.

Existing law entitles a minor who is the subject of a juvenile court hearing to be present at that hearing. The minor has the right to be represented at the hearing by counsel of his or her own choice.

This bill would require the court to allow a minor who is the subject of a juvenile court hearing and who is present at the hearing, to address the court and participate in the hearing, if the minor so desires.

Existing law requires the court to determine whether a minor was properly notified of his or her right to attend the hearing when that minor is 10 years of age or older, is the subject of a juvenile court hearing, and is not present at the hearing.

This bill would also require the court to ~~determine~~ *inquire* whether the minor was given an opportunity to attend the hearing. This bill would require the court to continue the hearing to allow the minor to be present, if the court finds the minor was not properly notified or if

he or she wished to be present and was not given an opportunity to be present, unless the court finds that it is in the best interest of the minor not to continue the hearing. The bill would require that the court continue the hearing only for that period of time necessary to provide notice and secure the presence of the child. The bill would also authorize the court to issue any *and all* orders *reasonably* necessary to ensure that the child has an opportunity to attend. The bill would also declare that nothing in those provisions shall prevent or limit any child’s right to attend or participate in the hearing.

Vote: majority. Appropriation: no. Fiscal committee: no.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature that all children
 2 who want to attend their juvenile court hearings be given the means
 3 and the opportunity to attend, ~~and~~ that these hearings be set to
 4 accommodate children’s schedules, *and that courtrooms and*
 5 *waiting areas help facilitate their attendance and participation.*
 6 It is also the intent of the Legislature that juvenile courts promote
 7 communication with, and the participation of, children in
 8 attendance at hearings of which they are the subject, and that
 9 children attending these hearings leave the hearing with a clear
 10 understanding of what decisions the court made and why, and that
 11 the Administrative Office of the Courts help promote these
 12 objectives.
 13 SEC. 2. Section 349 of the Welfare and Institutions Code is
 14 amended to read:
 15 349. (a) A minor who is the subject of a juvenile court hearing
 16 and any person entitled to notice of the hearing under the provisions
 17 of Sections 290.1 and 290.2, is entitled to be present at the hearing.
 18 (b) The minor and any person who is entitled to that notice has
 19 the right to be represented at the hearing by counsel of his or her
 20 own choice.
 21 (c) If the minor is present at the hearing, the court shall allow
 22 the minor, if the minor so desires, to address the court and
 23 participate in the hearing.
 24 (d) If the minor is 10 years of age or older and he or she is not
 25 present at the hearing, the court shall determine whether the minor
 26 was properly notified of his or her right to attend the hearing and

1 *inquire* whether the minor was given an opportunity to attend. If
2 that minor was not properly notified or if he or she wished to be
3 present and was not given an opportunity to be present, the court
4 shall continue the hearing to allow the minor to be present unless
5 the court finds that it is in the best interest of the minor not to
6 continue the hearing. The court shall continue the hearing only for
7 that period of time necessary to provide notice and secure the
8 presence of the child. The court may issue any ~~orders~~ *and all orders*
9 *reasonably* necessary to ensure that the child has an opportunity
10 to attend.

11 (e) Nothing in this section shall prevent or limit any child's right
12 to attend or participate in the hearing.