

ASSEMBLY BILL

No. 217

Introduced by Assembly Member Maienschein

February 2, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 217, as introduced, Maienschein. Juvenile law: hearings.

Existing law entitles a minor who is the subject of a juvenile court hearing to be present at that hearing. Under existing law, the court is required to allow the minor, if he or she so desires, to address the court and participate in the hearing.

This bill would require the court to inform the minor, if the minor is present at the hearing, of his or her right to address the court and 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. Section 349 of the Welfare and Institutions Code
- 2 is amended to read:
- 3 349. (a) A minor who is the subject of a juvenile court hearing,
- 4 and any person entitled to notice of the hearing under the provisions
- 5 of Sections 290.1 and 290.2, is entitled to be present at the hearing.
- 6 (b) The minor and any person who is entitled to that notice has
- 7 the right to be represented at the hearing by counsel of his or her
- 8 own choice.

1 (c) If the minor is present at the hearing, the court shall *inform*
2 *the minor that he or she has the right to address the court and*
3 *participate in the hearing and the court shall* allow the minor, if
4 the minor so desires, to address the court and participate in the
5 hearing.

6 (d) If the minor is 10 years of age or older and he or she is not
7 present at the hearing, the court shall determine whether the minor
8 was properly notified of his or her right to attend the hearing and
9 inquire whether the minor was given an opportunity to attend. If
10 that minor was not properly notified or if he or she wished to be
11 present and was not given an opportunity to be present, the court
12 shall continue the hearing to allow the minor to be present unless
13 the court finds that it is in the best interest of the minor not to
14 continue the hearing. The court shall continue the hearing only for
15 that period of time necessary to provide notice and secure the
16 presence of the child. The court may issue any and all orders
17 reasonably necessary to ensure that the child has an opportunity
18 to attend.

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