

ASSEMBLY BILL

No. 519

Introduced by Assembly Member McCarty

February 23, 2015

An act to amend Section 202 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 519, as introduced, McCarty. Juveniles.

The Arnold-Kennick Juvenile Court Law establishes the jurisdiction of the juvenile court, which may adjudge a minor to be a dependent or ward of the court if the minor has been abused or neglected, or if the minor has violated a law or ordinance, respectively. Existing law requires that minors under the jurisdiction of the juvenile court as a consequence of delinquent conduct receive care, treatment, and guidance that is consistent with their best interests, that holds them accountable for their behavior, and that is appropriate for their circumstances.

This bill would make technical, nonsubstantive changes to that provision.

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 202 of the Welfare and Institutions Code
- 2 is amended to read:
- 3 202. (a) The purpose of this chapter is to provide for the
- 4 protection and safety of the public and each minor under the
- 5 jurisdiction of the juvenile court and to preserve and strengthen

1 the minor’s family ties whenever possible, removing the minor
2 from the custody of his or her parents only when necessary for his
3 or her welfare or for the safety and protection of the public. If
4 removal of a minor is determined by the juvenile court to be
5 necessary, reunification of the minor with his or her family shall
6 be a primary objective. If the minor is removed from his or her
7 own family, it is the purpose of this chapter to secure for the minor
8 custody, care, and discipline as nearly as possible equivalent to
9 that which should have been given by his or her parents. This
10 chapter shall be liberally construed to carry out these purposes.

11 (b) Minors under the jurisdiction of the juvenile court who are
12 in need of protective services shall receive care, treatment, and
13 guidance consistent with their best ~~interest~~ *interests* and the best
14 ~~interest~~ *interests* of the public. Minors under the jurisdiction of
15 the juvenile court as a consequence of delinquent conduct shall,
16 in conformity with the interests of public safety and protection,
17 receive care, treatment, and guidance that is consistent with their
18 ~~best-interest~~, *interests*, that holds them accountable for their
19 behavior, and that is appropriate for their circumstances. This
20 guidance may include punishment that is consistent with the
21 rehabilitative objectives of this chapter. If a minor has been
22 removed from the custody of his or her parents, family preservation
23 and family reunification are appropriate goals for the juvenile court
24 to consider when determining the disposition of a minor under the
25 jurisdiction of the juvenile court as a consequence of delinquent
26 conduct when those goals are consistent with his or her best
27 interests and the best interests of the public. When the minor is no
28 longer a ward of the juvenile court, the guidance he or she received
29 should enable him or her to be a law-abiding and productive
30 member of his or her family and the community.

31 (c) It is also the purpose of this chapter to reaffirm that the duty
32 of a parent to support and maintain a minor child continues, subject
33 to the financial ability of the parent to pay, during any period in
34 which the minor may be declared a ward of the court and removed
35 from the custody of the parent.

36 (d) Juvenile courts and other public agencies charged with
37 enforcing, interpreting, and administering the juvenile court law
38 shall consider the safety and protection of the public, the
39 importance of redressing injuries to victims, and the best interests
40 of the minor in all deliberations pursuant to this chapter.

1 Participants in the juvenile justice system shall hold themselves
2 accountable for its results. They shall act in conformity with a
3 comprehensive set of objectives established to improve system
4 performance in a vigorous and ongoing manner. In working to
5 improve system performance, the presiding judge of the juvenile
6 court and other juvenile court judges designated by the presiding
7 judge of the juvenile court shall take into consideration the
8 recommendations contained in subdivision (e) of Standard 5.40
9 of Title 5 of the California Standards of Judicial Administration,
10 contained in the California Rules of Court.

11 (e) As used in this chapter, “punishment” means the imposition
12 of sanctions. It does not include retribution and shall not include
13 a court order to place a child in foster care as ~~defined by~~ *described*
14 *in* Section 727.3. Permissible sanctions may include any of the
15 following:

- 16 (1) Payment of a fine by the minor.
- 17 (2) Rendering of compulsory service without compensation
18 performed for the benefit of the community by the minor.
- 19 (3) Limitations on the minor’s liberty imposed as a condition
20 of probation or parole.
- 21 (4) Commitment of the minor to a local detention or treatment
22 facility, ~~such as~~ *including* a juvenile hall, camp, or ranch.
- 23 (5) Commitment of the minor to the Division of Juvenile
24 Facilities, Department of Corrections and Rehabilitation.

25 (f) In addition to the actions authorized by subdivision (e), the
26 juvenile court may, as appropriate, direct the offender to complete
27 a victim impact class, participate in victim offender conferencing
28 subject to the victim’s consent, pay restitution to the victim or
29 victims, and make a contribution to the victim restitution fund after
30 all victim restitution orders and fines have been satisfied, in order
31 to hold the offender accountable or restore the victim or
32 community.