

AMENDED IN ASSEMBLY APRIL 13, 2015

AMENDED IN ASSEMBLY MARCH 23, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 703**

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**Introduced by Assembly Member Bloom**

February 25, 2015

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An act to add Section 634.3 to the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 703, as amended, Bloom. Juveniles: attorney qualifications.

Existing law subjects any person under 18 years of age who commits a crime to the jurisdiction of the juvenile court, which may adjudge ~~such~~ *the* person to be a ward of the court, except as specified. Under existing law, a minor has the right to counsel of his or her own choice in proceedings to declare the minor a ward of the court. If the minor and his or her parents are indigent, the minor is entitled to appointed counsel.

This bill would require counsel appointed in ~~youth~~ *delinquency* proceedings to, among other things, have sufficient contact with the minor to establish and maintain a meaningful and professional attorney-client relationship, including in the postdispositional phase of the proceedings. The bill would also require the Judicial Council, by July 1, 2016, to adopt rules of court regarding, among other things, the establishment of minimum hours of training and education, or sufficient recent experience in delinquency proceedings in which the attorney has demonstrated competence, necessary to be appointed as counsel in delinquency proceedings, ~~and~~ the establishment of required training

~~areas~~ areas, and ~~encouraging~~ the encouragement of delinquency training provided by public defender offices and other agencies that represent minors in delinquency cases to provide juvenile delinquency training cases.

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

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

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) As representing minors in the juvenile justice system has  
4 become much more complex, and the potential consequences of  
5 juvenile involvement in the juvenile justice system have become  
6 more severe than when the Arnold-Kennick Juvenile Court Law  
7 (Chapter 2 (commencing with Section 200) of Part 1 of Division  
8 2 of the Welfare and Institutions Code) was enacted, delinquency  
9 attorneys need specialized skills, education, and training to ensure  
10 competent representation of minors in juvenile delinquency court.

11 (b) Competent legal representation by defense attorneys is  
12 needed to preserve the integrity of the juvenile justice system,  
13 prevent wrongful judgments, reduce unnecessary incarceration,  
14 and help ensure that minors receive the care, treatment, and  
15 guidance upon which the juvenile justice system is premised.

16 (c) It is essential that California’s juvenile delinquency defense  
17 attorneys have the appropriate knowledge and skills needed to  
18 meet the demands of this increasingly complex area of legal  
19 practice. Advances in brain research demonstrate that children and  
20 adolescents do not possess the same cognitive, emotional,  
21 decisionmaking, and behavioral capacities as adults. Counsel must  
22 ensure that these differences are appropriately recognized in the  
23 attorney-client relationship and defense of the case.

24 SEC. 2. Section 634.3 is added to the Welfare and Institutions  
25 Code, to read:

26 634.3. (a) Counsel appointed pursuant to Section 634 to  
27 represent youth in proceedings under Sections 601 and 602 shall  
28 do all of the following:

29 (1) Provide effective, competent, diligent, and conscientious  
30 advocacy and make rational and informed decisions founded on  
31 adequate investigation and preparation.

1 (2) Provide legal representation based on the client’s expressed  
2 interests, and maintain a confidential relationship with the minor.

3 (3) Confer with the minor prior to each court hearing, and have  
4 sufficient contact with the minor to establish and maintain a  
5 meaningful and professional attorney-client relationship, including  
6 in the postdispositional phase.

7 (4) When appropriate, delinquency attorneys should consult  
8 with social workers, mental health professionals, educators, and  
9 other experts reasonably necessary for the preparation of the  
10 minor’s case, and, when appropriate, seek appointment of those  
11 experts pursuant to Sections 730 and 952 of the Evidence Code.

12 (5) Nothing in this subdivision shall be construed to modify the  
13 role of counsel pursuant to subdivision (b) of Section 657.

14 (b) By July 1, 2016, the Judicial Council, in consultation and  
15 collaboration with delinquency defense attorneys, judges, and other  
16 justice partners including child development experts, shall adopt  
17 rules of court to do all of the following:

18 (1) Establish minimum hours of training and education, or  
19 sufficient recent experience in delinquency proceedings in which  
20 the attorney has demonstrated competence, necessary in order to  
21 be appointed as counsel in delinquency proceedings. Training  
22 hours that the State Bar has approved for Minimum Continuing  
23 Legal Education (MCLE) credit shall be counted toward the MCLE  
24 hours required of all attorneys by the State Bar.

25 (2) Establish required training areas that may include, but are  
26 not limited to, an overview of juvenile delinquency law and  
27 procedure, child and adolescent development, special education,  
28 competence and mental health issues, counsel’s ethical duties,  
29 advocacy in the postdispositional phase, appellate issues, direct  
30 and collateral consequences of court involvement for a minor, and  
31 securing effective rehabilitative resources.

32 (3) Encourage public defender offices and agencies that provide  
33 representation in proceedings under Sections 601 and 602 to  
34 provide training on juvenile delinquency issues that the State Bar  
35 has approved for MCLE credit.

36 ~~(4) Provide that experts whose appointment is requested by~~  
37 ~~delinquency attorneys, and social workers employed to work with~~  
38 ~~the delinquency attorney, are agents of the attorneys and require~~  
39 ~~those experts and social workers to adhere to the attorney-client~~

- 1 ~~privilege under Article 3 (commencing with Section 950) of~~
- 2 ~~Chapter 4 of Division 8 of the Evidence Code.~~
- 3 ~~(5)~~
- 4 (4) Provide that attorneys practicing in juvenile delinquency
- 5 courts shall be solely responsible for compliance with the training
- 6 and education requirements adopted pursuant to this section.