

ASSEMBLY BILL

No. 3339

Introduced by Assembly Member Knowles

February 23, 1996

An act to add Section 351 to the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 3339, as introduced, Knowles. Juveniles: dependency proceedings.

(1) Existing law provides for the determination by the juvenile court whether a minor should be declared a dependent child of the court, as specified.

This bill would create a 3-year, 3-county pilot project requiring advisory juries in at least 20% of the dependency proceedings heard in the county, as specified, thereby imposing a state-mandated local program by requiring new duties of local officials. The bill would also require the Judicial Council to select one of the counties involved, and to report annually on the pilot project, as specified.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 351 is added to the Welfare and
2 Institutions Code, to read:

3 351. (a) This section shall constitute a pilot program
4 applicable solely to dependency proceedings
5 commencing on or after January 1, 1997, but no later than
6 December 31, 2000, in the following counties:

7 (1) El Dorado County.

8 (2) San Diego County.

9 (3) A mid-sized county with a population of more than
10 200,000 persons selected by the Judicial Council.

11 (b) The counties specified in subdivision (a) shall
12 provide a trial by an advisory jury, as defined, for a
13 minimum of 20 percent of the contested dependency
14 proceedings that proceed to the jurisdictional hearing.

15 (c) At least 20 percent of the parents affected shall be
16 randomly selected to receive a trial by advisory jury at
17 their option. The selection process for advisory jury trials
18 shall be a strictly random process. In the event that any
19 of the parents so notified elect not to participate in an
20 advisory jury trial, additional parents shall be selected so
21 as to maintain the actual number of advisory jury
22 participants at a minimum of 20 percent.

23 (d) The findings of the advisory jury shall be made a
24 part of the permanent court record; and each case shall
25 be available for public review, less any information that
26 would in the court's judgment inappropriately identify
27 the family or the minor involved.

28 (e) For purposes of this section an "advisory jury"
29 means a jury that is fully impaneled in the same respect
30 that other juries are impaneled; however, their
31 determination is not binding on the court, but rather shall



1 be used to create data to measure the degree of
2 consistency between juvenile court judicial decisions in
3 dependency hearings versus the decisions of an advisory
4 jury.

5 (f) The Judicial Council shall annually analyze and
6 tabulate the advisory jury outcomes in each of the three
7 pilot project counties, and make their report available to
8 the Legislature.

9 SEC. 2. Notwithstanding Section 17610 of the
10 Government Code, if the Commission on State Mandates
11 determines that this act contains costs mandated by the
12 state, reimbursement to local agencies and school
13 districts for those costs shall be made pursuant to Part 7
14 (commencing with Section 17500) of Division 4 of Title
15 2 of the Government Code. If the statewide cost of the
16 claim for reimbursement does not exceed one million
17 dollars (\$1,000,000), reimbursement shall be made from
18 the State Mandates Claims Fund.

19 Notwithstanding Section 17580 of the Government
20 Code, unless otherwise specified, the provisions of this act
21 shall become operative on the same date that the act
22 takes effect pursuant to the California Constitution.

