

AMENDED IN ASSEMBLY APRIL 9, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1325

Introduced by Assembly Member Bordonaro

February 28, 1997

An act to amend Sections 654, 660, 663, ~~903~~, and 912 of the Welfare and Institutions Code, relating to youthful offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 1325, as amended, Bordonaro. Youthful offenders.

(1) Existing law authorizes a probation officer to place a minor on probation, without filing a petition to declare the minor a ward of the court on the basis of criminal conduct, if the probation officer concludes that the minor is, or will probably soon be, within the jurisdiction of the juvenile court, except as specified.

This bill would limit that authority to minors whom the probation officer concludes are within the jurisdiction of the juvenile court for the commission of a misdemeanor and who have not previously been found to have come within the jurisdiction of the juvenile court.

(2) Existing law provides for the issuance of a warrant of arrest for a minor if the minor presents a danger to himself or herself or to others, or if the home environment may endanger the minor.

Existing law also requires the clerk of the juvenile court to serve upon a minor a notice and a copy of the petition to declare the minor a ward of the juvenile court. Existing law

prescribes the procedure for serving that notice upon a minor who was not detained in custody.

This bill would provide that personal service of the notice and a copy of the petition described above, upon a minor who is not detained in custody, is not required if the whereabouts of the minor are unknown.

The bill also would provide that a warrant may be issued for the arrest of a minor if the above described personal service upon the minor is unsuccessful, or if the whereabouts of the minor are unknown.

~~(3) Existing law specifies a maximum cost which may be imposed for the support of any minor detained by order of the juvenile court.~~

~~This bill would make an unspecified change with respect to that maximum cost.~~

~~(4) Existing law provides for the county from which a youthful offender is committed to the Department of the Youth Authority to pay the state a specified amount each month that he or she remains in detention at the expense of the Youth Authority.~~

This bill would make this section applicable solely to the county from which the youthful offender is originally committed to the Department of the Youth Authority, and require that county to also pay to the state the cost of transporting the youthful offender to another county for the commission of a crime while in detention.

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. Section 654 of the Welfare and
2 Institutions Code is amended to read:
3 654. In any case in which a probation officer, after
4 investigation of an application for a petition or any other
5 investigation he or she is authorized to make concludes
6 that a minor is within the jurisdiction of the juvenile court
7 or will probably soon be within that jurisdiction, the
8 probation officer may, in lieu of filing a petition to declare
9 a minor a dependent child of the court or a minor or a



1 ward of the court under Section 601 or requesting that a
2 petition be filed by the prosecuting attorney to declare a
3 minor a ward of the court under subdivision (e) of Section
4 601.3 or Section 602 and with consent of the minor and the
5 minor's parent or guardian, delineate specific programs
6 of supervision for the minor, for not to exceed six months,
7 and attempt thereby to adjust the situation which brings
8 the minor within the jurisdiction of the court or creates
9 the probability that the minor will soon be within that
10 jurisdiction. This section shall only apply to a minor
11 deemed within the jurisdiction of the juvenile court
12 pursuant to Section 602 on the basis of the commission of
13 a misdemeanor and where the minor has not previously
14 been found to have come within the jurisdiction of the
15 juvenile court. Nothing in this section shall be construed
16 to prevent the probation officer from filing a petition or
17 requesting the prosecuting attorney to file a petition at
18 any time within the six-month period or a 90-day period
19 thereafter. If the probation officer determines that the
20 minor has not involved himself or herself in the specific
21 programs within 60 days, the probation officer shall
22 immediately file a petition or request that a petition be
23 filed by the prosecuting attorney. However, when in the
24 judgment of the probation officer the interest of the
25 minor and the community can be protected, the
26 probation officer shall make a diligent effort to proceed
27 under this section.

28 The program of supervision of the minor undertaken
29 pursuant to this section may call for the minor to obtain
30 care and treatment for the misuse of or addiction to
31 controlled substances from a county mental health
32 service or other appropriate community agency.

33 The program of supervision shall require the parents or
34 guardians of the minor to participate with the minor in
35 counseling or education programs, including, but not
36 limited to, parent education and parenting programs
37 operated by community colleges, school districts, or other
38 appropriate agencies designated by the court if the
39 program of supervision is pursuant to the procedure
40 prescribed in Section 654.2.



1 Further, this section shall authorize the probation
2 officer with consent of the minor and the minor's parent
3 or guardian to provide the following services in lieu of
4 filing a petition:

5 (a) Maintain and operate sheltered-care facilities, or
6 contract with private or public agencies to provide these
7 services. The placement shall be limited to a maximum of
8 90 days. Counseling services shall be extended to the
9 sheltered minor and his or her family during this period
10 of diversion services. The minor and his or her parents
11 may be required to make full or partial reimbursement
12 for the services rendered the minor and his or her family
13 during the diversion process. Referrals for sheltered-care
14 diversion may be made by the minor, his or her family,
15 schools, any law enforcement agency, or any other
16 private or public social service agency.

17 (b) Maintain and operate crisis resolution homes, or
18 contract with private or public agencies offering these
19 services. Residence at these facilities shall be limited to 20
20 days during which period individual and family
21 counseling shall be extended the minor and his or her
22 family. Failure to resolve the crisis within the 20-day
23 period may result in the minor's referral to a
24 sheltered-care facility for a period not to exceed 90 days.
25 Referrals shall be accepted from the minor, his or her
26 family, schools, law enforcement or any other private or
27 public social service agency. The minor, his or her
28 parents, or both, may be required to reimburse the
29 county for the cost of services rendered at a rate to be
30 determined by the county board of supervisors.

31 (c) Maintain and operate counseling and educational
32 centers, or contract with private and public agencies,
33 societies, or corporations whose purpose is to provide
34 vocational training or skills. The centers may be operated
35 separately or in conjunction with crisis resolution homes
36 to be operated by the probation officer. The probation
37 officer shall be authorized to make referrals to the
38 appropriate existing private or public agencies offering
39 similar services when available.



1 At the conclusion of the program of supervision
2 undertaken pursuant to this section, the probation officer
3 shall prepare and maintain a followup report of the actual
4 program measures taken.

5 SEC. 2. Section 660 of the Welfare and Institutions
6 Code is amended to read:

7 660. (a) Except as provided in subdivision (b), if the
8 minor is detained, the clerk of the juvenile court shall
9 cause the notice and copy of the petition to be served on
10 all persons required to receive that notice and copy of the
11 petition, either personally or by certified mail with
12 request for return receipt, as soon as possible after filing
13 of the petition and at least five days prior to the time set
14 for hearing, unless the hearing is set less than five days
15 from the filing of the petition, in which case, the notice
16 and copy of the petition shall be served at least 24 hours
17 prior to the time set for hearing.

18 (b) If the minor is detained, and all persons entitled to
19 notice were present at the detention hearing, the clerk of
20 the juvenile court shall cause the notice and copy of the
21 petition to be served on all persons required to receive
22 the notice and copy of the petition, either personally or
23 by first-class mail, as soon as possible after the filing of the
24 petition and at least five days prior to the time set for
25 hearing, unless the hearing is set less than five days from
26 the filing of the petition, in which case the notice and
27 copy of the petition shall be served at least 24 hours prior
28 to the time set for the hearing.

29 (c) If the minor is not detained, the clerk of the
30 juvenile court shall cause the notice and copy of the
31 petition to be served on all persons required to receive
32 the notice and copy of the petition, either personally or
33 by first-class mail, at least 10 days prior to the time set for
34 hearing. If that person is known to reside outside of the
35 county, the clerk of the juvenile court shall mail the
36 notice and copy of the petition, by first-class mail, to that
37 person, as soon as possible after the filing of the petition
38 and at least 10 days before the time set for hearing.
39 Failure to respond to the notice shall in no way result in
40 arrest or detention. In the instance of failure to appear



1 after notice by first-class mail, the court shall direct that
2 the notice and copy of the petition is to be personally
3 served on all persons required to receive the notice and
4 a copy of the petition. However, if the whereabouts of the
5 minor are unknown, personal service of the notice and a
6 copy of the petition is not required and a warrant for the
7 arrest of the minor may be issued pursuant to Section 663.
8 Personal service of the notice and copy of the petition
9 outside of the county at least 10 days before the time set
10 for hearing is equivalent to service by first-class mail.
11 Service may be waived by any person by a voluntary
12 appearance entered in the minutes of the court or by a
13 written waiver of service filed with the clerk of the court
14 at or prior to the hearing.

15 (d) For purposes of this section, service on the minor's
16 attorney shall constitute service on the minor's parent or
17 guardian.

18 SEC. 3. Section 663 of the Welfare and Institutions
19 Code is amended to read:

20 663. Whenever a petition has been filed in the
21 juvenile court alleging that a minor comes within the
22 provisions of Section 601 or 602 of this code and praying
23 for a hearing thereon, or whenever any subsequent
24 petition has been filed praying for a hearing in the matter
25 of the minor and it appears to the court that the conduct
26 and behavior of the minor may endanger the health,
27 person, welfare, or property of himself or herself, or
28 others, that the circumstances of his or her home
29 environment may endanger the health, person, welfare,
30 or property of the minor, or if personal service upon the
31 minor pursuant to Section 660 is unsuccessful, or the
32 whereabouts of the minor are unknown, a warrant of
33 arrest may be issued immediately for the minor.

34 ~~SEC. 4. Section 903 of the Welfare and Institutions~~
35 ~~Code is amended to read:~~

36 ~~903. (a) The father, mother, spouse, or other person~~
37 ~~liable for the support of a minor, the estate of that person,~~
38 ~~and the estate of the minor, shall be liable for the~~
39 ~~reasonable costs of support of the minor while the minor~~
40 ~~is placed, or detained in, or committed to, any institution~~



1 ~~or other place pursuant to Section 625 or pursuant to an~~
2 ~~order of the juvenile court. However, a county shall not~~
3 ~~levy charges for the costs of support of a minor detained~~
4 ~~pursuant to Section 625 unless, at the detention hearing,~~
5 ~~the juvenile court determines that detention of the minor~~
6 ~~should be continued, the petition for the offense for~~
7 ~~which the minor is detained is subsequently sustained, or~~
8 ~~the minor agrees to a program of supervision pursuant to~~
9 ~~Section 654. The liability of these persons and estates shall~~
10 ~~be a joint and several liability.~~

11 ~~(b) The county shall limit the charges it seeks to~~
12 ~~impose to the reasonable costs of support of the minor and~~
13 ~~shall exclude any costs of incarceration, treatment, or~~
14 ~~supervision for the protection of society and the minor~~
15 ~~and the rehabilitation of the minor. In the event that~~
16 ~~court-ordered child support paid to the county pursuant~~
17 ~~to subdivision (a) exceeds the amount of the costs~~
18 ~~authorized by this subdivision and subdivision (a), the~~
19 ~~county shall either hold the excess in trust for the minor's~~
20 ~~future needs pursuant to Section 302.52 of Title 45 of the~~
21 ~~Code of Federal Regulations or, with the approval of the~~
22 ~~minor's caseworker or the probation officer, pay the~~
23 ~~excess directly to the minor.~~

24 ~~(c) It is the intent of the Legislature in enacting this~~
25 ~~subdivision to protect the fiscal integrity of the county, to~~
26 ~~protect persons against whom the county seeks to impose~~
27 ~~liability from excessive charges, to ensure reasonable~~
28 ~~uniformity throughout the state in the level of liability~~
29 ~~being imposed, and to ensure that liability is imposed only~~
30 ~~on persons with the ability to pay. In evaluating a family's~~
31 ~~financial ability to pay under this section, the county shall~~
32 ~~take into consideration the family's income, the necessary~~
33 ~~obligations of the family, and the number of persons~~
34 ~~dependent upon this income. Except as provided in~~
35 ~~paragraphs (1), (2), (3), and (4), "costs of support" as~~
36 ~~used in this section means only actual costs incurred by~~
37 ~~the county for food and food preparation, clothing,~~
38 ~~personal supplies, and medical expenses, not to exceed a~~
39 ~~combined maximum cost of _____ dollars (\$_____)~~
40 ~~per day, except that:~~



1 ~~(1) The maximum cost of _____ dollars (\$____)~~
2 ~~per day shall be adjusted every third year beginning~~
3 ~~January 1, 1988, to reflect the percentage change in the~~
4 ~~calendar year annual average of the California Consumer~~
5 ~~Price Index, All Urban Consumers, published by the~~
6 ~~Department of Industrial Relations, for the three-year~~
7 ~~period.~~

8 ~~(2) No cost for medical expenses shall be imposed by~~
9 ~~the county until the county has first exhausted any~~
10 ~~eligibility the minor may have under private insurance~~
11 ~~coverage, standard or medically indigent Medi-Cal~~
12 ~~coverage, and the Robert W. Crown California Children's~~
13 ~~Services Act (Article 2 (commencing with Section 248)~~
14 ~~of Chapter 2 of Part 1 of Division 1 of the Health and~~
15 ~~Safety Code).~~

16 ~~(3) In calculating the cost of medical expenses, the~~
17 ~~county shall not charge in excess of 100 percent of the~~
18 ~~AFDC fee for service average Medi-Cal payment for that~~
19 ~~county for that fiscal year as calculated by the State~~
20 ~~Department of Health Services; however, if a minor has~~
21 ~~extraordinary medical or dental costs that are not met~~
22 ~~under any of the coverages listed in paragraph (2), the~~
23 ~~county may impose these additional costs.~~

24 ~~(4) For those placements of a minor subject to this~~
25 ~~section in which an AFDC-FC grant is made, the district~~
26 ~~attorney shall seek an order pursuant to Section 11350 and~~
27 ~~the statewide child support guideline in effect in Article~~
28 ~~2 (commencing with Section 4050) of Chapter 2 of Part~~
29 ~~2 of Division 9 of the Family Code. For purposes of~~
30 ~~determining the correct amount of support of a minor~~
31 ~~subject to this section, the rebuttable presumption set~~
32 ~~forth in Section 4057 of the Family Code is applicable.~~

33 ~~(d) Notwithstanding subdivision (a), the father,~~
34 ~~mother, spouse, or other person liable for the support of~~
35 ~~the minor, the estate of that person, or the estate of the~~
36 ~~minor, shall not be liable for the costs described in this~~
37 ~~section if a petition to declare the minor a dependent~~
38 ~~child of the court pursuant to Section 300 is dismissed at~~
39 ~~or before the jurisdictional hearing.~~

40 ~~SEC. 5.—~~



1 SEC. 4. Section 912 of the Welfare and Institutions
2 Code is amended to read:

3 912. Effective January 1, 1998, for each person
4 committed to the Department of the Youth Authority,
5 the county from which he or she is originally committed
6 shall pay the state one hundred fifty dollars (\$150) per
7 month for the time that person remains in any institution
8 under the direct supervision of the Department of the
9 Youth Authority, or in any institution, boarding home,
10 foster home, or other private or public institution in
11 which he or she is placed by the Department of the Youth
12 Authority, on parole or otherwise, and cared for and
13 supported at the expense of the Department of the Youth
14 Authority, plus the cost of transporting the person if the
15 person is transported to an institution in another county
16 after the commission of a crime while in detention. This
17 section applies to any person committed to the
18 Department of the Youth Authority by a juvenile court,
19 including persons committed to the Department of the
20 Youth Authority prior to January 1, 1998, who on or after
21 January 1, 1998, remain in or return to the facilities
22 described in this section.

23 The Department of the Youth Authority shall present
24 to the county, not more frequently than monthly, a claim
25 for the amount due the state under this section, which the
26 county shall process and pay pursuant to the provisions of
27 Chapter 4 (commencing with Section 29700) of Division
28 3 of Title 3 of the Government Code.

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