

AMENDED IN SENATE JUNE 5, 2000
AMENDED IN ASSEMBLY JANUARY 3, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 788

Introduced by Assembly Member Maldonado

February 24, 1999

An act to amend Section 202 of the Welfare and Institutions Code, relating to juvenile court law.

LEGISLATIVE COUNSEL'S DIGEST

AB 788, as amended, Maldonado. Juvenile court law: purpose.

Existing law sets forth the purpose of juvenile court law. Among other things, existing law states that minors under the jurisdiction of the juvenile court shall receive care, treatment, and guidance, as specified.

This bill would revise the purposes of the juvenile court law to include dispositions intended to accomplish specified public safety objectives, and would set forth 5 principles governing the operation of the juvenile justice system, including the right of the public to safe and secure homes and communities.

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. It is the intent of the Legislature to
2 promote the mission of the juvenile justice system,
3 long-term public safety, through the implementation of
4 a juvenile justice model known as “The Balanced
5 Approach to Restorative Justice.” The Balance Approach
6 to Restorative Justice holds as its central tenet that
7 long-term public safety is best served when victims, the
8 community, and offenders engage together as active
9 participants in balanced efforts to accomplish all of the
10 following: (1) assure community protection; (2) hold
11 offenders personally accountable for repairing the harm
12 to victims and communities resulting from juvenile
13 crime; and (3) ensure that juvenile offenders make
14 measurable gains in educational, vocational, social, civic,
15 and other areas of competency that enhance their
16 capacity to function as law-abiding citizens.

17 SEC. 2. Section 202 of the Welfare and Institutions
18 Code is amended to read:

19 ~~202. (a) The purpose of this chapter is to provide for~~
20 ~~the protection, restoration, and safety of the public and~~
21 ~~each minor under the jurisdiction of the juvenile court~~
22 ~~and to preserve and strengthen the minor’s family ties~~
23 ~~whenever possible, removing the minor from the custody~~
24 ~~of his or her parents only when necessary for his or her~~
25 ~~welfare or for the safety and protection of the public.~~
26 ~~When removal of a minor is determined by the juvenile~~
27 ~~court to be necessary, reunification of the minor with his~~
28 ~~or her family shall be a primary objective. When the~~
29 ~~minor is removed from his or her own family, it is the~~
30 ~~purpose of this chapter to secure for the minor custody,~~
31 ~~care, and discipline as nearly as possible equivalent to that~~
32 ~~which should have been given by his or her parents. This~~
33 ~~chapter shall be liberally construed to carry out these~~
34 ~~purposes.~~

35 ~~(b) Minors under the jurisdiction of the juvenile court~~
36 ~~who are in need of protective services shall receive care,~~
37 ~~treatment and guidance consistent with their best~~
38 ~~interest and the best interest of the public. When the~~

1 ~~minor is no longer a ward of the juvenile court, the~~
2 ~~guidance he or she received should enable him or her to~~
3 ~~be a law-abiding and productive member of his or her~~
4 ~~family and the community. To that end, minors under the~~
5 ~~jurisdiction of the juvenile court as a consequence of~~
6 ~~delinquent conduct shall receive dispositions intended to~~
7 ~~accomplish public safety through the following three~~
8 ~~objectives:~~

9 ~~(1) Community protection through a continuum of~~
10 ~~appropriate responses to delinquent conduct, ranging~~
11 ~~from supervision to incapacitation, which protect citizens~~
12 ~~and victims from the threat to public safety posed by the~~
13 ~~minor.~~

14 ~~(2) Accountability of the minor through restoration of~~
15 ~~the losses experienced by the victim and the community.~~

16 ~~(3) Competency development of the minor in basic~~
17 ~~living skills necessary for law-abiding citizenship. These~~
18 ~~objectives shall be given equal consideration and shall be~~
19 ~~equally addressed by juvenile courts, probation~~
20 ~~departments, and youth, corrections, and other agencies~~
21 ~~that may recommend, order, implement, or supervise~~
22 ~~dispositions for delinquent minors.~~

23 ~~(c) It is the intent of the Legislature that the following~~
24 ~~five principles form the basis of operation for the juvenile~~
25 ~~justice system to achieve long-term public safety when~~
26 ~~dealing with delinquent minors:~~

27 ~~(1) The public has a right to safe and secure homes and~~
28 ~~communities.~~

29 ~~(2) Crime results in injury to the victim, the~~
30 ~~community, and the offender. The juvenile justice system~~
31 ~~should seek to repair those injuries. Victims and~~
32 ~~communities should be actively involved throughout the~~
33 ~~juvenile justice process, to the extent consistent with the~~
34 ~~offender's right to due process and the right of victims~~
35 ~~and minors under subdivision (b) of Section 676.5.~~

36 ~~(3) Juvenile offenders should be capable of living in a~~
37 ~~responsible and law-abiding manner within the~~
38 ~~community and their families when they emerge from~~
39 ~~the juvenile court's jurisdiction.~~

~~(4) The unique set of experiences and circumstances contributing to the minor's offensive behavior must be addressed.~~

~~(5) California's juvenile justice system will best achieve long-term public safety when community protection, accountability of the offender to the victim and the community, and offender competency development are treated as equally weighted goals.~~

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

~~(e) Juvenile courts and other public agencies charged with enforcing, interpreting, and administering the juvenile court law shall consider the safety, restoration and protection of the public, the importance of redressing injuries to victims, and the best interests of the minor in all deliberations pursuant to this chapter. Participants in the juvenile justice system shall hold themselves accountable for its results. They shall act in conformity with a comprehensive set of objectives established to improve system performance in a vigorous and ongoing manner.~~

~~(f) As used in this chapter, "punishment" means the imposition of sanctions which include the following:~~

~~(1) Payment of a fine by the minor.~~

~~(2) Rendering of compulsory service without compensation performed for the benefit of the community by the minor.~~

~~(3) Participation in a victim-offender reconciliation program.~~

~~(4) Limitations on the minor's liberty imposed as a condition of probation or parole.~~

~~(5) Commitment of the minor to a local detention or treatment facility, such as a juvenile hall, camp, or ranch.~~

~~(6) Commitment of the minor to the Department of the Youth Authority.~~

1 ~~“Punishment,” for the purposes of this chapter, does~~
2 ~~not include retribution.~~

3 ~~(g) In addition to the actions authorized by~~
4 ~~subdivision(f), the juvenile court may, as appropriate,~~
5 ~~direct the offender to complete a victim impact class,~~
6 ~~participate in victim offender conferencing subject to the~~
7 ~~victim’s consent, pay restitution to the victim or victims,~~
8 ~~and make a contribution to the victim restitution fund~~
9 ~~after all victim restitution orders and fines have been~~
10 ~~satisfied, in order to hold the offender accountable or~~
11 ~~restore the victim or community.~~

12 *Code is amended to read:*

13 202. (a) The purpose of this chapter is to provide for
14 the protection, *restoration*, and safety of the public and
15 each minor under the jurisdiction of the juvenile court
16 and to preserve and strengthen the minor’s family ties
17 whenever possible, removing the minor from the custody
18 of his or her parents only when necessary for his or her
19 welfare or for the safety and protection of the public.
20 When removal of a minor is determined by the juvenile
21 court to be necessary, reunification of the minor with his
22 or her family shall be a primary objective. When the
23 minor is removed from his or her own family, it is the
24 purpose of this chapter to secure for the minor custody,
25 care, and discipline as nearly as possible equivalent to that
26 which should have been given by his or her parents. This
27 chapter shall be liberally construed to carry out these
28 purposes.

29 (b) Minors under the jurisdiction of the juvenile court
30 who are in need of protective services shall receive care,
31 treatment and guidance consistent with their best
32 interest and the best interest of the public. ~~Minors under~~
33 ~~the jurisdiction of the juvenile court as a consequence of~~
34 ~~delinquent conduct shall, in conformity with the interests~~
35 ~~of public safety and protection, receive care, treatment,~~
36 ~~and guidance that is consistent with their best interest,~~
37 ~~that holds them accountable for their behavior, and that~~
38 ~~is appropriate for their circumstances. This guidance may~~
39 ~~include punishment that is consistent with the~~
40 ~~rehabilitative objectives of this chapter. If a minor has~~

1 ~~been removed from the custody of his or her parents,~~
2 ~~family preservation and family reunification are~~
3 ~~appropriate goals for the juvenile court to consider when~~
4 ~~determining the disposition of a minor under the~~
5 ~~jurisdiction of the juvenile court as a consequence of~~
6 ~~delinquent conduct when those goals are consistent with~~
7 ~~his or her best interests and the best interests of the~~
8 ~~public.~~ When the minor is no longer a ward of the juvenile
9 court, the guidance he or she received should enable him
10 or her to be a law-abiding and productive member of his
11 or her family and the community. *To that end, minors*
12 *under the jurisdiction of the juvenile court as a*
13 *consequence of delinquent conduct shall receive*
14 *dispositions intended to accomplish public safety through*
15 *the following three objectives:*

16 (1) *Community protection through a continuum of*
17 *appropriate responses to delinquent conduct, ranging*
18 *from supervision to incapacitation, which protect citizens*
19 *and victims from the threat to public safety posed by the*
20 *minor.*

21 (2) *Accountability of the minor through restoration of*
22 *the losses experienced by the victim and the community.*

23 (3) *Competency development of the minor in basic*
24 *living skills necessary for law-abiding citizenship. These*
25 *objectives shall be given equal consideration and shall be*
26 *equally addressed by juvenile courts, probation*
27 *departments, and youth, corrections, and other agencies*
28 *that may recommend, order, implement, or supervise*
29 *dispositions for delinquent minors.*

30 (c) *It is the intent of the Legislature that the following*
31 *five principles form the basis of operation for the juvenile*
32 *justice system to achieve long-term public safety when*
33 *dealing with delinquent minors:*

34 (1) *The public has a right to safe and secure homes and*
35 *communities.*

36 (2) *Crime results in injury to the victim, the*
37 *community, and the offender. The juvenile justice system*
38 *should seek to repair those injuries. Victims and*
39 *communities should be actively involved throughout the*
40 *juvenile justice process, to the extent consistent with the*

1 offender's right to due process and the right of victims
2 and minors under subdivision (b) of Section 676.5.

3 (3) Juvenile offenders should be capable of living in a
4 responsible and law-abiding manner within the
5 community and their families when they emerge from
6 the juvenile court's jurisdiction.

7 (4) The unique set of experiences and circumstances
8 contributing to the minor's offensive behavior must be
9 addressed.

10 (5) California's juvenile justice system will best
11 achieve long-term public safety when community
12 protection, accountability of the offender to the victim
13 and the community, and offender competency
14 development are treated as equally weighted goals.

15 (d) It is also the purpose of this chapter to reaffirm that
16 the duty of a parent to support and maintain a minor child
17 continues, subject to the financial ability of the parent to
18 pay, during any period in which the minor may be
19 declared a ward of the court and removed from the
20 custody of the parent.

21 ~~(d)~~

22 (e) Juvenile courts and other public agencies charged
23 with enforcing, interpreting, and administering the
24 juvenile court law shall consider the safety, restoration,
25 and protection of the public, the importance of redressing
26 injuries to victims, and the best interests of the minor in
27 all deliberations pursuant to this chapter. Participants in
28 the juvenile justice system shall hold themselves
29 accountable for its results. They shall act in conformity
30 with a comprehensive set of objectives established to
31 improve system performance in a vigorous and ongoing
32 manner.

33 ~~(e)~~

34 (f) As used in this chapter, "punishment" means the
35 imposition of sanctions. It shall not include a court order
36 to place a child in foster care as defined by Section 727.3.
37 Permissible sanctions may include the following:

38 (1) Payment of a fine by the minor.

1 (2) Rendering of compulsory service without
2 compensation performed for the benefit of the
3 community by the minor.

4 (3) *Participation in a victim-offender reconciliation*
5 *program.*

6 (4) Limitations on the minor's liberty imposed as a
7 condition of probation or parole.

8 ~~(4)~~

9 (5) Commitment of the minor to a local detention or
10 treatment facility, such as a juvenile hall, camp, or ranch.

11 ~~(5)~~

12 (6) Commitment of the minor to the Department of
13 the Youth Authority.

14 "Punishment," for the purposes of this chapter, does
15 not include retribution.

16 ~~(f)~~

17 (g) In addition to the actions authorized by
18 subdivision ~~(e)~~ (f), the juvenile court may, as
19 appropriate, direct the offender to complete a victim
20 impact class, participate in victim offender conferencing
21 subject to the victim's consent, pay restitution to the
22 victim or victims, and make a contribution to the victim
23 restitution fund after all victim restitution orders and
24 fines have been satisfied, in order to hold the offender
25 accountable or restore the victim or community.

