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**AB-505 The Office of Youth and Community Restoration.** (2023-2024)

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**Assembly Bill No. 505**

**CHAPTER 528**

An act to amend Sections 209, 827, 1991, 1995, 2200, 2200.2, and 2200.5 of the Welfare and Institutions Code, relating to juveniles.

[ Approved by Governor October 08, 2023. Filed with Secretary of State October 08, 2023. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 505, Ting. The Office of Youth and Community Restoration.

(1) Existing law creates the Office of Youth and Community Restoration within the California Health and Human Services Agency to promote trauma-responsive, culturally informed services for youth involved in the juvenile justice system, as specified. Existing law grants the office the responsibility and authority to report on youth outcomes, identify policy recommendations, identify and disseminate best practices, and provide technical assistance to develop and expand local youth diversion opportunities.

Existing law requires the office to have an ombudsperson and authorizes the ombudspersons to, among other things, investigate complaints from youth and access facilities serving youth involved in the juvenile justice system with advanced notice of a minimum of 48 hours to the agency in control of the facility. Existing law requires the ombudsperson to publish and provide regular reports to the Legislature regarding data collected concerning, among other things, investigations performed by the ombudsperson.

This bill would authorize an ombudsperson to access a facility at any time without prior notice to the operator of the facility. The bill would require the ombudsperson to have access to, review, receive, and make copies of any record of a local agency, including all juvenile facility records at all times, except as otherwise prohibited. The bill would authorize the ombudsperson to meet or communicate privately with any youth, personnel, or volunteer in a juvenile facility and interview any relevant witnesses. The bill would authorize the ombudsperson to interview sworn probation personnel in accordance with applicable federal and state law, local probation department policies, and collective bargaining agreements. The bill would require the ombudsperson to be granted access to youth at all times, and would require the ombudsperson to be able to take notes, audio or video recording, or photographs during the meeting or communication with youth, to the extent not otherwise prohibited by applicable federal or state law. The bill would also require the ombudsperson to include recommendations for improving the juvenile justice system in their regular reports regarding data annually collected and made publicly available on the office's internet website.

(2) Existing law establishes the Board of State and Community Corrections, with the mission of providing statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California's adult and juvenile criminal justice system. Existing law requires the judge of the juvenile court of a county to inspect any jail, juvenile hall, or special purpose juvenile hall that was used for the confinement of a juvenile for more than 24 hours in the preceding calendar year, as specified. Existing law requires the court to notify the operator of the facility of any observed noncompliance, and make a finding of suitability of the facility for the confinement of juveniles. Existing law requires the board to conduct a biennial inspection of each jail, juvenile hall, lockup, special purpose juvenile hall, camp, ranch, or secure youth treatment facility, as specified.

This bill would additionally require a judge of the juvenile court to inspect any lockup, camp, ranch, or secure youth treatment facility that was used for the confinement of any juvenile for more than 24 hours in the preceding calendar year, as specified.

(3) Existing law generally provides for the confidentiality of information regarding a minor in proceedings in the juvenile court and related court proceedings and limits access to juvenile case files. Existing law authorizes only certain individuals to inspect a juvenile case file, including, among others, the minor, the minor's parents or guardian, and the attorneys for the parties. Existing law makes it a misdemeanor to disseminate information obtained pursuant to these provisions, as specified.

This bill would additionally authorize personnel from the office to access information to carry out the duties of the office, as specified. By imposing additional duties on local entities to provide access to these records and by expanding the scope of a crime, this bill would impose a state-mandated local program.

(4) Under existing law, the board administers various juvenile justice-related grant programs, including the Local Youthful Offender Rehabilitative Facility Construction Grants program. Existing law requires that all juvenile justice grant administration functions with the board be transferred to the office no later than January 1, 2025. In order to receive 2022–23 fiscal year funding, existing law requires counties to submit a plan describing facilities, programs, placements, services, supervision, and reentry strategies needed to provide appropriate rehabilitation for youth who were eligible for commitment to the Division of Juvenile Justice prior to its closure, beginning January 1, 2022, as specified. Existing law requires the office to prepare, and make publicly available, a summary of the annual county plans.

This bill would require the office to include in its public report the date of the office's final acceptance of each plan submitted pursuant to these provisions.

This bill would incorporate additional changes to Section 2200 of the Welfare and Institutions Code proposed by AB 152 and SB 152 to be operative only if this bill and either AB 152 or SB 152 are enacted and this bill is enacted last.

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.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 209 of the Welfare and Institutions Code is amended to read:

**209.** (a) (1) The judge of the juvenile court of a county, or, if there is more than one judge, any of the judges of the juvenile court shall, at least annually, inspect any jail, juvenile hall, lockup, special purpose juvenile hall, camp, ranch, or secure youth treatment facility situated in this state that, in the preceding calendar year, was used for confinement, for more than 24 hours, of any juvenile.

(2) The judge shall promptly notify the operator of the jail, juvenile hall, lockup, special purpose juvenile hall, camp, ranch, or secure youth treatment facility of any observed noncompliance with minimum standards for juvenile facilities adopted by the Board of State and Community Corrections under Sections 210, 875, 885, and subdivision (e) of Section 207.1. Based on the facility's subsequent compliance with the provisions of subdivisions (d) and (e), the judge shall thereafter make a finding whether the facility is a suitable place for the confinement of juveniles and shall note the finding in the minutes of the court.

(3) (A) The Board of State and Community Corrections shall conduct a biennial inspection of each jail, juvenile hall, lockup, special purpose juvenile hall, camp, ranch, or secure youth treatment facility situated in this state that, during the preceding calendar year, was used for confinement, for more than 24 hours, of any juvenile. The board shall promptly notify the operator of any jail, juvenile hall, lockup, special purpose juvenile hall, camp, ranch, or secure youth treatment facility of any noncompliance found, upon inspection, with any of the minimum standards for juvenile facilities adopted by the Board of State and Community Corrections under Section 210, 210.2, 875, 885, or subdivision (e) of Section 207.1.

(B) Any duly authorized officer, employee, or agent of the board may, upon presentation of proper identification, enter and inspect any area of any juvenile local detention facility, without notice, to conduct an inspection required by this paragraph.

(4) If either a judge of the juvenile court or the board, after inspection of a jail, juvenile hall, special purpose juvenile hall, lockup, camp, ranch, or secure youth treatment facility finds that it is not being operated and maintained as a suitable place for

the confinement of juveniles, the juvenile court or the board shall give notice of its finding to all persons having authority to confine juveniles pursuant to this chapter and, commencing 60 days thereafter, the facility shall not be used for confinement of juveniles until the time the judge or board, as the case may be, finds, after reinspection of the facility, that the conditions that rendered the facility unsuitable have been remedied, and the facility is a suitable place for confinement of juveniles.

(5) The custodian of each jail, juvenile hall, special purpose juvenile hall, lockup, camp, ranch, or secure youth treatment facility shall make any reports as may be requested by the board or the juvenile court to effectuate the purposes of this section.

(b) (1) The Board of State and Community Corrections may inspect any law enforcement facility that contains a lockup for adults and that it has reason to believe may not be in compliance with the requirements of subdivision (b) of Section 207.1 or with the certification requirements or standards adopted under Section 210.2. A judge of the juvenile court shall conduct an annual inspection, either in person or through a delegated member of the appropriate county or regional juvenile justice commission, of any law enforcement facility that contains a lockup for adults that, in the preceding year, was used for the secure detention of any juvenile. If the law enforcement facility is observed, upon inspection, to be out of compliance with the requirements of subdivision (b) of Section 207.1, or with any standard adopted under Section 210.2, the board or the judge shall promptly notify the operator of the law enforcement facility of the specific points of noncompliance.

(2) If either the judge or the board finds after inspection that the facility is not being operated and maintained in conformity with the requirements of subdivision (b) of Section 207.1 or with the certification requirements or standards adopted under Section 210.2, the juvenile court or the board shall give notice of its finding to all persons having authority to securely detain juveniles in the facility, and, commencing 60 days thereafter, the facility shall not be used for the secure detention of a juvenile until the time the judge or the board, as the case may be, finds, after reinspection, that the conditions that rendered the facility unsuitable have been remedied, and the facility is a suitable place for the confinement of juveniles in conformity with all requirements of law.

(3) The custodian of each law enforcement facility that contains a lockup for adults shall make any report as may be requested by the board or by the juvenile court to effectuate the purposes of this subdivision.

(c) The board shall collect biennial data on the number, place, and duration of confinements of juveniles in jails and lockups, as defined in subdivision (g) of Section 207.1, and shall publish biennially this information in the form as it deems appropriate for the purpose of providing public information on continuing compliance with the requirements of Section 207.1.

(d) Except as provided in subdivision (e), a juvenile hall, special purpose juvenile hall, camp, ranch, secure youth treatment facility, law enforcement facility, or jail shall be unsuitable for the confinement of juveniles if it is not in compliance with one or more of the minimum standards for juvenile facilities adopted by the Board of State and Community Corrections under Section 210, 210.2, 875, 885, or subdivision (e) of Section 207.1, and if, within 60 days of having received notice of noncompliance from the board or the judge of the juvenile court, the juvenile hall, special purpose juvenile hall, camp, ranch, secure youth treatment facility, law enforcement facility, or jail has failed to file an approved corrective action plan with the Board of State and Community Corrections to correct the condition or conditions of noncompliance of which it has been notified. The corrective action plan shall outline how the juvenile hall, special purpose juvenile hall, camp, ranch, secure youth treatment facility, law enforcement facility, or jail plans to correct the issue of noncompliance and give a reasonable timeframe, not to exceed 90 days, for resolution, that the board shall either approve or deny. In the event the juvenile hall, special purpose juvenile hall, camp, ranch, secure youth treatment facility, law enforcement facility, or jail fails to meet its commitment to resolve noncompliance issues outlined in its corrective action plan, the board shall make a determination of suitability at its next scheduled meeting.

(e) If a juvenile hall, special purpose juvenile hall, camp, ranch, or secure youth treatment facility is not in compliance with one or more of the minimum standards for juvenile facilities adopted by the Board of State and Community Corrections under Section 210, 875, 885, or subdivision (e) of Section 207.1, and where the noncompliance arises from sustained occupancy levels that are above the population capacity permitted by applicable minimum standards, the juvenile hall shall be unsuitable for the confinement of juveniles if the board or the judge of the juvenile court determines that conditions in the facility pose a serious risk to the health, safety, or welfare of juveniles confined in the facility. In making its determination of suitability, the board or the judge of the juvenile court shall consider, in addition to the noncompliance with minimum standards, the totality of conditions in the juvenile hall, special purpose juvenile hall, camp, ranch, or secure youth treatment facility, including the extent and duration of overpopulation as well as staffing, program, physical plant, and medical and mental health care conditions in the facility. The Board of State and Community Corrections may develop guidelines and procedures for its determination of suitability in accordance with this subdivision and to assist counties in bringing their juvenile halls, special purpose juvenile hall, camp, ranch, or secure youth treatment facility into full compliance with applicable minimum standards. This subdivision shall not be interpreted to exempt a juvenile hall, special purpose juvenile hall, camp, ranch, or secure youth treatment facility from having to correct, in accordance with subdivision (d), any minimum standard violations that are not directly related to overpopulation of the facility.

(f) In accordance with the federal Juvenile Justice Reform Act of 2018 (34 U.S.C. Sec. 11101 et seq.) and subsequent reauthorizations, the Board of State and Community Corrections shall inspect and collect relevant data from any facility that may

be used for the secure detention of juveniles.

(g) All reports and notices of findings prepared by the Board of State and Community Corrections pursuant to this section shall be posted on the Board of State and Community Corrections' internet website in a manner in which they are accessible to the public.

(h) For the purposes of this section, the following definitions shall apply:

(1) "Juvenile" means a person who meets any of the following criteria:

(A) A person under 18 years of age.

(B) A person under the maximum age of juvenile court jurisdiction who is not currently an incarcerated adult as defined in paragraph (2) of this subdivision.

(C) A person whose case originated in the juvenile court and is subject to Section 208.5.

(2) "Incarcerated adult" means a person who is 18 years of age or older, not subject to the jurisdiction of the juvenile court, and has been arrested and is in custody for, or awaiting trial on, a criminal charge, or has been convicted of a criminal offense, and is not a juvenile defined in subparagraph (C) of paragraph (1) of this subdivision.

(3) "Subject to the jurisdiction of the juvenile court" means a person alleged or found to be subject to Section 601, 602, 607, or 875.

(i) Nothing in this section shall be construed as requiring the judge of the juvenile court or the board to make determinations of suitability for local correctional facilities based on standards adopted pursuant to Section 6030 of the Penal Code.

**SEC. 2.** Section 827 of the Welfare and Institutions Code is amended to read:

**827.** (a) (1) Except as provided in Section 828, a case file may be inspected only by the following:

(A) Court personnel.

(B) The district attorney, a city attorney, or city prosecutor authorized to prosecute criminal or juvenile cases under state law.

(C) The minor who is the subject of the proceeding.

(D) The minor's parent or guardian.

(E) The attorneys for the parties, judges, referees, other hearing officers, probation officers, and law enforcement officers who are actively participating in criminal or juvenile proceedings involving the minor.

(F) The county counsel, city attorney, or any other attorney representing the petitioning agency in a dependency action.

(G) The superintendent or designee of the school district where the minor is enrolled or attending school.

(H) Members of the child protective agencies as described in Section 11165.9 of the Penal Code.

(I) The State Department of Social Services, to carry out its duties pursuant to Division 9 (commencing with Section 10000) of this code and Part 5 (commencing with Section 7900) of Division 12 of the Family Code to oversee and monitor county child welfare agencies, children in foster care or receiving foster care assistance, and out-of-state placements, Section 10850.4, and paragraph (2).

(J) (i) Authorized staff who are employed by, or authorized staff of entities who are licensed by, the State Department of Social Services, as necessary to the performance of their duties related to resource family approval, and authorized staff who are employed by the State Department of Social Services as necessary to inspect, approve, or license, and monitor or investigate community care facilities or resource families, and to ensure that the standards of care and services provided in those facilities are adequate and appropriate, and to ascertain compliance with the rules and regulations to which the facilities are subject.

(ii) The confidential information shall remain confidential except for purposes of inspection, approval or licensing, or monitoring or investigation pursuant to Chapter 3 (commencing with Section 1500) and Chapter 3.4 (commencing with Section 1596.70) of Division 2 of the Health and Safety Code and Article 2 (commencing with Section 16519.5) of Chapter 5 of Part 4 of Division 9. The confidential information may also be used by the State Department of Social Services in a criminal, civil, or administrative proceeding. The confidential information shall be available only to the judge or hearing officer and to the parties to the case. Names that are confidential shall be listed in attachments separate to the general pleadings. The confidential information shall be sealed after the conclusion of the criminal, civil, or administrative hearings, and may not subsequently be released except in accordance with this subdivision. If the

confidential information does not result in a criminal, civil, or administrative proceeding, it shall be sealed after the State Department of Social Services determines that no further action will be taken in the matter. Except as otherwise provided in this subdivision, confidential information shall not contain the name of the minor.

(K) Members of children's multidisciplinary teams, persons, or agencies providing treatment or supervision of the minor.

(L) A judge, commissioner, or other hearing officer assigned to a family law case with issues concerning custody or visitation, or both, involving the minor, and the following persons, if actively participating in the family law case: a family court mediator assigned to a case involving the minor pursuant to Article 1 (commencing with Section 3160) of Chapter 11 of Part 2 of Division 8 of the Family Code, a court-appointed evaluator or a person conducting a court-connected child custody evaluation, investigation, or assessment pursuant to Section 3111 or 3118 of the Family Code, and counsel appointed for the minor in the family law case pursuant to Section 3150 of the Family Code. Prior to allowing counsel appointed for the minor in the family law case to inspect the file, the court clerk may require counsel to provide a certified copy of the court order appointing the minor's counsel.

(M) When acting within the scope of investigative duties of an active case, a statutorily authorized or court-appointed investigator who is conducting an investigation pursuant to Section 7663, 7851, or 9001 of the Family Code, or who is actively participating in a guardianship case involving a minor pursuant to Part 2 (commencing with Section 1500) of Division 4 of the Probate Code and acting within the scope of the investigator's duties in that case.

(N) A local child support agency for the purpose of establishing paternity and establishing and enforcing child support orders.

(O) Juvenile justice commissions as established under Section 225. The confidentiality provisions of Section 10850 shall apply to a juvenile justice commission and its members.

(P) The Department of Justice, to carry out its duties pursuant to Sections 290.008 and 290.08 of the Penal Code as the repository for sex offender registration and notification in California.

(Q) Any other person who may be designated by court order of the judge of the juvenile court upon filing a petition.

(R) A probation officer who is preparing a report pursuant to Section 1178 on behalf of a person who was in the custody of the Department of Corrections and Rehabilitation, Division of Juvenile Justice and who has petitioned the Board of Juvenile Hearings for an honorable discharge.

(S) (i) The attorneys in an administrative hearing involving the minor or nonminor only as necessary to meet the requirements of Sections 10952 and 10952.5.

(ii) The confidential information shall remain confidential for purposes of the administrative proceeding. The confidential information shall be available only to the judge or hearing officer and to the parties to the case. The confidential information shall be sealed after the conclusion of the administrative hearing, and shall not subsequently be released except in accordance with this subdivision.

(T) Personnel of the State Department of Social Services, to carry out the duties of the department pursuant to paragraph (1) of subdivision (c) of Section 9100 of the Family Code or paragraph (3) of subdivision (e) of Section 366.26.

(U) Personnel of the Office of Youth and Community Restoration, to carry out the duties of the office pursuant to Sections 2200, 2200.2, 2200.5, and 2200.7.

(2) (A) Notwithstanding any other law, and subject to subparagraph (A) of paragraph (3), juvenile case files, except those relating to matters within the jurisdiction of the court pursuant to Section 601 or 602, that pertain to a deceased child who was within the jurisdiction of the juvenile court pursuant to Section 300, shall be released to the public pursuant to an order by the juvenile court after a petition has been filed and interested parties have been afforded an opportunity to file an objection. Any information relating to another child or that could identify another child, except for information about the deceased, shall be redacted from the juvenile case file prior to release, unless a specific order is made by the juvenile court to the contrary. Except as provided in this paragraph, the presiding judge of the juvenile court may issue an order prohibiting or limiting access to the juvenile case file, or any portion thereof, of a deceased child only upon a showing by a preponderance of evidence that release of the juvenile case file or any portion thereof is detrimental to the safety, protection, or physical or emotional well-being of another child who is directly or indirectly connected to the juvenile case that is the subject of the petition.

(B) This paragraph represents a presumption in favor of the release of documents when a child is deceased unless the statutory reasons for confidentiality are shown to exist.

(C) If a child whose records are sought has died, and documents are sought pursuant to this paragraph, no weighing or balancing of the interests of those other than a child is permitted.

(D) A petition filed under this paragraph shall be served on interested parties by the petitioner, if the petitioner is in possession of their identity and address, and on the custodian of records. Upon receiving a petition, the custodian of records shall serve a copy of the request upon all interested parties that have not been served by the petitioner or on the interested parties served by the petitioner if the custodian of records possesses information, such as a more recent address, indicating that the service by the petitioner may have been ineffective.

(E) The custodian of records shall serve the petition within 10 calendar days of receipt. If an interested party, including the custodian of records, objects to the petition, the party shall file and serve the objection on the petitioning party no later than 15 calendar days after service of the petition.

(F) The petitioning party shall have 10 calendar days to file a reply. The juvenile court shall set the matter for hearing no more than 60 calendar days from the date the petition is served on the custodian of records. The court shall render its decision within 30 days of the hearing. The matter shall be decided solely upon the basis of the petition and supporting exhibits and declarations, if any, the objection and any supporting exhibits or declarations, if any, and the reply and any supporting declarations or exhibits thereto, and argument at hearing. The court may, solely upon its own motion, order the appearance of witnesses. If an objection is not filed to the petition, the court shall review the petition and issue its decision within 10 calendar days of the final day for filing the objection. An order of the court shall be immediately reviewable by petition to the appellate court for the issuance of an extraordinary writ.

(3) Access to juvenile case files pertaining to matters within the jurisdiction of the juvenile court pursuant to Section 300 shall be limited as follows:

(A) If a juvenile case file, or any portion thereof, is privileged or confidential pursuant to any other state law or federal law or regulation, the requirements of that state law or federal law or regulation prohibiting or limiting release of the juvenile case file or any portions thereof shall prevail. Unless a person is listed in subparagraphs (A) to (P), inclusive, of paragraph (1) and is entitled to access under the other state law or federal law or regulation without a court order, all those seeking access, pursuant to other authorization, to portions of, or information relating to the contents of, juvenile case files protected under another state law or federal law or regulation, shall petition the juvenile court. The juvenile court may only release the portion of, or information relating to the contents of, juvenile case files protected by another state law or federal law or regulation if disclosure is not detrimental to the safety, protection, or physical or emotional well-being of a child who is directly or indirectly connected to the juvenile case that is the subject of the petition. This paragraph does not limit the ability of the juvenile court to carry out its duties in conducting juvenile court proceedings.

(B) Prior to the release of the juvenile case file or any portion thereof, the court shall afford due process, including a notice of, and an opportunity to file an objection to, the release of the record or report to all interested parties.

(4) A juvenile case file, any portion thereof, and information relating to the content of the juvenile case file, may not be disseminated by the receiving agencies to a person or agency, other than a person or agency authorized to receive documents pursuant to this section. Further, a juvenile case file, any portion thereof, and information relating to the content of the juvenile case file, may not be made as an attachment to any other documents without the prior approval of the presiding judge of the juvenile court, unless it is used in connection with, and in the course of, a criminal investigation or a proceeding brought to declare a person a dependent child or ward of the juvenile court.

(5) Individuals listed in subparagraphs (A), (B), (C), (D), (E), (F), (H), (I), (J), (P), (S), (T), and (U) of paragraph (1) may also receive copies of the case file. For authorized staff of entities who are licensed by the State Department of Social Services, the confidential information shall be obtained through a child protective agency, as defined in subparagraph (H) of paragraph (1). In these circumstances, the requirements of paragraph (4) shall continue to apply to the information received.

(6) An individual other than a person described in subparagraphs (A) to (P), inclusive, of paragraph (1) who files a notice of appeal or petition for writ challenging a juvenile court order, or who is a respondent in that appeal or real party in interest in that writ proceeding, may, for purposes of that appeal or writ proceeding, inspect and copy any records in a juvenile case file to which the individual was previously granted access by the juvenile court pursuant to subparagraph (Q) of paragraph (1), including any records or portions thereof that are made a part of the appellate record. The requirements of paragraph (3) shall continue to apply to any other record, or a portion thereof, in the juvenile case file or made a part of the appellate record. The requirements of paragraph (4) shall continue to apply to files received pursuant to this paragraph. The Judicial Council shall adopt rules to implement this paragraph.

(b) (1) While the Legislature reaffirms its belief that juvenile court records, in general, should be confidential, it is the intent of the Legislature in enacting this subdivision to provide for a limited exception to juvenile court record confidentiality to promote more

effective communication among juvenile courts, family courts, law enforcement agencies, and schools to ensure the rehabilitation of juvenile criminal offenders as well as to lessen the potential for drug use, violence, other forms of delinquency, and child abuse.

(2) (A) Notwithstanding subdivision (a), written notice that a minor enrolled in a public school, kindergarten to grade 12, inclusive, has been found by a court of competent jurisdiction to have committed a felony or misdemeanor involving curfew, gambling, alcohol, drugs, tobacco products, carrying of weapons, a sex offense listed in Section 290 of the Penal Code, assault or battery, larceny, vandalism, or graffiti shall be provided by the court, within seven days, to the superintendent of the school district of attendance. Written notice shall include only the offense found to have been committed by the minor and the disposition of the minor's case. This notice shall be expeditiously transmitted by the district superintendent to the principal at the school of attendance. The principal shall expeditiously disseminate the information to those counselors directly supervising or reporting on the behavior or progress of the minor. In addition, the principal shall disseminate the information to any teacher or administrator directly supervising or reporting on the behavior or progress of the minor whom the principal believes needs the information to work with the pupil in an appropriate fashion to avoid being needlessly vulnerable or to protect other persons from needless vulnerability.

(B) Any information received by a teacher, counselor, or administrator under this subdivision shall be received in confidence for the limited purpose of rehabilitating the minor and protecting students and staff, and shall not be further disseminated by the teacher, counselor, or administrator, except insofar as communication with the juvenile, the juvenile's parents or guardians, law enforcement personnel, and the juvenile's probation officer is necessary to effectuate the juvenile's rehabilitation or to protect students and staff.

(C) An intentional violation of the confidentiality provisions of this paragraph is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500).

(3) If a minor is removed from public school as a result of the court's finding described in subdivision (b), the superintendent shall maintain the information in a confidential file and shall defer transmittal of the information received from the court until the minor is returned to public school. If the minor is returned to a school district other than the one from which the minor came, the parole or probation officer having jurisdiction over the minor shall so notify the superintendent of the last district of attendance, who shall transmit the notice received from the court to the superintendent of the new district of attendance.

(c) Each probation report filed with the court concerning a minor whose record is subject to dissemination pursuant to subdivision (b) shall include on the face sheet the school at which the minor is currently enrolled. The county superintendent shall provide the court with a listing of all of the schools within each school district, within the county, along with the name and mailing address of each district superintendent.

(d) (1) Each notice sent by the court pursuant to subdivision (b) shall be stamped with the instruction: "Unlawful Dissemination Of This Information Is A Misdemeanor." Any information received from the court shall be kept in a separate confidential file at the school of attendance and shall be transferred to the minor's subsequent schools of attendance and maintained until the minor graduates from high school, is released from juvenile court jurisdiction, or reaches 18 years of age, whichever occurs first. After that time, the confidential record shall be destroyed. At any time after the date by which a record required to be destroyed by this section should have been destroyed, the minor or the minor's parent or guardian shall have the right to make a written request to the principal of the school that the minor's school records be reviewed to ensure that the record has been destroyed. Upon completion of the requested review and no later than 30 days after the request for the review was received, the principal or a designee shall respond in writing to the written request and either shall confirm that the record has been destroyed or, if the record has not been destroyed, shall explain why destruction has not yet occurred.

(2) Except as provided in paragraph (2) of subdivision (b), liability shall not attach to a person who transmits or fails to transmit notice or information required under subdivision (b).

(e) For purposes of this section, a "juvenile case file" means a petition filed in a juvenile court proceeding, reports of the probation officer, and all other documents filed in that case or made available to the probation officer in making the probation officer's report, or to the judge, referee, or other hearing officer, and thereafter retained by the probation officer, judge, referee, or other hearing officer.

(f) The persons described in subparagraphs (A), (E), (F), (H), (K), (L), (M), and (N) of paragraph (1) of subdivision (a) include persons serving in a similar capacity for an Indian tribe, reservation, or tribal court when the case file involves a child who is a member of, or who is eligible for membership in, that tribe.

(g) Any portion of a case file that is covered by, or included in, an order of the court sealing a record pursuant to Section 781 or 786, or that is covered by a record sealing requirement pursuant to Section 786.5 or 827.95, may not be inspected, except as specified by those sections.

**SEC. 3.** Section 1991 of the Welfare and Institutions Code is amended to read:

**1991.** (a) Commencing with the 2021–22 fiscal year, and annually thereafter, there shall be an allocation to the county for use by the county to provide appropriate rehabilitative housing and supervision services for the population specified in subdivision (b) of Section 1990. In making allocations, the county board of supervisors shall consider the plan required in Section 1995. Any entity receiving a direct allocation of funding from the county board of supervisors under this section for any secure residential placement for court-ordered detention will be subject to existing regulations. With the exception of county probation departments, a local public agency that has primary responsibility for prosecuting or making arrests or detentions shall not provide rehabilitative and supervision services for the population specified in subdivision (b) of Section 1990 or receive funding pursuant to this section:

(1) For the 2021–22 fiscal year, thirty-nine million nine hundred forty-nine thousand dollars (\$39,949,000) shall be appropriated from the General Fund to provide appropriate rehabilitative and supervision services for the population specified in subdivision (b) of Section 1990 based on a projected average daily population of 177.6 wards. The by-county distribution shall be based on 30 percent of the per-county percentage of the average number of wards committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice, as of December 31, 2018, June 30, 2019, and December 31, 2019, 50 percent of the by-county distribution of juveniles adjudicated for certain violent and serious felony crime categories per 2018 Juvenile Court and Probation Statistical System data, updated annually based on the most recently available data, and 20 percent of the by-county distribution of all individuals between 10 and 17 years of age, inclusive, from the preceding calendar year.

(2) For the 2022–23 fiscal year, one hundred eighteen million three hundred thirty-nine thousand dollars (\$118,339,000) shall be appropriated from the General Fund to provide appropriate rehabilitative and supervision services for the population specified in subdivision (b) of Section 1990. The by-county distribution is based on the per-county percentage referenced in paragraph (1) of subdivision (a) and a projected average daily population of 526 wards.

(3) For the 2023–24 fiscal year, one hundred ninety-two million thirty-seven thousand dollars (\$192,037,000) shall be appropriated from the General Fund to provide appropriate rehabilitative and supervision services for the population specified in subdivision (b) of Section 1990. The by-county distribution is based on the per-county percentage referenced in paragraph (1) of subdivision (a) and a projected average daily population of 853.5 wards.

(4) For the 2024–25 fiscal year and each year thereafter, two hundred eight million eight hundred thousand dollars (\$208,800,000) shall be appropriated from the General Fund to provide appropriate rehabilitative and supervision services for the population specified in subdivision (b) of Section 1990 based on a projected average daily population of 928 wards. The Governor and the Legislature shall work with stakeholders to establish a distribution methodology for the funding in this paragraph by January 10, 2024, and ongoing that improves outcomes for this population.

(5) The Department of Finance shall increase to no more than two hundred fifty thousand dollars (\$250,000) the award amount for any county whose allocation as calculated pursuant to paragraphs (1), (2), (3), and (4) totals less than two hundred fifty thousand dollars (\$250,000). The appropriation in paragraphs (1), (2), (3), and (4) shall be increased by the amount(s) needed to bring each county's allocation to two hundred fifty thousand dollars (\$250,000).

(b) Commencing with the 2024–25 fiscal year, the allocations determined by paragraphs (4) and (5) of subdivision (a) shall be adjusted annually by a rate commensurate with any applicable growth in the Juvenile Justice Growth Special Account in the prior fiscal year. Each year this growth shall become additive to the next year's base allocation.

(c) By July 1, 2021, and each July 1 annually thereafter, the Department of Finance shall allocate the amount calculated in paragraphs (1), (2), (3), (4), and (5) of subdivision (a) from the General Fund and provide a schedule for the allocation of funds among counties to the Controller. The controller shall allocate these funds no later than August 1 each year, consistent with the schedule provided by the Department of Finance.

**SEC. 4.** Section 1995 of the Welfare and Institutions Code is amended to read:

**1995.** (a) To be eligible for funding described in Section 1991, a county shall create a subcommittee of the multiagency juvenile justice coordinating council, as described in Section 749.22, to develop a plan describing the facilities, programs, placements, services, supervision and reentry strategies that are needed to provide appropriate rehabilitation and supervision services for the population described in subdivision (b) of Section 1990.

(b) The subcommittee shall be composed of the chief probation officer, as chair or cochair, and one representative each from the district attorney's office, the public defender's office, the department of social services, the department of mental health, the county office of education or a school district, and a representative from the court. The subcommittee shall also include no fewer than three community members who shall be defined as individuals who have experience providing community-based youth services, youth justice advocates with expertise and knowledge of the juvenile justice system, or have been directly involved in the juvenile justice system. Any member may be selected as cochair of the subcommittee using a process determined by the subcommittee.



(c) The plan described in subdivision (a) shall be developed with review and participation of the subcommittee community members as defined in subdivision (b) and shall be approved by a majority of the subcommittee.

(d) The plan described in subdivision (a) shall include all of the following elements:

(1) A description of the realignment target population in the county that is to be supported or served by allocations from the block grant program, including the numbers of youth served, disaggregated by factors including their ages, offense and offense histories, gender, race or ethnicity, and other characteristics, and by the programs, placements, or facilities to which they are referred.

(2) A description of the facilities, programs, placements, services and service providers, supervision, and other responses that will be provided to the target population.

(3) A description of how grant funds will be applied to address each of the following areas of need or development for realigned youth:

(A) Mental health, sex offender treatment, or related behavioral or trauma-based needs.

(B) Support programs or services that promote healthy adolescent development.

(C) Family engagement in programs.

(D) Reentry, including planning and linkages to support employment, housing, and continuing education.

(E) Evidence-based, promising, trauma-informed, and culturally responsive practices.

(F) Whether and how the plan will include services or programs for realigned youth that are provided by nongovernmental or community-based providers.

(4) A detailed facility plan indicating which facilities will be used to house or confine realigned youth at varying levels of offense severity and treatment need, and improvements to accommodate long-term commitments. This element of the plan shall also include information on how the facilities will ensure the safety and protection of youth having different ages, genders, special needs, and other relevant characteristics.

(5) A description of how the plan will incentivize or facilitate the retention of realigned youth within the jurisdiction and rehabilitative foundation of the juvenile justice system in lieu of transfers of realigned youth into the adult criminal justice system.

(6) A description of any regional agreements or arrangements to be supported by the block grant allocation pursuant to this chapter.

(7) A description of how data will be collected on the youth served and outcomes for youth served by the block grant program, including a description the outcome measures that will be utilized to measure or determine the results of programs and interventions supported by block grant funds.

(8) A description of progress made regarding any elements described in this subdivision and any objectives and outcomes set forth in the plan submitted to the Office of Youth and Community Restoration the previous calendar year.

(e) In order to receive 2022–23 funding pursuant to Section 1991, a plan shall be filed with the Office of Youth and Community Restoration by January 1, 2022. In order to continue receiving funding, the subcommittee shall convene no less frequently than twice per year to consider the plan and shall update the plan annually. The plan shall be submitted to the Office of Youth and Community Restoration by May 1 of each year.

(f) The Office of Youth and Community Restoration shall review the plan to ensure that the plan contains all the elements and follows the planning process described in this section and may return the plan to the county for revision as necessary or to complete the required planning process prior to final acceptance of the plan. Any actions of the Office of Youth and Community Restoration pursuant to this section shall have no delay or withholding effect on the allocation of funds to counties pursuant to Section 1991.

(g) The Office of Youth and Community Restoration shall prepare and make available to the public on its internet website a summary and a copy of the annual county plans submitted pursuant to this section and date of the Office of Youth and Community Restoration's final acceptance of each plan.

**SEC. 5.** Section 2200 of the Welfare and Institutions Code, as amended by Section 6.1 of Chapter 786 of the Statutes of 2022, is amended to read:

**2200.** (a) Commencing July 1, 2021, there is in the California Health and Human Services Agency the Office of Youth and Community Restoration.

(b) The office's mission is to promote trauma responsive, culturally informed services for youth involved in the juvenile justice system that support the youths' successful transition into adulthood and help them become responsible, thriving, and engaged members of their communities.

(c) The office shall have the following responsibility and authority:

(1) Once data becomes available as a result of the plan developed to Section 13015 of the Penal Code, develop a report on youth outcomes in the juvenile justice system.

(2) Identify policy recommendations for improved outcomes and integrated programs and services to best support delinquent youth.

(3) Identify and disseminate best practices to help inform rehabilitative and restorative youth practices, including education, diversion, re-entry, religious and victims' services.

(4) Provide technical assistance as requested to develop and expand local youth diversion opportunities to meet the varied needs of the delinquent youth population, including but not limited to sex offender, substance abuse, and mental health treatment.

(5) Report annually on the work of the Office of Youth and Community Restoration.

(d) The office shall have an ombudsperson, who has the authority to do all of the following:

(1) Investigate complaints from youth.

(2) Decide, in its discretion, whether to investigate complaints from youth who are detained in the, or committed to, juvenile facilities, families, staff, and others about harmful conditions or practices, violations of laws and regulations governing facilities, and circumstances presenting an emergency situation, or refer complaints to another body for investigation.

(3) Publish and provide regular reports to the Legislature about complaints received and subsequent findings and actions taken, pursuant to Section 2200.5.

(4) Have access to, review, and receive and make copies of any record of a local agency, and contractors with local agencies, including, but not limited to, all juvenile facility records, at all times, except personnel records legally required to be kept confidential. Access to records shall be in accordance with existing law and rules of court governing juvenile confidentiality and all other applicable laws.

(5) Meet or communicate privately with any youth, personnel, or volunteer in a juvenile facility and premises within the control of a county or local agency, or a contractor with a county or local agency, and may interview any relevant witnesses. The ombudsperson may interview sworn probation personnel in accordance with applicable federal and state law, local probation department policies, and collective bargaining agreements. The ombudsperson shall be granted access to youth at all times, and may take notes, audio or video recording, or photographs during the meeting or communication with youth, to the extent not otherwise prohibited by applicable federal or state law. The ombudsperson shall be permitted to carry with them and use the equipment necessary to document the meeting or communication with youth as described in this section, to the extent not otherwise prohibited by applicable federal or state law. Access shall be in accordance with existing law and rules of court governing juvenile confidentiality and all other applicable laws.

(6) Disseminate information and provide training and technical assistance to youth who are involved in the juvenile justice system, social workers, probation officers, tribal child welfare agencies, child welfare organizations, children's and youth advocacy groups, consumer and service provider organizations, and other interested parties on the rights of youth involved in the juvenile justice system and the services provided by the ombudsperson. The rights shall include rights set forth in federal and state law and regulations for youth detained in or committed to juvenile justice facilities. The information shall include methods of contacting the ombudsperson and notification that conversations with the office may be disclosed to other persons, as necessary to adequately investigate and resolve a complaint.

(7) Access, visit, and observe juvenile facilities and premises within the control of a county, or local agency, or a contractor with a county, or local agency, serving youth involved in the juvenile justice system. The ombudsperson shall be granted access to the facilities at any time with or without prior notice.

(8) For purposes of this section, "record" means documents, papers, memoranda, logs, reports, letters, calendars, schedules, notes, files, drawings, and electronic content, including, but not limited to, videos, photographs, blogs, video blogs, instant and

text messages, email, or other items developed or received under law or in connection with the transaction of official business, but does not include material that is protected by privilege.

(9) Ombudsperson staff shall conduct a site visit to every juvenile facility and premises within the control of a county or local agency, or a contractor with a county or local agency, no less frequently than once per year.

(e) The Division of the Ombudsperson of the Office of Youth and Community Restoration shall design posters and provide the posters to each juvenile facility operator subject to Section 224.72. These posters shall include the toll-free telephone number of the Ombudsperson of the Office of Youth and Community Restoration.

(f) Consistent with Chapter 17.5 (commencing with Section 7290) of Division 7 of Title 1 of the Government Code, on or before July 1, 2023, the Office of Youth and Community Restoration shall ensure the listing of rights and posters described in this section are translated into Spanish and other languages as determined necessary and distribute to each juvenile facility operator.

(g) The Office of Youth and Community Restoration shall evaluate the efficacy of local programs being utilized for realigned youth. No later than July 1, 2025, the office shall report its findings to the Governor and the Legislature.

(h) Juvenile grants shall not be awarded by the Board of State and Community Corrections without the concurrence of the office. All juvenile justice grant administration functions in the Board of State and Community Corrections shall be moved to the office no later than January 1, 2025.

(i) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the Office of Youth and Community Restoration may establish grantmaking programs with the funding designated in the Budget Act of 2021 and with other funding available for that purpose by means of information notices or other similar instructions, without taking further regulatory action.

(j) The Office of Youth and Community Restoration may enter into exclusive or nonexclusive contracts, or amend existing contracts, on a bid or negotiated basis for purposes of implementing those activities funded by the Budget Act of 2021 and other funding available for these purposes. Contracts entered into or amended pursuant to this section are exempt from Chapter 6 (commencing with Section 14825) of Part 5.5 of Division 3 of Title 2 of the Government Code, Section 19130 of the Government Code, Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code, the State Administrative Manual, and the State Contracting Manual, and are exempt from the review or approval of any division of the Department of General Services.

(k) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.

**SEC. 5.5.** Section 2200 of the Welfare and Institutions Code, as amended by Section 6.1 of Chapter 786 of the Statutes of 2022, is amended to read:

**2200.** (a) Commencing July 1, 2021, there is in the California Health and Human Services Agency the Office of Youth and Community Restoration.

(b) The office's mission is to promote trauma responsive, culturally informed services for youth involved in the juvenile justice system that support the youths' successful transition into adulthood and help them become responsible, thriving, and engaged members of their communities.

(c) The office shall have the following responsibility and authority:

(1) Once data becomes available as a result of the plan developed to Section 13015 of the Penal Code, develop a report on youth outcomes in the juvenile justice system.

(2) Identify policy recommendations for improved outcomes and integrated programs and services to best support delinquent youth.

(3) Identify and disseminate best practices to help inform rehabilitative and restorative youth practices, including education, diversion, re-entry, religious and victims' services.

(4) Provide technical assistance as requested to develop and expand local youth diversion opportunities to meet the varied needs of the delinquent youth population, including but not limited to sex offender, substance abuse, and mental health treatment.

(5) Report annually on the work of the Office of Youth and Community Restoration.

(d) The office shall have an ombudsperson, who has the authority to do all of the following:

(1) Investigate complaints from youth.

(2) Decide, in its discretion, whether to investigate complaints from youth who are detained in the, or committed to, juvenile facilities, families, staff, and others about harmful conditions or practices, violations of laws and regulations governing facilities, and circumstances presenting an emergency situation, or refer complaints to another body for investigation.

(3) Publish and provide regular reports to the Legislature about complaints received and subsequent findings and actions taken, pursuant to Section 2200.5.

(4) Have access to, review, and receive and make copies of any record of a local agency, and contractors with local agencies, including, but not limited to, all juvenile facility records, at all times, except personnel records legally required to be kept confidential. Access to records shall be in accordance with existing law and rules of court governing juvenile confidentiality and all other applicable laws.

(5) Meet or communicate privately with any youth, personnel, or volunteer in a juvenile facility and premises within the control of a county or local agency, or a contractor with a county or local agency, and may interview any relevant witnesses. The ombudsperson may interview sworn probation personnel in accordance with applicable federal and state law, local probation department policies, and collective bargaining agreements. The ombudsperson shall be granted access to youth at all times, and may take notes, audio or video recording, or photographs during the meeting or communication with youth, to the extent not otherwise prohibited by applicable federal or state law. The ombudsperson shall be permitted to carry with them and use the equipment necessary to document the meeting or communication with youth as described in this section, to the extent not otherwise prohibited by applicable federal or state law. Access shall be in accordance with existing law and rules of court governing juvenile confidentiality and all other applicable laws.

(6) Disseminate information and provide training and technical assistance to youth who are involved in the juvenile justice system, social workers, probation officers, tribal child welfare agencies, child welfare organizations, children's and youth advocacy groups, consumer and service provider organizations, and other interested parties on the rights of youth involved in the juvenile justice system and the services provided by the ombudsperson. The rights shall include rights set forth in federal and state law and regulations for youth detained in or committed to juvenile justice facilities. The information shall include methods of contacting the ombudsperson and notification that conversations with the office may be disclosed to other persons, as necessary to adequately investigate and resolve a complaint.

(7) Access, visit, and observe juvenile facilities and premises within the control of a county, or local agency, or a contractor with a county, or local agency, serving youth involved in the juvenile justice system. The ombudsperson shall be granted access to the facilities at any time with or without prior notice.

(8) For purposes of this section, "record" means documents, papers, memoranda, logs, reports, letters, calendars, schedules, notes, files, drawings, and electronic content, including, but not limited to, videos, photographs, blogs, video blogs, instant and text messages, email, or other items developed or received under law or in connection with the transaction of official business, but does not include material that is protected by privilege.

(9) Ombudsperson staff shall conduct a site visit to every juvenile facility and premises within the control of a county or local agency, or a contractor with a county or local agency, no less frequently than once per year.

(e) The Division of the Ombudsperson of the Office of Youth and Community Restoration shall design posters and provide the posters to each juvenile facility operator subject to Section 224.72. These posters shall include the toll-free telephone number of the Ombudsperson of the Office of Youth and Community Restoration.

(f) Consistent with Chapter 17.5 (commencing with Section 7290) of Division 7 of Title 1 of the Government Code, on or before July 1, 2023, the Office of Youth and Community Restoration shall ensure the listing of rights and posters described in this section are translated into Spanish and other languages as determined necessary and distribute to each juvenile facility operator.

(g) The Office of Youth and Community Restoration shall evaluate the efficacy of local programs being utilized for realigned youth. No later than July 1, 2025, the office shall report its findings to the Governor and the Legislature.

(h) Juvenile grants shall not be awarded by the Board of State and Community Corrections without the concurrence of the office. All juvenile justice grant administration functions in the Board of State and Community Corrections shall be moved to the office no later than January 1, 2025.

(i) The Office of Youth and Community Restoration shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice for all employees, prospective employees, contractors, subcontractors, and volunteers requiring direct contact with young people in juvenile facilities or access to criminal offender record information, as defined by Section 11075 of the Penal Code, pursuant to subdivision (u) of Section 11105 of the Penal Code. The Department of Justice shall provide a state- or federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

(j) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the Office of Youth and Community Restoration may establish grantmaking programs with the funding designated in the Budget Act of 2021 and with other funding available for that purpose by means of information notices or other similar instructions, without taking further regulatory action.

(k) The Office of Youth and Community Restoration may enter into exclusive or nonexclusive contracts, or amend existing contracts, on a bid or negotiated basis for purposes of implementing those activities funded by the Budget Act of 2021 and other funding available for these purposes. Contracts entered into or amended pursuant to this section are exempt from Chapter 6 (commencing with Section 14825) of Part 5.5 of Division 3 of Title 2 of the Government Code, Section 19130 of the Government Code, Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code, the State Administrative Manual, and the State Contracting Manual, and are exempt from the review or approval of any division of the Department of General Services.

(l) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.

**SEC. 6.** Section 2200 of the Welfare and Institutions Code, as added by Section 6.2 of Chapter 786 of the Statutes of 2022, is amended to read:

**2200.** (a) Commencing July 1, 2021, there is in the California Health and Human Services Agency the Office of Youth and Community Restoration.

(b) The office's mission is to promote trauma-responsive, culturally informed services for youth involved in the juvenile justice system that support the youths' successful transition into adulthood and help them become responsible, thriving, and engaged members of their communities.

(c) The office shall have the following responsibility and authority:

(1) Once data becomes available as a result of the plan developed to Section 13015 of the Penal Code, develop a report on youth outcomes in the juvenile justice system.

(2) Identify policy recommendations for improved outcomes and integrated programs and services to best support delinquent youth.

(3) Identify and disseminate best practices to help inform rehabilitative and restorative youth practices, including education, diversion, re-entry, religious and victims' services.

(4) Provide technical assistance as requested to develop and expand local youth diversion opportunities to meet the varied needs of the delinquent youth population, including but not limited to sex offender, substance abuse, and mental health treatment.

(5) Report annually on the work of the Office of Youth and Community Restoration.

(d) The office shall have an ombudsperson, who has the authority to do all of the following:

(1) Investigate complaints from youth.

(2) Decide, in its discretion, whether to investigate complaints from youth who are detained in the, or committed to, juvenile facilities, families, staff, and others about harmful conditions or practices, violations of laws and regulations governing facilities, and circumstances presenting an emergency situation, or refer complaints to another body for investigation.

(3) Publish and provide regular reports to the Legislature about complaints received and subsequent findings and actions taken, pursuant to Section 2200.5.

(4) Have access to, review, receive, and make copies of any record of a local agency, and contractors with local agencies, including, but not limited to, all juvenile facility records, at all times, except personnel records legally required to be kept confidential. Access to records shall be in accordance with existing law and rules of court governing juvenile confidentiality and all other applicable laws.

(5) Meet or communicate privately with any youth, personnel, or volunteer in a juvenile facility and premises within the control of a county or local agency, or a contractor with a county or local agency, and may interview any relevant witnesses. The ombudsperson may interview sworn probation personnel in accordance with applicable federal and state law, local probation department policies, and collective bargaining agreements. The ombudsperson shall be granted access to youth at all times, and may take notes, audio or video recording, or photographs during the meeting or communication with youth, to the extent not otherwise prohibited by applicable federal or state law. The ombudsperson shall be permitted to carry with them and use the equipment necessary to document the meeting or communication with youth as described in this section, to the extent not

otherwise prohibited by applicable federal or state law. Access shall be in accordance with existing law and rules of court governing juvenile confidentiality and all other applicable laws.

(6) Disseminate information and provide training and technical assistance to youth who are involved in the juvenile justice system, social workers, probation officers, tribal child welfare agencies, child welfare organizations, children's and youth advocacy groups, consumer and service provider organizations, and other interested parties on the rights of youth involved in the juvenile justice system and the services provided by the ombudsperson. The rights shall include rights set forth in federal and state law and regulations for youth detained in or committed to juvenile justice facilities. The information shall include methods of contacting the ombudsperson and notification that conversations with the office may be disclosed to other persons, as necessary to adequately investigate and resolve a complaint.

(7) Access, visit, and observe juvenile facilities and premises within the control of a county, or local agency, or a contractor with a county, or local agency, serving youth involved in the juvenile justice system. The ombudsperson shall be granted access to the facilities at any time with or without prior notice.

(8) For purposes of this section, "record" means documents, papers, memoranda, logs, reports, letters, calendars, schedules, notes, files, drawings, and electronic content, including, but not limited to, videos, photographs, blogs, video blogs, instant and text messages, email, or other items developed or received under law or in connection with the transaction of official business, but does not include material that is protected by privilege.

(9) Ombudsperson staff shall conduct a site visit to every juvenile facility and premises within the control of a county or local agency, or a contractor with a county or local agency, no less frequently than once per year.

(e) The Division of the Ombudsperson of the Office of Youth and Community Restoration shall design posters and provide the posters to each juvenile facility operator subject to Section 224.72. These posters shall include the toll-free telephone number of the Ombudsperson of the Office of Youth and Community Restoration.

(f) Consistent with Chapter 17.5 (commencing with Section 7290) of Division 7 of Title 1 of the Government Code, on or before July 1, 2023, the Office of Youth and Community Restoration shall ensure the listing of rights and posters described in this section are translated into Spanish and other languages as determined necessary and distribute to each juvenile facility operator.

(g) The Office of Youth and Community Restoration shall evaluate the efficacy of local programs being utilized for realigned youth. No later than July 1, 2025, the office shall report its findings to the Governor and the Legislature.

(h) Juvenile grants shall not be awarded by the Board of State and Community Corrections without the concurrence of the office. All juvenile justice grant administration functions in the Board of State and Community Corrections shall be moved to the office no later than January 1, 2025.

(i) This section shall become operative on January 1, 2028.

**SEC. 6.5.** Section 2200 of the Welfare and Institutions Code, as added by Section 6.2 of Chapter 786 of the Statutes of 2022, is amended to read:

**2200.** (a) Commencing July 1, 2021, there is in the California Health and Human Services Agency the Office of Youth and Community Restoration.

(b) The office's mission is to promote trauma-responsive, culturally informed services for youth involved in the juvenile justice system that support the youths' successful transition into adulthood and help them become responsible, thriving, and engaged members of their communities.

(c) The office shall have the following responsibility and authority:

(1) Once data becomes available as a result of the plan developed to Section 13015 of the Penal Code, develop a report on youth outcomes in the juvenile justice system.

(2) Identify policy recommendations for improved outcomes and integrated programs and services to best support delinquent youth.

(3) Identify and disseminate best practices to help inform rehabilitative and restorative youth practices, including education, diversion, re-entry, religious and victims' services.

(4) Provide technical assistance as requested to develop and expand local youth diversion opportunities to meet the varied needs of the delinquent youth population, including but not limited to sex offender, substance abuse, and mental health treatment.

(5) Report annually on the work of the Office of Youth and Community Restoration.

(d) The office shall have an ombudsperson, who has the authority to do all of the following:

(1) Investigate complaints from youth.

(2) Decide, in its discretion, whether to investigate complaints from youth who are detained in the, or committed to, juvenile facilities, families, staff, and others about harmful conditions or practices, violations of laws and regulations governing facilities, and circumstances presenting an emergency situation, or refer complaints to another body for investigation.

(3) Publish and provide regular reports to the Legislature about complaints received and subsequent findings and actions taken, pursuant to Section 2200.5.

(4) Have access to, and make copies of any record of a local agency, and contractors with local agencies, including, but not limited to, all juvenile facility records, at all times, except personnel records legally required to be kept confidential. Access to records shall be in accordance with existing law and rules of court governing juvenile confidentiality and all other applicable laws.

(5) Meet or communicate privately with any youth, personnel, or volunteer in a juvenile facility and premises within the control of a county or local agency, or a contractor with a county or local agency, and may interview any relevant witnesses. The ombudsperson may interview sworn probation personnel in accordance with applicable federal and state law, local probation department policies, and collective bargaining agreements. The ombudsperson shall be granted access to youth at all times, and may take notes, audio or video recording, or photographs during the meeting or communication with youth, to the extent not otherwise prohibited by applicable federal or state law. The ombudsperson shall be permitted to carry with them and use the equipment necessary to document the meeting or communication with youth as described in this section, to the extent not otherwise prohibited by applicable federal or state law. Access shall be in accordance with existing law and rules of court governing juvenile confidentiality and all other applicable laws.

(6) Disseminate information and provide training and technical assistance to youth who are involved in the juvenile justice system, social workers, probation officers, tribal child welfare agencies, child welfare organizations, children's and youth advocacy groups, consumer and service provider organizations, and other interested parties on the rights of youth involved in the juvenile justice system and the services provided by the ombudsperson. The rights shall include rights set forth in federal and state law and regulations for youth detained in or committed to juvenile justice facilities. The information shall include methods of contacting the ombudsperson and notification that conversations with the office may be disclosed to other persons, as necessary to adequately investigate and resolve a complaint.

(7) Access, visit, and observe juvenile facilities and premises within the control of a county, or local agency, or a contractor with a county, or local agency, serving youth involved in the juvenile justice system. The ombudsperson shall be granted access to the facilities at any time with or without prior notice.

(8) For purposes of this section, "record" means documents, papers, memoranda, logs, reports, letters, calendars, schedules, notes, files, drawings, and electronic content, including, but not limited to, videos, photographs, blogs, video blogs, instant and text messages, email, or other items developed or received under law or in connection with the transaction of official business, but does not include material that is protected by privilege.

(9) Ombudsperson staff shall conduct a site visit to every juvenile facility and premises within the control of a county or local agency, or a contractor with a county or local agency, no less frequently than once per year.

(e) The Division of the Ombudsperson of the Office of Youth and Community Restoration shall design posters and provide the posters to each juvenile facility operator subject to Section 224.72. These posters shall include the toll-free telephone number of the Ombudsperson of the Office of Youth and Community Restoration.

(f) Consistent with Chapter 17.5 (commencing with Section 7290) of Division 7 of Title 1 of the Government Code, on or before July 1, 2023, the Office of Youth and Community Restoration shall ensure the listing of rights and posters described in this section are translated into Spanish and other languages as determined necessary and distribute to each juvenile facility operator.

(g) The Office of Youth and Community Restoration shall evaluate the efficacy of local programs being utilized for realigned youth. No later than July 1, 2025, the office shall report its findings to the Governor and the Legislature.

(h) Juvenile grants shall not be awarded by the Board of State and Community Corrections without the concurrence of the office. All juvenile justice grant administration functions in the Board of State and Community Corrections shall be moved to the office no later than January 1, 2025.

(i) The Office of Youth and Community Restoration shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice for all employees, prospective employees, contractors, subcontractors, and volunteers requiring direct contact with young people in juvenile facilities or access to criminal offender record information, as defined by Section 11075 of the Penal Code, pursuant to subdivision (u) of Section 11105 of the Penal Code. The Department of Justice shall provide a state- or federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

(j) This section shall become operative on January 1, 2028.

**SEC. 7.** Section 2200.2 of the Welfare and Institutions Code is amended to read:

**2200.2.** (a) If the office of the ombudsperson decides to investigate a complaint, or refer a complaint to another body for investigation, pursuant to paragraph (1) of subdivision (d) of Section 2200, the ombudsperson shall notify the complainant in writing of the intention to investigate or refer the complaint. If the ombudsperson declines to investigate a complaint or continue an investigation, the ombudsperson shall notify the complainant in writing of the reason.

(b) The ombudsperson shall update the complainant on the progress of the investigation and the attempts to resolve the complaint, and notify the complainant in writing of the final outcome. If appropriate, the office may also share the outcome of any investigation performed by the office with the youth's counsel.

(c) Except when there is a safety concern, the ombudsperson shall also notify the head of the agency against which a complaint was filed when it refers the matter for an investigation.

(d) The ombudsperson may resolve complaints, when possible, collaborating with facility administrators and staff to develop resolutions that may include training.

(e) The ombudsperson may recommend changes to improve services or to correct systemic issues.

(f) (1) Information obtained by the office related to a complaint, regardless of whether it is investigated by the office, referred to another entity for investigation, or determined not to be the proper subject of an investigation, shall remain confidential under relevant state and federal confidentiality laws. Disclosure of information that is not confidential under state and federal confidentiality laws shall occur only as necessary to carry out the mission of the office, including as necessary to provide explanation and support for the office's recommendations for improving the youth and community restoration system to the Legislature and state and local agencies that provide services and supports to youth placed in delinquency settings.

(2) The ombudsperson shall maintain confidentiality with respect to the identities of the complainants or witnesses coming before them, except insofar as disclosure may be necessary to enable the ombudsperson to carry out the duties of the office set forth in subdivisions (a) to (c), inclusive. The ombudsperson may not disclose a record that is confidential under relevant state and federal confidentiality laws.

(3) The ombudsperson shall advise all complainants that retaliation is not permitted and constitutes the basis for filing a subsequent complaint.

(g) In order to encourage candor during the ombudsperson's investigation of complaints made by, or on behalf of, detained youths and to facilitate the ombudsperson's ability to resolve complaints, both of the following shall apply:

(1) The ombudsperson and their staff shall not be compelled to testify or be deposed in a judicial or administrative proceeding regarding matters coming to their attention in the exercise of their official duties, except as necessary to enforce or implement this chapter.

(2) The records of the ombudsperson and their staff, including notes, drafts, and records obtained from an individual or agency during the intake, review, or investigation of a complaint, and any reports not released to the public shall not be subject to disclosure or production in response to a subpoena or discovery in a judicial or administrative proceeding, except as necessary to enforce or implement the provisions of this chapter.

**SEC. 8.** Section 2200.5 of the Welfare and Institutions Code is amended to read:

**2200.5.** (a) The ombudsperson shall publish and provide regular reports to the Legislature about all data collected over the course of the year, including, but not limited to, contacts to the office, complaints received, including the type and source of those complaints, investigations performed by the ombudsperson, the time to investigate and resolve complaints, the number and types of complaints referred to other agencies, the trends and issues that arose in the course of investigating complaints, pending complaints, and subsequent findings and actions taken, and a summary of the data received by the ombudsperson. Data shall be disaggregated by gender, sexual orientation, race, and ethnicity of the complainants to the extent this information is available.

(b) The ombudsperson shall include recommendations consistent with this data for improving the juvenile justice system.



(c) The compiled data and recommendations shall be posted so that it is available to the public on the office's existing internet website.

(d) The report shall comply with all confidentiality laws.

(e) Nothing shall preclude the ombudsperson from issuing data, findings, or reports other than the annual compilation of data described in this section or Section 2200.

**SEC. 9.** (a) Section 5.5 of this bill incorporates amendments to Section 2200 of the Welfare and Institutions Code, as amended by Section 6.1 of Chapter 786 of the Statutes of 2022, proposed by this bill and Assembly Bill 152. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2024, (2) each bill amends Section 2200 of the Welfare and Institutions Code, and (3) this bill is enacted after Assembly Bill 152, in which case Section 2200 of the Welfare and Institutions Code, as amended by Assembly Bill 152, shall remain operative only until the operative date of this bill, at which time Section 5.5 of this bill shall become operative, and Section 5 of this bill shall not become operative.

(b) Section 5.5 of this bill incorporates amendments to Section 2200 of the Welfare and Institutions Code, as amended by Section 6.1 of Chapter 786 of the Statutes of 2022, proposed by this bill and Senate Bill 152. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2024, (2) each bill amends Section 2200 of the Welfare and Institutions Code, and (3) this bill is enacted after Senate Bill 152, in which case Section 2200 of the Welfare and Institutions Code, as amended by Senate Bill 152, shall remain operative only until the operative date of this bill, at which time Section 5.5 of this bill shall become operative, and Section 5 of this bill shall not become operative.

(c) Section 6.5 of this bill incorporates amendments to Section 2200 of the Welfare and Institutions Code, as added by Section 6.2 of Chapter 786 of the Statutes of 2022, proposed by this bill and Assembly Bill 152. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2024, (2) each bill amends Section 2200 of the Welfare and Institutions Code, and (3) this bill is enacted after Assembly Bill 152, in which case Section 2200 of the Welfare and Institutions Code, as amended by Assembly Bill 152, shall remain operative only until the operative date of this bill, at which time Section 6.5 of this bill shall become operative, and Section 6 of this bill shall not become operative.

(d) Section 6.5 of this bill incorporates amendments to Section 2200 of the Welfare and Institutions Code, as added by Section 6.2 of Chapter 786 of the Statutes of 2022, proposed by this bill and Senate Bill 152. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2024, (2) each bill amends Section 2200 of the Welfare and Institutions Code, and (3) this bill is enacted after Senate Bill 152, in which case Section 2200 of the Welfare and Institutions Code, as amended by Senate Bill 152, shall remain operative only until the operative date of this bill, at which time Section 6.5 of this bill shall become operative, and Section 6 of this bill shall not become operative.

**SEC. 10.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.