



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

SB-1005 Juveniles. (2023-2024)

SHARE THIS:  

Date Published: 08/19/2024 09:00 PM

Senate Bill No. 1005

CHAPTER 179

An act to amend Section 654 of the Welfare and Institutions Code, relating to juveniles.

[Approved by Governor August 19, 2024. Filed with Secretary of State August 19, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1005, Ashby. Juveniles.

Existing law authorizes a probation officer who, after investigation of an application for a petition or any other investigation the probation officer is authorized to make, concludes that a minor is within the jurisdiction of the juvenile court, or will probably soon be within that jurisdiction, to, in lieu of filing a petition to declare a minor a dependent child of the court or a ward of the court, or requesting that a petition be filed by the prosecuting attorney to declare a minor a ward of the court, as specified, with consent of the minor and the minor's parent or guardian, delineate specific programs of supervision for the minor, not to exceed 6 months, and attempt to adjust the situation that brings the minor within the jurisdiction of the court or creates the probability that the minor will soon be within that jurisdiction. In lieu of filing a petition, existing law also authorizes the probation officer, with the consent of the minor and the minor's parent or guardian, to provide or contract for services including sheltered-care facilities, crisis resolution homes, or counseling and educational centers.

For certain offenses, this bill would additionally authorize a probation officer, with the consent of the minor and the minor's parent, to refer an offense to youth court, as specified.

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

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

SECTION 1. Section 654 of the Welfare and Institutions Code is amended to read:

654. (a) In any case in which a probation officer, after investigation of an application for a petition or any other investigation the probation officer is authorized to make, concludes that a minor is within the jurisdiction of the juvenile court, or would come within the jurisdiction of the court if a petition were filed, the probation officer may, in lieu of filing a petition to declare a minor a ward of the court under Section 601 or requesting that a petition be filed by the prosecuting attorney to declare a minor a ward of the court under subdivision (e) of Section 601.3 or Section 602 and with consent of the minor and the minor's parent or guardian, refer the minor to services provided by a health agency, community-based organization, local educational agency, an appropriate non-law-enforcement agency, or the probation department. If the services are provided by the probation department, the probation officer may delineate specific programs of supervision for the minor, not to exceed six months, and attempt thereby to adjust the situation that brings the minor within the jurisdiction of the court. This section does not prevent the probation officer from requesting the prosecuting attorney to file a petition at any time within the six-month period or a 90-day period thereafter. If

the probation officer determines that the minor has not participated in the specific programs within 60 days, the probation officer may file a petition or request that a petition be filed by the prosecuting attorney. However, when in the judgment of the probation officer the interest of the minor and the community can be protected, the probation officer shall make a diligent effort to proceed under this section.

(b) The program of supervision of the minor undertaken pursuant to this section may call for the minor to obtain care and treatment for the misuse of, or addiction to, controlled substances from a county mental health service or other appropriate community agency.

(c) The program of supervision shall encourage the parents or guardians of the minor to participate with the minor in counseling or education programs, including, but not limited to, parent education and parenting programs operated by community colleges, school districts, or other appropriate agencies designated by the court if the program of supervision is pursuant to the procedure prescribed in Section 654.2.

(d) Further, a probation officer with consent of the minor and the minor's parent or guardian may provide the following services in lieu of filing a petition:

(1) Maintain and operate sheltered-care facilities, or contract with private or public agencies to provide these services. The placement shall be limited to a maximum of 90 days. Counseling services shall be extended to the sheltered minor and the minor's family during this period of diversion services. Referrals for sheltered-care diversion may be made by the minor, the minor's family, schools, any law enforcement agency, or any other private or public social service agency.

(2) Maintain and operate crisis resolution homes, or contract with private or public agencies offering these services. Residence at these facilities shall be limited to 20 days during which period individual and family counseling shall be extended to the minor and the minor's family. Failure to resolve the crisis within the 20-day period may result in the minor's referral to a sheltered-care facility for a period not to exceed 90 days. Referrals shall be accepted from the minor, the minor's family, schools, law enforcement, or any other private or public social service agency.

(3) Maintain and operate counseling and educational centers, or contract with community-based organizations or public agencies to provide vocational training or skills, counseling and mental health resources, educational supports, and arts, recreation, and other youth development services. These services may be provided separately or in conjunction with crisis resolution homes to be operated by the probation officer. The probation officer shall be authorized to make referrals to those organizations when available.

(4) Refer an offense to a youth, peer, or teen court established and maintained by the probation officer or by a community-based organization, Indian tribe, tribal court, or private or public agency, to implement restorative justice practices designed to enable peer youth jurors to hear cases and make dispositions for offenses committed by youths. Such referral offenses may include, but are not limited to, infractions or misdemeanors specified in subdivisions (a) to (v), inclusive, of Section 48900 of the Education Code, or for any other violation the probation officer may determine appropriate for referral. This provision shall be implemented consistent with subdivision (w) of Section 48900 of the Education Code.

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