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SB-1353 Youth Bill of Rights. (2023-2024)

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Senate Bill No. 1353

CHAPTER 163

An act to amend Section 224.71 of the Welfare and Institutions Code, relating to juveniles.

[Approved by Governor July 18, 2024. Filed with Secretary of State July 18, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1353, Wahab. Youth Bill of Rights.

Existing law establishes the Youth Bill of Rights for all youth confined in a juvenile facility, which includes the right to receive adequate, appropriate, and timely mental health services, as specified.

This bill would also specify that the Youth Bill of Rights includes the right to receive adequate, appropriate, and timely behavioral health services, as specified.

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

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

SECTION 1. Section 224.71 of the Welfare and Institutions Code is amended to read:

224.71. It is the policy of the state that all youth confined in a juvenile facility shall have the following rights, which are established by existing law and regulation:

(a) To live in a safe, healthy, and clean environment conducive to treatment, positive youth development, and healing and where they are treated with dignity and respect.

(b) To be free from physical, sexual, emotional, or other abuse, or corporal punishment.

(c) To receive adequate and healthy meals and snacks, clean water at any time, timely access to toilets, access to daily showers, sufficient personal hygiene items, clean bedding, and clean clothing in good repair, including clean undergarments on a daily basis, and new underwear that fits. Clothing, grooming, and hygiene products shall be adequate and respect the child's culture, ethnicity, and gender identity and expression.

(d) To receive adequate, appropriate, and timely medical, reproductive, dental, vision, behavioral health, and mental health services provided by qualified professionals and consistent with current professional standards of care.

(e) To refuse the administration of psychotropic and other medications consistent with applicable law or unless immediately necessary for the preservation of life or the prevention of serious bodily harm.

- (f) To not be searched for the purpose of harassment or humiliation, a form of discipline or punishment, or to verify the youth's gender. To searches that preserve the privacy and dignity of the person and to have access to a written search policy at any time, including the policy on who may perform searches.
- (g) To maintain frequent and continuing contact with parents, guardians, siblings, children, and extended family members, through visits, telephone calls, and mail. Youth may be provided with access to computer technology and the internet for maintaining relationships with family as an alternative, but not as a replacement for, in-person visiting.
- (h) To make and receive confidential telephone calls, send and receive confidential mail, and have confidential visits with attorneys and their authorized representatives, ombudspersons, including the Division of the Ombudsperson of the Office of Youth and Community Restoration, and other advocates, holders of public office, state and federal court personnel, and legal service organizations.
- (i) To have fair and equal access to all available services, housing, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnicity, ancestry, national origin, language, color, religion, sex, sexual orientation, gender identity, gender expression, mental or physical disability, immigration status, or HIV status.
- (j) To have daily opportunities for age-appropriate physical exercise and recreation, including time spent outdoors and access to leisure reading, letter writing, and entertainment.
- (k) To contact attorneys, ombudspersons, including the Division of the Ombudsperson of the Office of Youth and Community Restoration, and other advocates, and representatives of state or local agencies, regarding conditions of confinement or violations of rights, and to be free from retaliation for making these contacts or complaints.
- (l) To exercise the religious or spiritual practice of their choice and to participate in or refuse to participate in religious services and activities.
- (m) To not be deprived of any of the following as a disciplinary measure: food, contact with parents, guardians, family, or attorneys, sleep, exercise, education, bedding, clothing, access to religious services, a daily shower, clean water, a toilet, hygiene products, medical services, reading material, or the right to send and receive mail; to not be subject to room confinement as a disciplinary measure; to access written disciplinary policies, including the right to be informed of accusations against them, have an opportunity to be heard, present evidence and testimony, and their right to appeal disciplinary decisions.
- (n) To receive a rigorous, quality education that complies with state law, and the abilities of students and prepares them for high school graduation, career entry, and postsecondary education; to attend appropriate level school classes and vocational training; to have access to postsecondary academic and career technical education courses and programs; to have access to computer technology and the internet for the purposes of education and to continue to receive educational services while on disciplinary or medical status; and to have access to information about the educational options available to youth.
- (o) To information about their rights as parents, including available parental support, reunification advocacy, and opportunities to maintain or develop a connection with their children; to access educational information or programming about pregnancy, infant care, parenting, and breast-feeding, and childhood development; to proper prenatal care, diet, vitamins, nutrition, and medical treatment; to counseling for pregnant and postpartum youth; to not be restrained by the use of leg irons, waist chains, or handcuffs behind the body while pregnant or in recovery after delivery; to not be restrained during a medical emergency, labor, delivery, or recovery unless deemed necessary for their safety and security, and to have restraints removed when a medical professional determines removal is medically necessary; and to access written policies about pregnant, postpartum, and lactating youth.
- (p) To attend all court hearings pertaining to them.
- (q) To have counsel and a prompt probable cause hearing when detained on probation violations.
- (r) To make at least two free telephone calls within an hour after initially being placed in a juvenile facility following an arrest.