

AMENDED IN SENATE MARCH 29, 2007

**SENATE BILL**

**No. 518**

---

---

**Introduced by Senator Migden**

February 22, 2007

---

---

An act to add Article 1.5 (commencing with Section 224.70) to Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

SB 518, as amended, Migden. Juveniles: Youth Bill of Rights.

**Existing**

(1) *Existing* law authorizes a peace officer to take a minor that the officer has reasonable cause to believe is within the jurisdiction of the juvenile court, either as a dependent child or as a ward of the court, into temporary custody without a warrant, as specified. Existing law provides procedures for processing the minor thereafter. Existing law requires the release within 48 hours of a minor who is taken into temporary custody by a peace officer or probation officer, as specified, unless a petition to declare him or her a dependent child or ward of the court has been filed. Existing law requires the juvenile court, upon the appearance of a minor at a detention hearing, to inform the minor, and his or her parents or guardians, of the reasons why the minor was taken into custody, the nature of the juvenile court proceedings, and their right to representation by counsel.

~~This bill would state the intent of the Legislature to enact legislation to establish the "Youth Bill of Rights" within the Department of Corrections and Rehabilitation, Division of Juvenile Facilities enact the "Youth Bill of Rights" in connection with children in the custody of the Division of Juvenile Justice or a local juvenile facility, as defined.~~

*The bill would enumerate 15 specific rights. The bill would require every Division of Juvenile Justice facility and local juvenile facility to provide each child who is placed in the facility with an age and developmentally appropriate orientation that includes an explanation of the rights, and would require a local juvenile facility to post a listing of the rights. The bill would require the Division of Juvenile Justice and local juvenile facilities to provide care, placement, and services to children in their custody without discriminating on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status. The bill would require the Office of the Ombudsperson of the Division of Juvenile Justice to take various actions in connection with the rights, including disseminating information, investigating complaints, providing information regarding complaints it does not investigate, compiling and making available data to the Legislature, and providing a toll-free telephone number. The bill would further require that office, in consultation with specified groups, to develop standardized, age-appropriate information in connection with these rights by July 1, 2008. The bill would require certain state and local employees to be trained on the right of a child in custody to have fair and equal access to all available services, placement, care, treatment, and benefits, as specified. The bill would require the Department of Corrections and Rehabilitation and the Corrections Standards Authority to adopt regulations to implement and monitor compliance with these provisions. The bill would require each Division of Juvenile Justice and local juvenile facility to adopt a policy prohibiting harassment and discrimination in conformance with these provisions. By increasing the duties of local agencies, this bill would impose a state-mandated local program.*

*(2) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. The Legislature finds and declares all of the*  
2 *following:*

3     *(a) Widespread harassment and discrimination based on race,*  
4 *ethnicity, religion, sexual orientation, gender identity, or other*  
5 *factors has been reported within state and local juvenile facilities,*  
6 *camp, and ranches.*

7     *(b) Wards in the custody of the Division of Juvenile Justice and*  
8 *youth in local juvenile facilities are harmed by discrimination*  
9 *based on actual or perceived race, ethnic group identification,*  
10 *ancestry, national origin, color, religion, sex, sexual orientation,*  
11 *gender identity, mental or physical disability, or HIV status.*

12     *(c) Youth are placed in the custody of the Division of Juvenile*  
13 *Justice in order to provide them an opportunity for rehabilitation.*  
14 *Rehabilitation opportunities include the provision of educational,*  
15 *therapeutic, and other necessary services to ensure that these youth*  
16 *can become successful and productive members of their*  
17 *communities.*

18     *(d) All children in juvenile facilities have the constitutional right*  
19 *to a safe and secure environment.*

20     *(e) The Division of Juvenile Justice is committed to treating all*  
21 *people with dignity, respect, and consideration and demonstrating*  
22 *behavior which is fair, honest, and ethical.*

23     *(f) There is a need to inform youth in the custody of the Division*  
24 *of Juvenile Justice and local juvenile facilities about their rights*  
25 *and train officers about their legal responsibilities for the following*  
26 *reasons:*

27     *(1) Many children in juvenile facilities are unaware of their*  
28 *rights regarding discrimination and harassment.*

29     *(2) Many staff members have not received training to prevent*  
30 *or respond to discrimination and harassment. This training is*  
31 *particularly lacking with respect to discrimination and harassment*  
32 *on the basis of actual and perceived gender identity and sexual*  
33 *orientation.*

34     *(3) Many local juvenile facilities are not effectively addressing*  
35 *discrimination and harassment, particularly with respect to*  
36 *discrimination and harassment based on actual and perceived*  
37 *gender identity and sexual orientation.*

1 (4) Many children in state and local facilities do not know how  
2 to file a discrimination or harassment complaint.

3 (5) State and local facilities are responding to complaints about  
4 discrimination and harassment in an inconsistent manner.

5 (g) Initial and ongoing training for county juvenile correctional  
6 officers, state juvenile correctional officers and administrators,  
7 Corrections Standards Authority staff, and juvenile probation  
8 officers is crucial to enable all persons involved in providing care,  
9 rehabilitation, and treatment services to children in juvenile  
10 facilities to fulfill their responsibilities to provide safe and  
11 nondiscriminatory environments.

12 SEC. 2. Article 1.5 (commencing with Section 224.70) is added  
13 to Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions  
14 Code, to read:

15  
16 Article 1.5. Youth Bill of Rights

17  
18 224.70. For the purposes of this article:

19 (a) "Camp" means a juvenile camp, ranch, forestry camp, or  
20 boot camp established in accordance with Section 881 of the  
21 Welfare and Institutions Code, to which minors made wards of the  
22 court on the grounds of fitting the description in Section 602 of  
23 the Welfare and Institutions Code may be committed.

24 (b) "Child" means a person under 18 years of age, and includes  
25 a person under 18 years of age whose case is under the jurisdiction  
26 of the adult criminal court.

27 (c) "Committed" means placed in a jail or juvenile facility  
28 pursuant to a court order for a specific period of time, independent  
29 of, or in connection with, other sentencing alternatives.

30 (d) "Juvenile facility" means a juvenile hall, juvenile home,  
31 ranch or camp, forestry camp, regional youth education facility,  
32 boot camp, or special purpose juvenile hall.

33 (e) "Juvenile hall" means a county facility designed for the  
34 reception and temporary care of minors detained in accordance  
35 with the provisions of this chapter.

36 (f) "Regional facility" means a facility serving two or more  
37 counties operated pursuant to a memorandum of understanding  
38 or a joint powers agreement identifying the terms, conditions,  
39 rights, responsibilities, and financial obligations of all parties.

- 1 (g) “Special purpose juvenile hall” means a county facility used  
2 for the temporary confinement of a minor, not to exceed 96 hours,  
3 prior to transfer to a full-service juvenile facility or release.
- 4 224.71. It is the policy of the state that all children in the  
5 custody of the Division of Juvenile Justice or in a local juvenile  
6 facility shall have the following rights:
- 7 (a) To live in a safe, healthy, and comfortable environment  
8 where he or she is treated with respect.
- 9 (b) To be protected from physical, sexual, emotional, or other  
10 abuse, or corporal punishment.
- 11 (c) To receive adequate and healthy food, water, and clothing  
12 that is adequate and clean.
- 13 (d) To receive medical, dental, vision, and mental health  
14 services.
- 15 (e) To be free of the administration of medication or chemical  
16 substances, unless authorized by a physician.
- 17 (f) To contact family members, unless prohibited by court order,  
18 and social workers, attorneys, Court-Appointed Special Advocates  
19 (CASA), and probation officers.
- 20 (g) To have fair and equal access to all available services,  
21 placement, care, treatment, and benefits, and to not be subjected  
22 to discrimination or harassment on the basis of actual or perceived  
23 race, ethnic group identification, ancestry, national origin, color,  
24 religion, sex, sexual orientation, gender identity, mental or physical  
25 disability, or HIV status.
- 26 (h) To be protected from punitive interference with the daily  
27 functions of living, such as eating or sleeping.
- 28 (i) To contact the Division of Juvenile Justice Ombudsperson  
29 regarding violations of rights, to speak to representatives of this  
30 office confidentially, and to be free from threats or punishment for  
31 making complaints.
- 32 (j) To make and receive confidential telephone calls from  
33 attorneys and send and receive unopened mail from attorneys.
- 34 (k) To participate in religious services and activities of his or  
35 her choice.
- 36 (l) To not be denied food as a disciplinary measure.
- 37 (m) To be provided with sufficient personal hygiene items.
- 38 (n) To attend school classes.
- 39 (o) To attend all court hearings pertaining to them.

1     224.72. (a) *Every Division of Juvenile Justice facility and*  
2 *local juvenile facility shall provide each child who is placed in the*  
3 *facility with an age and developmentally appropriate orientation*  
4 *that includes an explanation of the rights of the child, as specified*  
5 *in Section 224.71, and that addresses the child's questions and*  
6 *concerns.*

7     (b) *Every local juvenile facility shall post a listing of the rights*  
8 *provided by Section 224.71. The Department of Corrections and*  
9 *Rehabilitation, Office of the Ombudsman, shall design posters and*  
10 *provide the posters to each facility subject to this subdivision. The*  
11 *posters shall include the toll-free telephone number of the Division*  
12 *of Juvenile Justice Ombudsperson.*

13     224.73. (a) *The Division of Juvenile Justice shall ensure the*  
14 *safety and dignity of youth committed to its care. The Division of*  
15 *Juvenile Justice shall provide care, placement, and services to*  
16 *children in its custody without discriminating on the basis of actual*  
17 *or perceived race, ethnic group identification, ancestry, national*  
18 *origin, color, religion, sex, sexual orientation, gender identity,*  
19 *mental or physical disability, or HIV status.*

20     (b) *Local juvenile facilities shall ensure the safety and dignity*  
21 *of youth in its custody. Local juvenile facility administrator shall*  
22 *provide care, placement, and services to children in its custody*  
23 *without discriminating on the basis of actual or perceived race,*  
24 *ethnic group identification, ancestry, national origin, color,*  
25 *religion, sex, sexual orientation, gender identity, mental or physical*  
26 *disability, or HIV status.*

27     224.74. (a) *The Office of the Ombudsperson of the Division*  
28 *of Juvenile Justice shall do all of the following:*

29     (1) *Disseminate information on the rights of children and youth*  
30 *in the custody of the Division of Juvenile Justice and local juvenile*  
31 *facilities, as provided in Section 224.71, and the services provided*  
32 *by the office.*

33     (2) *Investigate and attempt to resolve complaints made by or*  
34 *on behalf of children in the custody of the Division of Juvenile*  
35 *Justice or local juvenile facilities, related to their care, placement,*  
36 *or services.*

37     (3) *Decide, in its discretion, whether to investigate a complaint,*  
38 *or refer complaints to another agency for investigation.*

39     (4) *Upon rendering a decision to investigate a complaint from*  
40 *a complainant, notify the complainant of the intention to*

1 *investigate. If the office declines to investigate a complaint or*  
2 *continue an investigation, the office shall notify the complainant*  
3 *of the reason for the action of the office.*

4 *(5) Update the complainant on the progress of the investigation*  
5 *and notify the complainant of the final outcome.*

6 *(6) Document the number, source, origin, location, and nature*  
7 *of complaints.*

8 *(7) Compile and make available to the Legislature all data*  
9 *collected over the course of the year including, but not limited to,*  
10 *the number of contacts to the toll-free telephone number, the*  
11 *number of complaints made, the number of investigations*  
12 *performed by the office, the number of referrals made, and the*  
13 *number of unresolved complaints.*

14 *(8) Provide a toll-free telephone number for the Office of the*  
15 *Ombudsperson of the Division of Juvenile Justice.*

16 *(b) (1) The Office of the Ombudsperson of the Division of*  
17 *Juvenile Justice in consultation with Chief Probation Officers of*  
18 *California, youth advocate and support groups, groups*  
19 *representing children, families, children's facilities, and other*  
20 *interested parties, shall develop, no later than July 1, 2008,*  
21 *standardized information explaining the rights specified in Section*  
22 *224.71. The information developed shall be age-appropriate.*

23 *(2) The Office of the Ombudsperson of Division of Juvenile*  
24 *Justice, the counties, and other interested parties may use the*  
25 *information developed in paragraph (1) in carrying out their*  
26 *responsibilities to inform youth of their rights provided under*  
27 *Section 224.71.*

28 *224.75. State correctional officers, staff of the Correctional*  
29 *Standards Authority, and county juvenile facility workers shall*  
30 *receive training on the rights of a child in the custody of the*  
31 *Division of Juvenile Justice or in local juvenile facilities to have*  
32 *fair and equal access to all available services, placement, care,*  
33 *treatment, and benefits, and to not be subjected to discrimination*  
34 *or harassment on the basis of actual or perceived race, ethnic*  
35 *group identification, ancestry, national origin, color, religion, sex,*  
36 *sexual orientation, gender identity, mental or physical disability,*  
37 *or HIV status.*

38 *224.76. (a) The Department of Corrections and Rehabilitation*  
39 *and the Corrections Standards Authority shall adopt regulations*  
40 *to implement and monitor compliance with this article.*

1     **(b)** *Each Division of Juvenile Justice and local juvenile facility*  
2 *shall adopt a policy prohibiting harassment and discrimination*  
3 *in conformance with this article.*

4     **SEC. 2.** *If the Commission on State Mandates determines that*  
5 *this act contains costs mandated by the state, reimbursement to*  
6 *local agencies and school districts for those costs shall be made*  
7 *pursuant to Part 7 (commencing with Section 17500) of Division*  
8 *4 of Title 2 of the Government Code.*

9     ~~**SECTION 1.** It is the intent of the Legislature to enact~~  
10 ~~legislation to establish the “Youth Bill of Rights” within the~~  
11 ~~Department of Corrections and Rehabilitation, Division of Juvenile~~  
12 ~~Facilities. Information regarding the Youth Bill of Rights shall be~~  
13 ~~made available through the Department of Corrections and~~  
14 ~~Rehabilitation, Office of the Ombudsman. Administrators and~~  
15 ~~correctional officers shall receive training regarding these rights.~~