

**ASSEMBLY BILL**

**No. 2417**

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**Introduced by Assembly Member Ting**

February 17, 2022

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An act to amend Sections 224.70, 224.71, 224.72, 224.73, and 224.74 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2417, as introduced, Ting. Juveniles: Youth Bill of Rights.

Existing law, commencing July 1, 2021, establishes the Office of Youth and Community Restoration in the California Health and Human Services Agency to, among other things, identify policy recommendations for improved outcomes and integrated programs and services to best support delinquent youth and identify and disseminate best practices to help inform rehabilitative and restorative youth practices. Existing law requires the office to have an ombudsperson and specifies the duties of the ombudsperson. Existing law requires the Division of Juvenile Justice to close on June 30, 2023, and provides for the transition of youth who are currently housed within a Division of Juvenile Justice facility to the care and custody of counties. Existing law further requires that, beginning July 1, 2021, counties are generally responsible for all youth adjudged wards of the court.

Existing law establishes the Youth Bill of Rights, which includes the right to live in a safe, healthy, and clean environment conducive to treatment and rehabilitation, to contact attorneys, ombudspersons, and other advocates regarding conditions of confinement or violations of rights, and to receive a quality education. Under existing law, the Youth Bill of Rights applies to youth confined in a facility of the Division of Juvenile Justice in the Department of Corrections and Rehabilitation.

This bill would make the Youth Bill of Rights applicable to youth confined in any juvenile justice facility. The bill would further require, as part of the Youth Bill of Rights, that youth have access to postsecondary academic and career technical education and programs and access to information regarding parental rights, among other things. The bill would require the Division of the Ombudsperson of the Office of Youth and Community Restoration, in consultation with other specified parties, to develop standardized information explaining these rights no later than July 1, 2023.

Existing law requires facilities under the Division of Juvenile Justice to provide care, placement, and services to youth 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. Existing law requires the Office of the Ombudspersons of the Division of Juvenile Facilities to investigate complaints related to the care, placement, or services, within juvenile facilities, and compile and make available data regarding these complaints, as specified.

The bill would additionally prohibit discrimination against youth on the basis of gender expression or immigration status. The bill would require the data regarding the number of complaints to be disaggregated by gender, sexual orientation, race, and ethnicity. The bill would make related and conforming changes and update cross-references to the Office of Youth and Community Restoration. To the extent that this bill would impose a higher level of service on local facilities, it would impose a state-mandated local program.

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 the statutory provisions noted above.

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

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

- 1 SECTION 1. Section 224.70 of the Welfare and Institutions
- 2 Code is amended to read:

1 224.70. For the purposes of this article:

2 (a) ~~“Committed” means placed in a facility of the Division of~~  
3 ~~Juvenile Facilities pursuant to a court order, independent of, or in~~  
4 ~~connection with, other sentencing alternatives.~~

5 (b) ~~“Detained” means held in secure confinement in a juvenile~~  
6 ~~facility of the Division of Juvenile Facilities.~~

7 (e)

8 (a) ~~“Extended family member” means any adult related to the~~  
9 ~~youth by blood, adoption, or marriage, and any adult who has an~~  
10 ~~established familial or mentoring relationship with the youth,~~  
11 ~~including, but not limited to, godparents, clergy, teachers,~~  
12 ~~neighbors, and family friends.~~

13 (d) ~~“Facility of the Division of Juvenile Facilities”~~

14 (b) ~~“Juvenile justice facility” means a place of confinement~~  
15 ~~that is operated by, or contracted for, the Department of Corrections~~  
16 ~~and Rehabilitation, county probation department or juvenile court~~  
17 ~~for the purpose of the detention or commitment confinement of~~  
18 ~~youth who are taken into custody and alleged to be within the~~  
19 ~~description of Section 601 or 602 or who are adjudged to be a ward~~  
20 ~~of the court.~~

21 (e)

22 (c) ~~“Youth” means any person detained in a facility of the~~  
23 ~~Division of Juvenile Facilities. juvenile justice facility.~~

24 SEC. 2. Section 224.71 of the Welfare and Institutions Code  
25 is amended to read:

26 224.71. It is the policy of the state that all youth confined in a  
27 ~~juvenile justice facility of the Division of Juvenile Facilities~~ shall  
28 have the following rights:

29 (a) To live in a safe, healthy, and clean environment conducive  
30 ~~to treatment and rehabilitation~~ *treatment, positive youth*  
31 *development, and healing* and where they are treated with dignity  
32 and respect.

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

35 (c) To receive adequate and healthy ~~food and water,~~ *meals and*  
36 *snacks, clean water at any time, timely access to toilets, access to*  
37 *daily showers, sufficient personal hygiene items, clean bedding,*  
38 *and clean clothing that is adequate and clean. in good repair,*  
39 *including clean undergarments on a daily basis, and new*  
40 *underwear that fits. Clothing, grooming, and hygiene products*

1 *shall be adequate and respect the child’s culture, ethnicity, and*  
 2 *gender identity and expression.*

3 (d) To receive ~~adequate and appropriate~~ *adequate, appropriate,*  
 4 *and timely* medical, *reproductive*, dental, vision, and mental health  
 5 ~~services:~~ *services provided by qualified professionals and*  
 6 *consistent with current professional standards of care.*

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

11 (f) To not be searched for the purpose of harassment or  
 12 ~~humiliation or as~~ *humiliation*, a form of discipline or ~~punishment.~~  
 13 *punishment, or to verify the youth’s gender. To searches that*  
 14 *preserve the privacy and dignity of the person and to have access*  
 15 *to a written search policy at any time, including the policy on who*  
 16 *may perform searches.*

17 (g) To maintain frequent and continuing contact with parents,  
 18 guardians, siblings, children, and extended family members,  
 19 through visits, telephone calls, and mail. *Youth may be provided*  
 20 *with access to computer technology and the internet for*  
 21 *maintaining relationships with family as an alternative, but not*  
 22 *as a replacement for, in-person visiting.*

23 (h) To make and receive confidential telephone calls, send and  
 24 receive confidential mail, and have confidential visits with  
 25 attorneys and their authorized representatives, ~~ombudspersons~~  
 26 *ombudspersons, including the Division of the Ombudsman of the*  
 27 *Office of Youth and Community Restoration*, and other advocates,  
 28 holders of public office, state and federal court personnel, and  
 29 legal service organizations.

30 (i) To have fair and equal access to all available services,  
 31 ~~placement,~~ *housing*, care, treatment, and benefits, and to not be  
 32 subjected to discrimination or harassment on the basis of actual  
 33 or perceived race, ~~ethnic group identification,~~ *ethnicity*, ancestry,  
 34 national origin, *language*, color, religion, sex, sexual orientation,  
 35 gender identity, *gender expression*, mental or physical disability,  
 36 *immigration status*, or HIV status.

37 (j) To have ~~regular opportunity~~ *daily opportunities* for  
 38 age-appropriate physical exercise and recreation, including time  
 39 spent ~~outdoors:~~ *outdoors and access to leisure reading, letter*  
 40 *writing, and entertainment.*

1 (k) To contact attorneys, ~~ombudspersons~~ *ombudspersons*,  
2 *including the Division of the Ombudsperson of the Office of Youth*  
3 *and Community Restoration*, and other advocates, and  
4 representatives of state or local agencies, regarding conditions of  
5 confinement or violations of rights, and to be free from retaliation  
6 for making these contacts or complaints.

7 (l) *To exercise the religious or spiritual practice of their choice*  
8 *and to participate in or refuse to participate in religious services*  
9 *and activities of their choice. activities.*

10 (m) To not be deprived of any of the following as a disciplinary  
11 measure: food, contact with parents, guardians, *family*, or attorneys,  
12 sleep, exercise, education, bedding, *clothing*, access to religious  
13 services, a daily shower, ~~a drinking fountain~~, *clean water*, a toilet,  
14 *hygiene products*, medical services, reading material, or the right  
15 to send and receive ~~mail~~. *mail; to not be subject to room*  
16 *confinement as a disciplinary measure; to access written*  
17 *disciplinary policies, including the right to be informed of*  
18 *accusations against them, have an opportunity to be heard, present*  
19 *evidence and testimony, and their right to appeal disciplinary*  
20 *decisions.*

21 (n) To receive a *rigorous*, quality education that complies with  
22 state law, *and the abilities of students and prepares them for high*  
23 *school graduation, career entry, and postsecondary education; to*  
24 ~~attend age-appropriate~~ *appropriate level school classes and*  
25 ~~vocational training~~, *training; to have access to postsecondary*  
26 *academic and career technical education courses and programs;*  
27 *to have access to computer technology and the internet for the*  
28 *purposes of education and to continue to receive educational*  
29 *services while on disciplinary or medical status. status; and to*  
30 *have access to information about the educational options available*  
31 *to youth.*

32 (o) *To information about their rights as parents, including*  
33 *available parental support, reunification advocacy, and*  
34 *opportunities to maintain or develop a connection with their*  
35 *children; to access educational information or programming about*  
36 *pregnancy, infant care, parenting, and breast-feeding, and*  
37 *childhood development; to proper prenatal care, diet, vitamins,*  
38 *nutrition, and medical treatment; to counseling for pregnant and*  
39 *post partum youth; to not be restrained by the use of leg irons,*  
40 *waist chains, or handcuffs behind the body while pregnant or in*

1 *recovery after delivery; to not be restrained during a medical*  
2 *emergency, labor, delivery, or recovery unless deemed necessary*  
3 *for their safety and security, and to have restraints removed when*  
4 *a medical professional determines removal is medically necessary;*  
5 *and to access written policies about pregnant, post partum, and*  
6 *lactating youth.*

7 ~~(o)~~

8 (p) To attend all court hearings pertaining to them.

9 ~~(p)~~

10 (q) To have counsel and a prompt probable cause hearing when  
11 detained on probation ~~or parole~~ violations.

12 ~~(q)~~

13 (r) To make at least two free telephone calls within an hour after  
14 initially being placed in a *juvenile justice* facility ~~of the Division~~  
15 ~~of Juvenile Facilities~~ following an arrest.

16 SEC. 3. Section 224.72 of the Welfare and Institutions Code  
17 is amended to read:

18 224.72. (a) Every *juvenile justice* facility ~~of the Division of~~  
19 ~~Juvenile Facilities~~ shall provide each youth who is placed in the  
20 facility with an age and developmentally appropriate orientation  
21 that includes an explanation and a copy of the rights *and*  
22 *responsibilities* of the youth, as specified in Section 224.71, and  
23 that addresses the youth’s questions and concerns.

24 (b) Each *juvenile justice* facility ~~of the Division of Juvenile~~  
25 ~~Facilities~~ shall post a listing of the rights provided by Section  
26 224.71 in a conspicuous ~~location. location, including classrooms~~  
27 ~~and living units.~~ The ~~Office of the Ombudspersons of the Division~~  
28 ~~of Juvenile Facilities~~ *Division of the Ombudsperson of the Office*  
29 *of Youth and Community Restoration* shall design posters and  
30 provide the posters to each ~~Division of Juvenile Facilities~~ facility  
31 *juvenile justice facility operator* subject to this subdivision. These  
32 posters shall include the toll-free telephone number of the ~~Office~~  
33 ~~of the Ombudspersons of the Division of Juvenile Facilities.~~  
34 *Division of the Ombudsperson of the Office of Youth and*  
35 *Community Restoration.*

36 (c) Consistent with Chapter 17.5 (commencing with Section  
37 7290) of Division 7 of Title 1 of the Government Code, on or  
38 before July 1, ~~2010, 2023,~~ the ~~division~~ *Office of Youth and*  
39 *Community Restoration* shall ensure the listing of rights and posters  
40 described in this section are translated into Spanish and other

1 languages as determined necessary ~~by the division~~. *and distribute*  
2 *to each juvenile justice facility operator.*

3 (d) A copy of the rights of the youth shall be included in  
4 orientation packets provided to parents or guardians of wards.  
5 Copies of the rights of youth in English, Spanish, and other  
6 languages shall also be made available in the visiting areas of  
7 ~~division juvenile justice~~ facilities and, upon request, to parents or  
8 guardians.

9 SEC. 4. Section 224.73 of the Welfare and Institutions Code  
10 is amended to read:

11 224.73. All *juvenile justice* facilities ~~of the Division of Juvenile~~  
12 ~~Facilities~~ shall ensure the safety and dignity of all youth in their  
13 care and shall ~~provide care, placement, and services to youth~~  
14 ~~without discriminating~~ *not discriminate against any youth* on the  
15 basis of actual or perceived race, ~~ethnic group identification,~~  
16 *ethnicity*, ancestry, national origin, color, religion, ~~sex, gender,~~  
17 sexual orientation, gender identity, *gender expression*, mental or  
18 physical disability, *immigration status*, or HIV status.

19 SEC. 5. Section 224.74 of the Welfare and Institutions Code  
20 is amended to read:

21 224.74. (a) ~~The Office of the Ombudspersons of the Division~~  
22 ~~of Juvenile Facilities shall do all of the following:~~ *Division of the*  
23 *Ombudsperson of the Office of Youth and Community Restoration*  
24 *shall do all of the following:*

25 (1) Disseminate information on the rights of children and youth  
26 ~~in the custody of the Division of Juvenile Facilities, confined in~~  
27 *juvenile justice facilities*, as provided in Section 224.71, and the  
28 services provided by the ~~office.~~ *Division of the Ombudsperson of*  
29 *the Office of Youth and Community Restoration.*

30 (2) Investigate and attempt to resolve complaints made by or  
31 on behalf of youth ~~in the custody of the Division of Juvenile~~  
32 ~~Facilities, related to their care, placement, or services, confined in~~  
33 *juvenile justice facilities* or in the alternative, refer appropriate  
34 complaints to another agency for investigation.

35 (3) Notify the complainant in writing of the intention to  
36 investigate or the decision to refer the complaint to another agency  
37 within 15 days of receiving the complaint. If the office declines  
38 to investigate a complaint, the office shall notify the complainant  
39 of the reason for this decision.

1 (4) Update the complainant on the progress of the investigation  
 2 and notify the complainant in writing of the final outcome, steps  
 3 taken during the investigation, basis for the decision, and any action  
 4 to be taken as a result of the complaint.

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

7 (6) Provide a toll-free telephone number for the ~~Office of the~~  
 8 ~~Ombudspersons of the Division of Juvenile Facilities.~~ *Division of*  
 9 *the Ombudsperson of the Office of Youth and Community*  
 10 *Restoration.*

11 (7) Compile and make available to the Legislature and the public  
 12 all data collected over the course of the year, including, but not  
 13 limited to, the number of contacts to the toll-free telephone number,  
 14 the number of complaints made, the number of investigations  
 15 performed by the office, the number of referrals ~~made,~~ *made and*  
 16 *to whom*, the issues complained about, the number of sustained  
 17 complaints, the actions taken as a result of sustained complaints,  
 18 and the number of unresolved complaints, including the reasons  
 19 the complaints could not be ~~resolved.~~ *resolved, and the time taken*  
 20 *to resolve or determine that the complaint could not be resolved.*  
 21 *All data shall be disaggregated by gender, sexual orientation,*  
 22 *race, and ethnicity.*

23 (b) (1) ~~The Office of the Ombudspersons of the Division of~~  
 24 ~~Juvenile Facilities,~~ *Division of the Ombudsperson of the Office of*  
 25 *Youth and Community Restoration*, in consultation with youth,  
 26 youth advocate and support groups, and groups representing  
 27 children, families, children’s facilities, and other interested parties,  
 28 shall develop, no later than July 1, ~~2008,~~ *2023*, standardized  
 29 information explaining the rights specified in Section 224.71. The  
 30 information developed shall be age-appropriate.

31 (2) ~~The Office of the Ombudspersons of the Division of Juvenile~~  
 32 ~~Facilities~~ *Division of the Ombudsperson of the Office of Youth and*  
 33 *Community Restoration* and other interested parties may use the  
 34 information developed in paragraph (1) in carrying out their  
 35 responsibilities to inform youth of their rights provided under  
 36 Section 224.71.

37 SEC. 6. If the Commission on State Mandates determines that  
 38 this act contains costs mandated by the state, reimbursement to  
 39 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

O