

AUG 07 2015

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

Frank A. McGuire Clerk

IN RE R.T.,)
A Person Coming Under)
the Juvenile Court Law,)
_____)

Case No. S226416

Deputy

LOS ANGELES COUNTY)
DEPARTMENT OF CHILDREN)
AND FAMILY SERVICES,)
Petitioner/Respondent,)

Court of Appeal

Case No. B256411

Juvenile Court

Case No. DK03719

(Los Angeles County

v.)

LISA E.,)
Objector/Appellant.)
_____)

Appeal from the Juvenile Court of Los Angeles County

Honorable MARGUERITE D. DOWNING, Judge, Presiding

**PETITIONER'S REQUEST FOR JUDICIAL NOTICE;
MEMORANDUM OF POINTS AND AUTHORITIES;
(PROPOSED) ORDER**

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(Under Appointment by the
Supreme Court of California)

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN RE R.T.,)	
A Person Coming Under)	
the Juvenile Court Law,	)	Case No. S226416
_____)	
	)	Court of Appeal
LOS ANGELES COUNTY	)	Case No. B256411
DEPARTMENT OF CHILDREN)	
AND FAMILY SERVICES,	)	Juvenile Court
Petitioner/Respondent,	)	Case No. DK03719
	)	(Los Angeles County
v.)	
)	
LISA E.,)	
Objector/Appellant.)	
_____)	

TO THE HONORABLE TANI CANTIL-SAKAUYE, CHIEF JUSTICE, AND THE HONORABLE ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE STATE OF CALIFORNIA:

Pursuant to rule 8.54 of the California Rules of Court, Evidence Code section 451, subdivision (a), and Evidence Code section 459, Petitioner, Lisa E., requests that this Court take judicial notice of the following documents, which are copies of relevant statutes, or portions thereof, of the State of California referenced in Petitioner's Opening Brief On The Merits, filed concurrently herewith. True and correct copies of said documents are attached hereto as Exhibits "A" through "E", respectively:

1. California Legislature–Thirty-Eighth Session, Final Calendar, 1909, Legislative Business, et al., containing Section 1 of the enactment known as Parental Court Law, enacted that year under chapter 133.

2. California Legislature–Forty-First Session, 1915, Final Calendar of Legislative Business, etc., containing Section 1 of the enactment known as Juvenile Court Law, enacted that year under chapter 631;

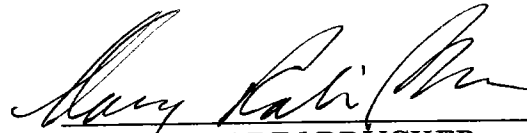
3. California Legislature At Sacramento, Fifty-Third session, 1939, Assembly Final History, etc., containing Section 700 of the Welfare and Institutions Code, enacted that year under Chapter 1099;

4. Statutes of California, Regular Session, 1961, etc., containing Sections 600, 601 and 602, enacted that year under chapter 1616;

5. Volume 3, Statutes of California and Digests of Measures, 1987, Constitution of 1879 as Amended, General Laws, Amendments to the Codes, and Resolutions passed By the California Legislature, etc., containing section 300, subdivision (b), enacted in 1987 under chapter 1485.

This request is based on the attached Memorandum of Points and
Authorities.

Dated: August 6, 2015

A handwritten signature in black ink, appearing to read "Nancy Rabin Brucker", written over a horizontal line.

NANCY RABIN BRUCKER,
Attorney for Petitioner, Lisa E.

MEMORANDUM OF POINTS AND AUTHORITIES

This request seeks judicial notice of statutes reflecting the legislative history of section 300¹, subdivision (b)(1) of the Welfare and Institutions Code. Evidence Code section 459 authorizes this Court to take judicial notice of several different types of evidence, pursuant to Evidence Code sections 451 to 453. Section 451 of the Evidence code provides that judicial notice shall be taken of “[t]he decisional, constitutional and public statutory law of this state ...” (Evidence Code section 451, subdivision (a).)

Judicial notice of these statutes was not requested in the trial court, nor in the Court of Appeal. The legislative history of section 300, subdivision (b)(1), is relevant and necessary in order to fully respond to the issue raised by this Court when granting Petitioner’s Petition For Review. Reference to these statutes may be primarily found on pages 20-28 of the Opening Brief On The Merits.

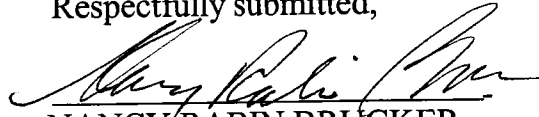
Based on the foregoing legal authority, and for the foregoing reasons, Petitioner respectfully requests this Court to grant this request for

¹ All statutory references are to the Welfare and Institutions Code unless otherwise indicated

judicial notice.

Dated: August 6, 2015

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nancy Rabin Brucker", written in a cursive style.

NANCY RABIN BRUCKER,
Attorney for Petitioner, Lisa E.

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN RE R.T.,)	
A Person Coming Under)	
the Juvenile Court Law,	)	Case No. S226416
_____)	
	)	Court of Appeal
LOS ANGELES COUNTY	)	Case No. B256411
DEPARTMENT OF CHILDREN)	
AND FAMILY SERVICES,	)	Juvenile Court
Petitioner/Respondent,	)	Case No. DK03719
	)	(Los Angeles County
v.)	
)	
LISA E.,)	
Objector/Appellant.)	
_____)	

PROPOSED ORDER

Petitioner's Request for Judicial Notice is granted.

IT IS SO ORDERED.

Dated: _____

EXHIBIT "A"

CALIFORNIA LEGISLATURE—THIRTY-EIGHTH SESSION, 1909.

FINAL CALENDAR

LEGISLATIVE BUSINESS

AND

History of Bills, Etc., Introduced, and Index to Same,
Members of Senate and Assembly, and Officers
and Standing Committees

COMPILED UNDER DIRECTION OF

LEWIS A. HILBORN, Secretary of the Senate,

AND

CLIO LLOYD, Chief Clerk of the Assembly.



SACRAMENTO:

W. W. SHANNON, - - - - - SUPERINTENDENT STATE PRINTING

1909.

18—Leavitt, Jan. 8. To Com. on Bank.

An Act to define and regulate the business of banking.
 Jan. 8—Read first time. To printer. Jan. 11—From printer. To committee.
 Jan. 28—From committee, with recommendation do pass as amended. Read second time, amended, and made special order for Feb. 1.
 Feb. 1—Amended. To printer and engrossment. Made special order for Wednesday, Feb. 3. Feb. 2—From printer.
 Feb. 3—Reported correctly engrossed. Read third time, passed, title approved.
 Feb. 3—To Assembly.
 Feb. 3—In Assembly: Read first time, and referred to Com. on B. & B.
 Feb. 4—From committee, with recommendation do pass. Read second time.
 Feb. 5—Made special order for Wednesday, Feb. 10, 1909.
 Feb. 10—Read third time, amended. Made special order for Feb. 12, 1909.
 Feb. 12—Postponed to Feb. 18, 1909.
 Feb. 18—Passed, title approved. To Senate.
 Feb. 19—In Senate: To enrollment.
 Feb. 25—Reported correctly enrolled. To Governor.
 Mar. 8—Approved by Governor.

19—Lewis, Jan. 8. To Com. on Hos. & Asy.

An Act to provide for the construction of a new laundry building at the Stockton State Hospital, and the purchase of such machinery and equipments as is necessary for the operation of the same, and for the expense incurred in the removal of machinery from the old building to the new, and to make appropriations therefor.
 Jan. 8—Read first time. To printer. Jan. 11—From printer. To committee.
 Jan. 27—From committee, with recommendation do pass, and re-referred to Com. on Fin. Jan. 28—To committee.
 Feb. 25—From committee, with recommendation do pass.
 Mar. 4—Read second time. To engrossment, and third reading. Reported correctly engrossed.
 Mar. 8—Withdrawn by author.

20—Martinelli, Jan. 8. To Com. on Pub. M.

An Act to prohibit bookmaking, wagering, betting and selling of pools on any trial or contest of skill, speed or power of endurance of, by, or between men, animals, or machines or upon any chance, casualty or uncertain or contingent event, and to prohibit the maintaining of places wherein bookmaking or pool-selling is carried on; and to provide the punishment for the violation thereof.
 Jan. 8—Read first time. To printer. Jan. 11—From printer. To committee.

21—McCartney, Jan. 8. To Com. on Jud.

An Act concerning dependent and delinquent minor children, providing for their care, custody and maintenance until twenty-one years of age; providing for their trial and commitment to the Whittier State School and the Preston State School of Industry, and the manner of such commitment and release therefrom, establishing a probation committee and probation officers to deal with such children and fixing the salaries of probation officers; providing for detention homes for said children; providing for the punishment of persons responsible for, or contributing to, the dependency or delinquency of children; and giving to the Superior Court jurisdiction of such offenses, and repealing inconsistent acts.
 Jan. 8—Read first time. To printer.
 Jan. 11—From printer. Jan. 12—To committee.
 Feb. 4—From committee, with recommendation do pass as amended.
 Feb. 5—Read second time, amended. To engrossment, and third reading. To printer. Feb. 6—From printer.
 Feb. 9—Reported correctly engrossed. Read third time, passed, title approved. To Assembly.
 Feb. 11—In Assembly. Read first time, and referred to Com. on P. C. & C.
 Feb. 19—From committee, with recommendation do pass as amended.
 Feb. 22—Read second time, amended.
 Feb. 25—Read third time, passed, title approved. To Senate.
 Feb. 25—In Senate.
 Feb. 26—Amendments Nos. 1, 2, 3, 4, 5, and 6 concurred in. Refused to concur in amendment No. 7. To Assembly.
 Feb. 26—In Assembly: Amendment No. 7 receded from. To Senate.
 Mar. 1—In Senate: To enrollment.
 Mar. 2—Reported correctly enrolled. To Governor.
 Mar. 10—Approved by Governor.

INTRODUCED BY SENATOR McCARTNEY,

JANUARY 8, 1909.

REFERRED TO COMMITTEE ON JUDICIARY.

AN ACT

CONCERNING DEPENDENT AND DELINQUENT MINOR CHILDREN, PROVIDING FOR THEIR CARE, CUSTODY, AND MAINTENANCE UNTIL TWENTY-ONE YEARS OF AGE; PROVIDING FOR THEIR TRIAL AND COMMITMENT TO THE WHITTIER STATE SCHOOL AND THE PRESTON STATE SCHOOL OF INDUSTRY, AND THE MANNER OF SUCH COMMITMENT AND RELEASE THEREFROM, ESTABLISHING A PROBATION COMMITTEE AND PROBATION OFFICERS TO DEAL WITH SUCH CHILDREN, AND FIXING THE SALARIES OF PROBATION OFFICERS; PROVIDING FOR DETENTION HOMES FOR SAID CHILDREN; PROVIDING FOR THE PUNISHMENT OF PERSONS RESPONSIBLE FOR, OR CONTRIBUTING TO, THE DEPENDENCY OR DELINQUENCY OF CHILDREN; AND GIVING TO THE SUPERIOR COURT JURISDICTION OF SUCH OFFENSES, AND REPEALING INCONSISTENT ACTS.

*The people of the State of California, represented in senate and assembly,
do enact as follows:*

SECTION 1. This act shall be known as the parental court
2 law and shall apply only to children under the age of eighteen
3 years not now or hereafter inmates of a state institution.
4 For the purposes of this act the words "dependent child"
5 shall mean any child under the age of eighteen years,

- 6 (1) Who is found begging or receiving or gathering alms.
7 (whether actually begging or under the pretext of selling or
8 offering anything for sale); or
9 (2) Who is found in any street, road or public place for
10 the purpose of so begging, gathering or receiving alms; or,
11 (3) Who is a vagrant; or,
12 (4) Who is found wandering and not having any home,
13 or any settled place of abode, or any proper guardianship, or
14 any visible means of subsistence; or,
15 (5) Who has no parent or guardian; or, no parent or
16 guardian willing to exercise or capable of exercising proper
17 parental control; or,
18 (6) Who is destitute; or,
19 (7) Whose home by reason of neglect, cruelty or depravity
20 on the part of its parents or either of them, or on the part of
21 its guardian, or on the part of the person in whose custody or
22 care it may be is, an unfit place for such child; or,
23 (8) Who frequents the company of reputed criminals,
24 vagrants, or prostitutes; or,
25 (9) Who is found living or being in any house of prosti-
26 tution or assignation; or,
27 (10) Who habitually visits, without parent or guardian,
28 any saloon, or poolroom or place where any spirituous liquors,
29 or wine, or intoxicating, or malt liquors are sold, exchanged
30 or given away; or,
31 (11) Who persistently refuses to obey the reasonable and
32 proper orders or directions of a guardian, or parent; or,
33 (12) Who is incorrigible, that is, who is beyond the control
34 and power of his parents, guardian or custodian by reason of
35 vicious conduct or nature of such minor; or,
36 (13) Whose father is dead or has abandoned his family
37 or is an habitual drunkard, or does not provide for such minor,
38 and it appears that such minor is destitute of a suitable home
39 and of adequate means of obtaining an honest living, and is in
40 danger of being brought up to lead an idle and immoral life,
41 and where the mother of such child is dead or is unable to
42 provide the proper support and care of such minor; or.

43 (14) Who is an habitual truant within the meaning of an
44 act entitled "an act to enforce the educational rights of
45 children and providing penalties for the violation of said
46 act" approved March 24, 1903, and who is not placed in a
47 parental school under the provisions of said act, or who being
48 over fourteen years of age refuses to attend public or private
49 school, as directed by his parents, duly authorized guardian,
50 or legal custodian.

51 (15) Who habitually uses intoxicating liquor as a beverage
52 or habitually smokes cigarettes to excess or who habitually uses
53 opium, cocaine, morphine or other similar drugs—without the
54 direction of a competent physician—

55 The words "delinquent child" shall include any child under
56 the age of eighteen years who violates any law of this state,
57 or any ordinance of any town, city, county, or city and county
58 of this state, defining crime.

SEC. 2. The superior court in every county of this state
2 shall exercise the jurisdiction conferred by this act, and while
3 sitting in the exercise of its said jurisdiction shall be known
4 and referred to as a parental court, and is hereinafter so
5 referred to. In counties having more than one judge of a
6 superior court, the judges of such court must from time to
7 time designate one or more of their number whose duty it
8 shall be to hear all cases coming under this act. In counties
9 of the first class, such designation shall be made by the pre-
10 siding judge. The orders and findings, if any, of the superior
11 court, in all cases coming under the provisions of this act,
12 shall be entered in a book to be kept for that purpose and
13 known as the "Parental Court Record" and the court acting
14 under this act shall be called the "Parental Court." All cases
15 coming under the provisions of this act shall be heard at a
16 special separate session of the court, and no matter, other than
17 cases under this act, shall be on the calendar, or shall be
18 heard at such session, nor shall there be permitted to be present
19 at such session any person on trial, or awaiting trial, or under
20 accusation of crime, who does not come under the provisions of
21 this act.

EXHIBIT "B"

CALIFORNIA LEGISLATURE—FORTY-FIRST SESSION, 1915

FINAL CALENDAR

OF

LEGISLATIVE BUSINESS

History of Bills, etc., Introduced, and Index
of the Senate and Assembly, Officers
and Standing Committees.

COMPILED UNDER THE DIRECTION OF
EDWIN F. SMITH, Secretary of the Senate
AND
L. B. MALLORY, Chief Clerk of the Assembly



ROBERT I. FELFER - - SUPERINTENDENT
CALIFORNIA STATE PRINTING OFFICE

871—Shartel, Jan. 27. To Com. on Co. Gov.

An Act to create the office of county engineer in and for each county, providing for the term of office, qualification, appointment, and compensation of such officer, defining his duties, and authorizing the Board of Supervisors to provide said county engineer with office and necessary office and field fixtures

Jan. 27—Read first time. To printer.

Mar. 8—From printer. Mar. 9—To committee.

Mar. 11—From committee, with recommendation be re-referred to Com. on

R. & H.

May 8—From committee without recommendation.

872—Widenmann, Jan. 27. To Com. on Co. Gov.

An Act to amend section four thousand two hundred forty-seven of the Political Code of the State of California, relative to salaries and fees of officers in counties of the eighteenth class

Jan. 27—Read first time. To printer.

Mar. 8—From printer. Mar. 9—To committee

April 15—From committee with recommendation Do pass.

April 16—Read second time to engrossment and third reading. Reported correctly engrossed.

April 22—Read third time, passed, title approved. To Senate.

April 23—In Senate Read first time and referred to Com. on Co. Gov.

April 26—From committee with recommendation Do pass.

April 27—Read second time and to third reading.

April 28—Read third time, passed, title approved. To Assembly.

April 28—In Assembly To enrollment

May 6—Reported correctly enrolled To Governor May 5 at 3 p. m.

June 9—Approved by Governor. Chapter 699.

873—Tabler, Jan. 27. To Com. on Co. Gov.

An Act to amend section four thousand two hundred sixty-four of the Political Code of the State of California, relating to the salaries and fees of officers in counties of the thirty-fifth class.

Jan. 27—Read first time. To printer.

Mar. 8—From printer. Mar. 9—To committee.

May 8—From committee without recommendation.

874—Bruck, Jan. 27. To Com. on Pub. M.

An Act for the suppression of intemperance and the regulation of the liquor traffic, to be known as the Liquor Code of California.

Jan. 27—Read first time. To printer

Mar. 8—From printer. Mar. 9—To committee.

Mar. 22—Withdrawn from Com on Pub M. and re-referred to Com on Rls.

May 8—From committee without recommendation.

875—McDonald, J. J., Jan. 27. To Com. on Pub. Ch. & Corr.

An Act to be known as the Juvenile Court Law, and concerning persons under the age of twenty-one years; and in certain cases providing for their care custody and maintenance; providing for the probationary treatment of such persons; etc.

Jan. 27—Read first time To printer.

Mar. 8—From printer. Mar. 9—To committee.

Mar. 18—From committee with recommendation: Do pass as amended.

Mar. 27—Amendments adopted, ordered to print and third reading.

Mar. 30—From printer. To engrossment.

April 2—Reported correctly engrossed.

April 6—Read third time, passed, title approved To Senate.

April 7—In Senate. Read first time, referred to Com. on Jud

April 26—From committee with recommendation: Do pass as amended.

April 27—Read second time. Amended. To printer and to third reading.

May 3—Read third time, passed, title approved To Assembly.

May 4—In Assembly: Senate amendments concurred in. To enrollment.

May 9—Reported correctly enrolled To Governor at 2 p. m.

June 5—Approved by Governor. Chapter 631.

INTRODUCED BY MR. J. J. McDONALD,

JANUARY 27, 1915.

REFERRED TO COMMITTEE ON PUBLIC CHARITIES AND CORRECTIONS.

AN ACT

TO BE KNOWN AS THE JUVENILE COURT LAW, AND CONCERNING PERSONS UNDER THE AGE OF TWENTY-ONE YEARS; AND IN CERTAIN CASES PROVIDING FOR THEIR CARE, CUSTODY AND MAINTENANCE; PROVIDING FOR THE PROBATIONARY TREATMENT OF SUCH PERSONS, AND FOR THE COMMITMENT OF SUCH PERSONS TO THE WHITTIER STATE SCHOOL AND THE PRESTON SCHOOL OF INDUSTRY, CALIFORNIA SCHOOL FOR GIRLS, AND OTHER INSTITUTIONS; ESTABLISHING PROBATION OFFICERS AND A PROBATION COMMITTEE TO DEAL WITH SUCH PERSONS AND FIXING THE SALARY THEREOF; PROVIDING FOR THE ESTABLISHMENT OF DETENTION HOMES FOR SUCH PERSONS; FIXING THE METHOD OF PROCEDURE AND TREATMENT OR COMMITMENT WHERE CRIMES HAVE BEEN COMMITTED BY SUCH PERSONS; PROVIDING FOR THE PUNISHMENT OF THOSE GUILTY OF OFFENSES WITH REFERENCE TO SUCH PERSONS, AND DEFINING SUCH CRIME; AND REPEALING THE JUVENILE COURT LAW APPROVED MARCH 8, 1909, AS AMENDED BY AN ACT APPROVED APRIL 5, 1911, AND AS AMENDED BY AN ACT APPROVED JUNE 16, 1913, AND ALL AMENDMENTS THEREOF AND ALL ACTS OR PARTS OF ACTS INCONSISTENT HEREWITH ARE HEREBY REPEALED.

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

- 1 SECTION 1. This act shall be known as the "juvenile court
- 2 law" and shall apply to any person under the age of twenty-
- 3 one years, hereinafter more particularly designated, to wit:

1 1. Who is found begging, receiving or gathering alms, or
2 who is found in any street, road or public place for the purpose
3 of so doing, whether actually begging or doing so under the
4 pretext of selling or offering for sale any article or articles, or
5 of singing or playing on any musical instrument, or of giving
6 any public entertainment or accompanying or being used in
7 aid of any person so doing; or

8 2. Who has no parent or guardian; or who has no parent
9 or guardian willing to exercise or capable of exercising proper
10 parental control; or who has no parent or guardian actually
11 exercising such proper parental control and who is in need of
12 such control; or

13 3. Who, being a minor, is destitute, or whose father, said
14 person being a minor, does not or can not provide for said
15 person the necessities of life, and who has no other means,
16 through his mother or otherwise, of obtaining said necessities.

17 4. Whose home, said person being a minor, by reason
18 neglect, cruelty or depravity on the part of his parents or
19 either of them, or on the part of his guardian, or on the part
20 of the person in whose custody or care he may be, is an unfit
21 place for said person; or

22 5. Who is found wandering and either has no home or no
23 settled place of abode or no visible means of subsistence or no
24 proper guardianship; or

25 6. Who is a vagrant or who frequents the company of crim-
26 inals, vagrants or prostitutes, or persons so reputed; or who is
27 in any house of prostitution or assignation; or

28 7. Who habitually visits without parent or guardian any
29 public billiard room or public pool room, or any saloon or any
30 place where any spirituous, vinous or malt liquors are sold,
31 bartered, exchanged or given away; or

32 8. Who habitually uses intoxicating liquors or habitually
33 smokes cigarettes, or habitually uses opium, cocaine, morphine
34 or other similar drug without the direction of a competent
35 physician; or

36 9. Who, being a minor, persistently or habitually refuses to

1 obey the reasonable and proper orders or directions of, or who
2 is beyond the control of. his parent, parents, guardian or
3 custodian; or

4 10. Who is an habitual truant from school within the mean-
5 ing of any law of this state; or

6 11. Who is leading, or from any cause is in danger of lead-
7 ing, an idle, dissolute, lewd or immoral life; or

8 12. Who is insane, or feeble-minded, or so far mentally
9 deficient that the parents or guardian are unable to exercise
10 proper parental control over said child, or whose mind is so
11 far deranged or impaired as to endanger the health, person,
12 or property of himself or others.

13 13. Who violates any law of this state or any ordinance of
14 any town, city, county, or city and county of this state defining
15 crime.

16 SEC. 2. When any person under the age of twenty-one
17 years, alleged to come within the provisions of section one of
18 this act, shall be found by said court or judge to come within
19 the terms of the section one as alleged, the court shall adjudge
20 said person to be a ward of the juvenile court and shall in its
21 judgment make a finding of the facts upon which the court
22 exercises its jurisdiction over such person as a ward of the
23 juvenile court; and the court shall thereupon make such order
24 or orders, in accordance with said findings, as may be neces-
25 sary for the care of said ward of the juvenile court; *provided,*
26 *however,* that no merely unfortunate person shall be so com-
27 mitted or placed as to be brought into direct contact or per-
28 sonal association with wayward persons of evil influence. All
29 commitment and recommitment orders shall be in writing, and
30 shall be signed by the judge of the juvenile court.

31 SEC. 3. Any person may file with the clerk of the superior
32 court a petition showing that there is within the county, or
33 residing therein, or, in the case of any alleged violation within
34 said county of any law or ordinance, that there then was
35 within said county, a person coming within the provisions of
36 section one or section fifteen of this act, and praying that the
37 superior court deal with such person as provided in this act.

EXHIBIT “C”

CALIFORNIA LEGISLATURE
AT SACRAMENTO
FIFTY-THIRD SESSION
1939

ASSEMBLY FINAL HISTORY

SYNOPSIS OF ASSEMBLY BILLS, CONSTITUTIONAL
AMENDMENTS, CONCURRENT AND
JOINT RESOLUTIONS

FIFTY-THIRD SESSION

Duration of Session

First Half—Began Monday, January 2, and adjourned Wednesday,
January 25, 1939

Second Half (After Constitutional Recess)—Began Monday, March 6,
and adjourned sine die Tuesday, June 20, 1939

Legislative Days	101 days
Calendar Days.....	170 days
Period of Constitutional Recess.....	39 days

(All bills passed by the Legislature and approved by the Governor, unless otherwise
specifically provided for in the bill, become effective September 19, 1939)

HON. PAUL PEEK
Speaker of the Assembly

HON. HUGH P. DONNELLY
Speaker Pro Tempore of the Assembly

COMPILED BY
JACK CARL GREENBURG
Chief Clerk

ASSISTED BY
C. W. BOOTH
Assistant Chief Clerk

2744—Johnson (by request), Jan. 25. To Com. on M. V.

An act to amend section 410 of the Vehicle Code, relating to obtaining operators' license after discharge in bankruptcy.

Jan. 25—Read first time. To print and committee.
June 20—From committee without further action.

2745—Johnson (by request), Jan. 25. To Com. on M. & D. L.

An act to add section 2409 to the Business and Professions Code, relating to a review of disciplinary action of the Board of Medical Examiners

Jan. 25—Read first time. To print and committee.
June 20—From committee without further action

2746—Johnson, Jan. 25. To Com. on G. E. & E.

An act to amend sections 53, 56, 61, 70, 71, 72, 73, 1173 and 1195 of the Labor Code, relating to the organization, powers, and duties of the Industrial Welfare Commission.

Jan. 25—Read first time. To print and committee.
June 20—From committee without further action.

2747—Johnson, Jan. 25. To Com. on G. E. & E.

An act to amend sections 72 and 73 of the Labor Code, relating to the Department of Industrial Relations.

Jan. 25—Read first time. To print and committee.
June 20—From committee without further action.

2748—Johnson, Jan. 25. To Com. on H. & A.

An act to amend sections 700 and 800 of the Welfare and Institutions Code, relating to juvenile courts.

Jan. 25—Read first time. To print and committee.
May 29—From committee: Do pass.
May 30—Read second time. To engrossment. Reported correctly engrossed.
June 1—Read third time, passed, title approved. To Senate.
June 2—In Senate. Read first time. To Com. on Jud.
June 6—From committee: Do pass.
June 7—Read second time.
June 12—Read third time, passed, title approved. To Assembly.
June 12—In Assembly. To enrollment.
June 16—Reported correctly enrolled. To Governor at 4 p.m.
July 25—Approved by Governor. Chapter 1099.

2749—Johnson, Jan. 25. To Com. on Jud. Codes.

An act to add sections 955 and 3333.5 to the Civil Code, and to amend section 573 of the Probate Code, relating to survival of personal injury actions.

Jan. 25—Read first time. To print and committee.
May 12—From committee: Do pass as amended.
May 15—Read second time, amended, and to engrossment.
May 16—Reported correctly engrossed.
May 20—Read third time, passed, title approved. To Senate.
May 22—In Senate. Read first time. To Com. on Jud.
May 23—From committee: Do pass.
May 24—Read second time.
June 14—Read third time, amended, and reprinted
June 20—Ordered stricken from Senate file.

2750—Johnson, Jan. 25. To Com. on L. & C.

An act to amend section 2803 of the Labor Code, relating to the responsibility of employers for injury to or death of employees.

Jan. 25—Read first time. To print and committee.
June 20—From committee without further action.

2751—Johnson, Jan. 25. To Com. on Jud. Codes.

An act to amend sections 376 and 377 of the Code of Civil Procedure, all relating to actions for wrongful injury and death.

Jan. 25—Read first time. To print and committee.
June 20—From committee without further action.

INTRODUCED BY MR. JOHNSON,

January 25, 1939.

REFERRED TO COMMITTEE ON HOSPITALS AND ASYLUMS.

An act to amend sections 700 and 860 of the Welfare and Institutions Code, relating to juvenile courts.

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

- 1 SECTION 1. Section 700 of the Welfare and Institutions
2 Code is hereby amended to read as follows:
3 700. The jurisdiction of the juvenile court extends to any
4 person under the age of twenty-one years who comes within
5 any of the following descriptions:
6 (a) Who is found begging, receiving or gathering alms, or
7 who is found in any street, road, or public place for the pur-
8 pose of so doing, whether actually begging or doing so under
9 the pretext of selling or offering for sale any article, or of giving
10 singing or playing on any musical instrument, or of giving
11 any public entertainment or accompanying or being used in
12 aid of any person so doing.
13 (b) Who has no parent or guardian; or who has no parent
14 or guardian willing to exercise or capable of exercising proper
15 parental control; or who has no parent or guardian actually
16 exercising such proper parental control, and who is in need
17 of such control.
18 (c) Who is destitute, or who is not provided with the neces-
19 sities of life by his parents, and who has no other means of
20 obtaining such necessities.
21 (d) Whose home is an unfit place for him, by reason of
22 neglect, cruelty, or depravity of either of his parents, or of
23 his guardian or other person in whose custody or care he is.
24 (e) Who is found wandering and either has no home, no
25 settled place of abode, no visible means of subsistence or no
26 proper guardianship.
27 (f) Who is a vagrant or who frequents the company of
28 criminals, vagrants, or prostitutes, or persons so reputed; or
29 who is in any house of prostitution or assignation.

1 (g) Who habitually visits, without parent or guardian, a
2 public billiard room or public poolroom, or a saloon or a place
3 where any spirituous, vinous, or malt liquors are sold,
4 bartered, exchanged, or given away.

5 (h) Who habitually uses intoxicating liquors, habitually
6 smokes cigarettes, or habitually uses opium, cocaine, morphine,
7 or other similar drug without the direction of a competent
8 physician.

9 (i) Who persistently or habitually refuses to obey the
10 reasonable and proper orders or directions of his parents,
11 guardian, or custodian; or who is beyond the control of such
12 person.

13 (j) Who is an habitual truant from school within the mean-
14 ing of any law of this State.

15 (k) Who is leading, or from any cause is in danger of lead-
16 ing, an idle, dissolute, lewd, or immoral life.

17 (l) Who is insane, feeble-minded, or so far mentally
18 deficient that his parents or guardian are unable to exercise
19 proper parental control over him, or whose mind is so far
20 deranged or impaired as to endanger the health, person, or
21 property of himself or others.

22 (m) Who violates any law of this State or any ordinance
23 of any town, city, or county, of this State defining crime.

24 (n) *Who is afflicted with syphilis, gonorrhoea or chancroid*
25 *and is in need of medical and custodial care, or both.*

26 SEC. 2. Section 860 of the Welfare and Institutions Code
27 is hereby amended to read as follows:

28 860. If it is necessary that provision be made for the
29 expense of support and maintenance of a ward of the juvenile
30 court or of a minor person concerning whom a petition has
31 been filed in accordance with the provisions of sections 721
32 and 722 of this code, the order providing for the care and
33 custody of such ward or person shall direct that the whole
34 expense of support and maintenance of such ward or person,
35 up to the amount of twenty dollars per month be paid from
36 the county treasury, and may direct that an amount up to
37 thirty-five dollars per month be so paid. In the case of any
38 physically sick, epileptic, insane, or feeble-minded ward, *or*
39 *any ward who is infected with syphilis, gonorrhoea or chan-*
40 *croid*, the court may order such additional sum or sums to
41 be paid from the county treasury as may be necessary for the
42 support and maintenance of such ward; but the total amount
43 so paid in the case of any physically sick, epileptic, insane,
44 or feeble-minded ward, *or any ward who is infected with*
45 *syphilis, gonorrhoea or chancroid*, shall not exceed the sum of
46 forty dollars per month. All orders made pursuant to the
47 provisions of this section shall state the amounts to be so
48 paid from the county treasury.

EXHIBIT “D”

STATUTES OF CALIFORNIA
REGULAR SESSION

1961

Began Monday, January 2, 1961, and Adjourned
Friday, June 16, 1961

rejected, the sum of five dollars (\$5) shall be returned to the applicant.

CHAPTER 1616

An act to repeal Chapter 2 (commencing with Section 550) of Part 1 of Division 2 of, and to add Chapter 2 (commencing with Section 500) to Part 1 of Division 2 of, the Welfare and Institutions Code, and to add Section 272 to the Penal Code, and to add Chapter 4 (commencing with Section 232) to Title 2 of Part 3 of Division 1 of the Civil Code, and to amend Section 27706 of the Government Code, Section 1407 of the Probate Code, and Section 40502 of the Vehicle Code and to repeal Sections 131 and 131.1 of, and to amend Sections 131.2 and 131.5 of, the Code of Civil Procedure, relating to care and custody of minors.

[Approved by Governor July 14, 1961. Filed with Secretary of State July 14, 1961]

In effect
September
15, 1961

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

SECTION 1. Chapter 2 (commencing with Section 550) of Part 1 of Division 2 of the Welfare and Institutions Code is repealed. Repeal
Effect, etc

The repeal of said chapter does not terminate or affect the jurisdiction of any court in any case pending on the effective date of this section, nor does it terminate or affect any right accrued before such date, but to the extent that any such case or the exercise of any such right is otherwise subject to the provisions of Chapter 2 (commencing with Section 500) of Part 1 of Division 2 of the Welfare and Institutions Code, as added by Section 2 of this act, proceedings in the case, on or after such effective date, shall conform to the requirements of that chapter.

In any case in which a statute refers by number to a section or sections or other portion of Chapter 2 (commencing with Section 550) of Part 1 of Division 2 of the Welfare and Institutions Code, repealed by this act, and the same or substantially the same provisions of such section or sections or other portion of the chapter are re-enacted by this act, such reference shall be construed as a reference to the section or sections containing such re-enacted provisions as enacted by this act and as subsequently amended.

SEC. 2. Chapter 2 (commencing with Section 500) is added to Part 1 of Division 2 of said code, to read:

CHAPTER 2. JUVENILE COURT LAW

Article 1. General Provisions

500. This chapter shall be known and may be cited as the Short title "Juvenile Court Law."

Such social study shall include a recommendation for the disposition of the case.

582. The probation officer shall upon order of any court in any matter involving the custody, status, or welfare of a minor or minors, make an investigation of appropriate facts and circumstances and prepare and file with the court written reports and written recommendations in reference to such matters. The court is authorized to receive and consider the reports and recommendations of the probation officer in determining any such matter.

583. At any time the judge of the juvenile court may, and upon the request of the county board of supervisors shall, require the probation officer to examine into and report to the court upon the qualifications and management of any society, association, or corporation, other than a state institution, which applies for or receives custody of any ward or dependent child of the juvenile court. No probation officer, however, shall, under authority of this section, enter any institution without its consent. If such consent is refused, commitments to that institution shall not be made.

584. Every probation officer, assistant probation officer, and deputy probation officer shall have the powers of a peace officer.

585. All probation officers shall make such special and periodic reports to the Youth Authority as the authority may require and upon forms furnished by the authority.

586. All probation officers shall make such periodic reports to the Bureau of Criminal Statistics as the bureau may require and upon forms furnished by the bureau.

587. Any person lawfully appointed to serve as a probation officer or assistant or deputy probation officer prior to the effective date of this section shall continue in his office or employment as if appointed in the manner prescribed by this article.

Article 5. Jurisdiction

600. Any person under the age of 21 years who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge such person to be a dependent child of the court:

(a) Who is in need of proper and effective parental care or control and has no parent or guardian, or has no parent or guardian willing to exercise or capable of exercising such care or control, or has no parent or guardian actually exercising such care or control.

(b) Who is destitute, or who is not provided with the necessities of life, or who is not provided with a home or suitable place of abode, or whose home is an unfit place for him by reason of neglect, cruelty, or depravity of either of his parents, or of his guardian or other person in whose custody or care he is

601. Any person under the age of 21 years who persistently or habitually refuses to obey the reasonable and proper orders

or directions of his parents, guardian, custodian or school authorities, or who is beyond the control of such person, or any person who is a habitual truant from school within the meaning of any law of this State, or who from any cause is in danger of leading an idle, dissolute, lewd, or immoral life, is within the jurisdiction of the juvenile court which may adjudge such person to be a ward of the court.

Same

602. Any person under the age of 21 years who violates any law of this State or of the United States or any ordinance of any city or county of this State defining crime or who, after having been found by the juvenile court to be a person described by Section 601, fails to obey any lawful order of the juvenile court, is within the jurisdiction of the juvenile court, which may adjudge such person to be a ward of the court.

Criminal proceedings
Prior submission to
juvenile
court

603. No court shall have jurisdiction to conduct a preliminary examination or to try the case of any person upon an accusatory pleading charging such person with the commission of a public offense or crime when such person was under the age of 18 years at the time of the alleged commission thereof unless the matter has first been submitted to the juvenile court by petition as provided in Article 7 (commencing with Section 650), and said juvenile court has made an order directing that such person be prosecuted under the general law.

Same
Suspension
of proceedings

604. (a) Whenever a case is before any court upon an accusatory pleading and it is suggested or appears to the judge before whom such person is brought that the person charged was, at the date the offense is alleged to have been committed, under the age of 18 years, such judge shall immediately suspend all proceedings against such person on such charge; he shall examine into the age of such person, and if, from such examination, it appears to his satisfaction that such person was at the date the offense is alleged to have been committed under the age of 18 years, he shall forthwith certify to the juvenile court of his county:

Certification
to juvenile
court

(1) That such person (naming him) is charged with such crime (briefly stating its nature);

(2) That such person appears to have been under the age of 18 years at the date the offense is alleged to have been committed, giving date of birth when known;

(3) That proceedings have been suspended against such person on such charge by reason of his age, with the date of such suspension.

To such certification, the judge shall attach a copy of the accusatory pleading.

(b) Whenever a case is pending in any court upon an accusatory pleading and it appears to the satisfaction of the judge that the person charged is under the age of 21 years, the judge may certify the case to the juvenile court of his county in the manner prescribed by subdivision (a) of this section.

(c) When a court certifies a case to the juvenile court pursuant to subdivision (a) or subdivision (b), it shall be deemed

EXHIBIT "E"

Volume 3

STATUTES OF CALIFORNIA

AND DIGESTS OF MEASURES

1987

Constitution of 1879 as Amended

**General Laws, Amendments to the Codes,
and Resolutions passed by the
California Legislature**

**1987-88 Regular Session
1987-88 First Extraordinary Session**



Compiled by
BION M. GREGORY
Legislative Counsel

56471. (a) The program shall be administered by the State Department of Education.

(b) The department shall establish an advisory committee. This committee will include representatives from local workability projects to ensure ongoing communications.

(c) The superintendent shall develop criteria for awarding grants, funding, and evaluating of workability projects.

(d) Workability project applications shall include, but are not limited to, the following elements:

(1) recruitment, (2) assessment, (3) counseling, (4) preemployment skills training, (5) vocational training, (6) student stipends for try-out employment, (7) placement in unsubsidized employment, (8) other assistance with transition to a quality adult life, and (9) utilization of an interdisciplinary advisory committee to enhance project goals.

56472. The population served by workability projects may include secondary students with disabilities, adults with disabilities and other individuals who experience barriers to successful completion of school.

56473. Project workability shall be funded pursuant to Item 6100-161-001 and Item 6100-161-890 of the Budget Act.

56474. The superintendent shall continue to seek additional state and federal funding for project workability.

CHAPTER 1485

An act to amend Section 232 of the Civil Code, and to amend Sections 206, 280, 308, 309, 319, 328, 332, 335, 336, 340, 345, 350, 353, 355, 355.1, 361, 361.5, 364, 366.1, 366.2, 366.25, and 390 of, to amend and renumber Section 301 of, to amend, repeal, and add Sections 300.1 and 358 of, to add Sections 301, 304, 342, 366.21, 366.22, 366.23, and 366.26 to, to repeal and add Sections 300, 305, 306, 315, 316, 317, 318, and 366.3 of, and to repeal Sections 304.5, 355.2, 355.3, 355.4, 355.5, 355.6, and 355.7 of, the Welfare and Institutions Code, relating to minors.

[Approved by Governor September 30, 1987 Filed with
Secretary of State September 30, 1987]

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

SECTION 1. Section 232 of the Civil Code is amended to read:

232. (a) An action may be brought for the purpose of having any child under the age of 18 years declared free from the custody and control of either or both of his or her parents when the child comes within any of the following descriptions:

(1) The child has been left without provision for the child's identification by his or her parent or parents or by others or has been

referee and the minor, the probation officer shall be present in court to represent the interests of each person who is the subject of a petition to declare that person to be a ward or dependent child upon all hearings or rehearings of his or her case, and shall furnish to the court such information and assistance as the court may require. If so ordered, the probation officer shall take charge of that person before and after any hearing or rehearing.

It shall be the duty of the probation officer to prepare for every hearing on the disposition of a case as provided by Section 356, 358, 358.1, 361.5, 364, 366, 366.2, or 366.21 as is appropriate for the specific hearing, or, for a hearing as provided by Section 702, a social study of the minor, containing such matters as may be relevant to a proper disposition of the case. The social study shall include a recommendation for the disposition of the case.

SEC. 3. Section 300 of the Welfare and Institutions Code is repealed.

SEC. 4. Section 300 is added to the Welfare and Institutions Code, to read:

300. Any minor who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge that person to be a dependent child of the court.

(a) The minor has suffered, or there is a substantial risk that the minor will suffer, serious physical harm inflicted nonaccidentally upon the minor by the minor's parent or guardian. For the purposes of this subdivision, a court may find there is a substantial risk of serious future injury based on the manner in which a less serious injury was inflicted, a history of repeated inflictions of injuries on the minor or the minor's siblings, or a combination of these and other actions by the parent or guardian which indicate the child is at risk of serious physical harm. For purposes of this subdivision, "serious physical harm" does not include reasonable and age appropriate spanking to the buttocks where there is no evidence of serious physical injury.

(b) The minor has suffered, or there is a substantial risk that the minor will suffer, serious physical harm or illness, as a result of the failure or inability of his or her parent or guardian to adequately supervise or protect the minor, or the willful or negligent failure of the minor's parent or guardian to adequately supervise or protect the minor from the conduct of the custodian with whom the minor has been left, or by the willful or negligent failure of the parent or guardian to provide the minor with adequate food, clothing, shelter, or medical treatment, or by the inability of the parent or guardian to provide regular care for the minor due to the parent's or guardian's mental illness, developmental disability, or substance abuse. No minor shall be found to be a person described by this subdivision solely due to the lack of an emergency shelter for the family. Whenever it is alleged that a minor comes within the jurisdiction of the court on the basis of the parent's or guardian's willful failure to provide adequate medical treatment or specific

decision to provide spiritual treatment through prayer, the court shall give deference to the parent's or guardian's medical treatment, nontreatment, or spiritual treatment through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination, by an accredited practitioner thereof, and shall not assume jurisdiction unless necessary to protect the minor from suffering serious physical harm or illness. In making its determination, the court shall consider (1) the nature of the treatment proposed by the parent or guardian (2) the risks to the minor posed by the course of treatment or nontreatment proposed by the parent or guardian (3) the risk, if any, of the course of treatment being proposed by the petitioning agency, and (4) the likely success of the courses of treatment or nontreatment proposed by the parent or guardian and agency. The minor shall continue to be a dependent child pursuant to this subdivision only so long as is necessary to protect the minor from risk of suffering serious physical harm or illness.

(c) The minor is suffering serious emotional damage, or is at substantial risk of suffering serious emotional damage, evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, as a result of the conduct of the parent or guardian or who has no parent or guardian capable of providing appropriate care. No minor shall be found to be a person described by this subdivision if the willful failure of the parent or guardian to provide adequate mental health treatment is based on a sincerely held religious belief and if a less intrusive judicial intervention is available.

(d) The minor has been sexually abused, or there is a substantial risk that the minor will be sexually abused, as defined in subdivision (b) of Section 11165 of the Penal Code, by his or her parent or guardian or a member of his or her household, or the parent or guardian has failed to adequately protect the minor from sexual abuse when the parent or guardian knew or reasonably should have known that the minor was in danger of sexual abuse.

(e) The minor is under the age of five and has suffered severe physical abuse by a parent, or by any person known by the parent, if the parent knew or reasonably should have known that the person was physically abusing the minor. For the purposes of this subdivision, "severe physical abuse" means any of the following: any single act of abuse which causes physical trauma of sufficient severity that, if left untreated, would cause permanent physical disfigurement, permanent physical disability, or death; any single act of sexual abuse which causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness. A minor may not be removed from the physical custody of his or her parent or guardian on the basis of a finding of severe physical abuse unless the probation officer has made an

PROOF OF SERVICE

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen and not a party to the within action. My business address is 11661 San Vicente Boulevard, Suite 500, Los Angeles, CA 90049.

On August 6, 2015, I served the foregoing PETITIONER'S REQUEST FOR JUDICIAL NOTICE; MEMORANDUM OF POINTS AND AUTHORITIES; (PROPOSED) ORDER on the parties in this action by placing a true and correct copy thereof in a sealed envelope to the following addresses:

SEE SERVICE LIST ATTACHED

BY MAIL I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Los Angeles, California.

HAND DELIVERY

(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on August 6, 2015, at Los Angeles, California.



Nancy Rabin Brucker

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Second Appellate District
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