

NEW LEGISLATION 2015

AB 424 – COUT APPOINTED CHILD ADVOCATES FOR WARDS

Expands the CASA program to allow appointment of CASAs for any dependent, ward, or non-minor dependent who is subject to the jurisdiction of the juvenile court.

AB 666 – JUVENILE RECORD SEALING

Expands last year's legislation creating W&I Sec. 786 that provided an alternative method of sealing juvenile delinquency records. Bill provides for the sealing of court records and the dismissal of petitions in "non-707" delinquency cases upon satisfactory completion of informal supervision or probation. It extends the court's sealing order to law enforcement, probation, and Department of Justice records. It requires the Judicial Council to adopt rules and forms providing for the standardized implementation of Section 786.

The legislation also adds a definition for "satisfactory completion" of probation to guide courts in determining sealing eligibility, providing further that an unfilled restitution order or restitution fine is not a bar to sealing under Section 786 where the restitution order can be converted to a civil judgment under WIC Section 730.6. The bill also clarified that a person who has his/her record sealed under §786 has a right to nondisclosure of the arrest, prosecution, and related case events when applying for jobs or college. It also permits the Court, when sealing a petition currently before it, to seal prior petitions that meet the sealing criteria of Section 786.

Provides for access to a sealed record by; 1) probation if a new felony has been filed for the purpose of determining eligibility/suitability for programs or services; 2) prosecutors and probation for determining eligibility for DEJ or I.S.; 3) courts, prosecutors, probation and counsel, in order to determine an appropriate disposition after a subsequent felony adjudication or to determine fitness for juvenile court on a subsequent WIC 707 charge; 4) the person who is the subject of the records. Other amendments ensure that agencies required to make criminal justice data reports can access sealed records for that purpose so long as personally identifying information is not released.

AB 989 – RECORD SEALING, cont...

This bill further provides for access to sealed records for probation to ensure Title IV-E compliance.

SB 504 – RECORD SEALING, cont...

Eliminates the charge for petitioning to seal a juvenile record under Sec. 781 for anyone under the age of 26. It prohibits the court from considering outstanding restitution or fines in determining if the petitioner has been rehabilitated or as the basis for not sealing the record. The bill also provides that a minor with a sealed record is not relieved of the obligation to pay victim restitution or fines/fees.

AB 703 – APPOINTED COUNSEL QUALIFICATIONS

Requires counsel appointed in delinquency proceedings to have sufficient education or experience. Requires the Judicial Council, in collaboration with other justice partners, to adopt rules establishing "minimum hours of training and education, or sufficient recent experience in delinquency proceedings in which the attorney has demonstrated competence" for attorneys seeking court-appointments.

Requires that the new mandatory training be provided in areas that may include delinquency law and procedure, child and adolescent development, special education, mental health, and other named areas.

SB 651 – JUVENILE RESTITUTION

Bill expands the definition of victim in W&I Sec. 730.6 to include a corporation, estate, association, or other legal or commercial entity. It also adds listed family and household members who have suffered an economic loss to the list of victims for whom restitution may be required.

SB 382 – FITNESS CRITERIA

Amends the 5 criteria the court must consider in determining whether or not a minor is fit/amenable for treatment in the juvenile court. Specifically regarding “the degree of criminal sophistication,” the court may give weight to any relevant factor including age, maturity, intellect, and developmental factors such as impetuosity, peer pressure, and trauma. When weighing the “gravity of the offense” the court may now consider the minor’s mental and emotional development, actual behavior of the minor, mental state, and degree of involvement in the crime. The remaining 3 criteria were modified to include other similar developmental factors. All of these modifications were also made to PC Sec. 1170.17 (when a minor is returned to juvenile court for a hearing on the fitness of the minor to be sentenced under the juvenile court law (or not) following criminal court conviction of a lesser offense.)

AB 899 – DISCLOSURE OF JUVENILE RECORDS TO FEDERAL AUTHORITIES

States the Legislature’s intent to protect the confidentiality of juvenile court records regardless of immigration status. Provides that nothing in the Juvenile Court law shall authorize the disclosure of juvenile information or records to federal officials without a court order signed by a judge of the juvenile court after a petitioned hearing, pursuant to Sec. 827, on the request to release the information.