

State of California

WELFARE AND INSTITUTIONS CODE

Section 224.70

224.70. For the purposes of this article:

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

(b) “Juvenile facility” means a place of confinement that is operated by, or contracted for, the county probation department or juvenile court for the purpose of the confinement of youth who are taken into custody and alleged to be within the description of Section 601 or 602 who are adjudged to be a ward of the court.

(c) “Youth” means any person detained in a juvenile facility.

(Amended by Stats. 2022, Ch. 786, Sec. 1. (AB 2417) Effective January 1, 2023.)

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Section 224.71

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

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

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

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

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

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

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

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

(h) To make and receive confidential telephone calls, send and receive confidential mail, and have confidential visits with attorneys and their authorized representatives, ombudspersons, including the Division of the Ombudsperson of the Office of Youth and Community Restoration, and other advocates, holders of public office, state and federal court personnel, and legal service organizations.

(i) To have fair and equal access to all available services, housing, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnicity, ancestry, national origin, language, color, religion,

sex, sexual orientation, gender identity, gender expression, mental or physical disability, immigration status, or HIV status.

(j) To have daily opportunities for age-appropriate physical exercise and recreation, including time spent outdoors and access to leisure reading, letter writing, and entertainment.

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

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

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

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

(o) To information about their rights as parents, including available parental support, reunification advocacy, and opportunities to maintain or develop a connection with their children; to access educational information or programming about pregnancy, infant care, parenting, and breast-feeding, and childhood development; to proper prenatal care, diet, vitamins, nutrition, and medical treatment; to counseling for pregnant and post partum youth; to not be restrained by the use of leg irons, waist chains, or handcuffs behind the body while pregnant or in recovery after delivery; to not be restrained during a medical emergency, labor, delivery, or recovery unless deemed necessary for their safety and security, and to have restraints removed when a medical professional determines removal is medically necessary; and to access written policies about pregnant, post partum, and lactating youth.

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

(q) To have counsel and a prompt probable cause hearing when detained on probation violations.

(r) To make at least two free telephone calls within an hour after initially being placed in a juvenile facility following an arrest.

(Amended by Stats. 2022, Ch. 786, Sec. 2. (AB 2417) Effective January 1, 2023.)

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Section 224.72

224.72. (a) Every juvenile facility shall provide each youth who is placed in the facility with an age and developmentally appropriate orientation that includes an explanation and a copy of the rights and responsibilities of the youth, as specified in Section 224.71, and that addresses the youth's questions and concerns.

(b) Each juvenile facility shall post a listing of the rights provided by Section 224.71 in a conspicuous location, including classrooms and living units.

(c) A copy of the rights of the youth shall be included in orientation packets provided to parents or guardians of wards. Copies of the rights of youth in English, Spanish, and other languages shall also be made available in the visiting areas of juvenile justice facilities and, upon request, to parents or guardians.

(Amended by Stats. 2022, Ch. 786, Sec. 3. (AB 2417) Effective January 1, 2023.)

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Section 224.73

224.73. All juvenile facilities shall ensure the safety and dignity of all youth in their care and shall not discriminate against any youth on the basis of actual or perceived race, ethnicity, ancestry, national origin, color, religion, gender, sexual orientation, gender identity, gender expression, mental or physical disability, immigration status, or HIV status.

(Amended by Stats. 2022, Ch. 786, Sec. 4. (AB 2417) Effective January 1, 2023.)

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Section 224.74

224.74. The Office of Youth and Community Restoration, in consultation with youth, youth advocate and support groups, and groups representing children, families, children's facilities, and other interested parties, shall develop, no later than July 1, 2023, standardized information explaining the rights specified in Section 224.71. The information developed shall be age-appropriate.

(Amended by Stats. 2022, Ch. 786, Sec. 5. (AB 2417) Effective January 1, 2023.)