

State of California

WELFARE AND INSTITUTIONS CODE

Section 2200

2200. (a) Commencing July 1, 2021, there is in the California Health and Human Services Agency the Office of Youth and Community Restoration.

(b) The office's mission is to promote trauma responsive, culturally informed services for youth involved in the juvenile justice system that support the youths' successful transition into adulthood and help them become responsible, thriving, and engaged members of their communities.

(c) The office shall have the following responsibility and authority:

(1) Once data becomes available as a result of the plan developed to Section 13015 of the Penal Code, develop a report on youth outcomes in the juvenile justice system.

(2) Identify policy recommendations for improved outcomes and integrated programs and services to best support delinquent youth.

(3) Identify and disseminate best practices to help inform rehabilitative and restorative youth practices, including education, diversion, re-entry, religious and victims' services.

(4) Provide technical assistance as requested to develop and expand local youth diversion opportunities to meet the varied needs of the delinquent youth population, including but not limited to sex offender, substance abuse, and mental health treatment.

(5) Report annually on the work of the Office of Youth and Community Restoration.

(d) The office shall have an ombudsperson that has the authority to do all of the following:

(1) Investigate complaints from youth.

(2) Decide, in its discretion, whether to investigate complaints from youth who are detained in the, or committed to, juvenile facilities, families, staff, and others about harmful conditions or practices, violations of laws and regulations governing facilities, and circumstances presenting an emergency situation, or refer complaints to another body for investigation.

(3) Publish and provide regular reports to the Legislature about complaints received and subsequent findings and actions taken, pursuant to Section 2200.5.

(4) Have access to, and review copies of, any record of a local agency, and contractors with local agencies, except personnel records legally required to be kept confidential. Access to records shall be in accordance with existing law and rules of court governing juvenile confidentiality and all other applicable laws. The ombudsperson shall be granted access to records during business hours with advance notice of a minimum of 48 hours to the agency in direct control of the records of the facility.

(5) Meet or communicate privately with any youth in a juvenile facility and premises within the control of a county or local agency, or a contractor with a county or local agency. The ombudsperson shall provide forty-eight hour advance notice to the agency in direct control of the facility to meet with a youth. Access shall be in accordance with existing law and rules of court governing juvenile confidentiality and all other applicable laws.

(6) Disseminate information and provide training and technical assistance to youth who are involved in the juvenile justice system, social workers, probation officers, tribal child welfare agencies, child welfare organizations, children's and youth advocacy groups, consumer and service provider organizations, and other interested parties on the rights of youth involved in the juvenile justice system and the services provided by the ombudsperson. The rights shall include rights set forth in federal and state law and regulations for youth detained in or committed to juvenile justice facilities. The information shall include methods of contacting the ombudsperson and notification that conversations with the office may be disclosed to other persons, as necessary to adequately investigate and resolve a complaint.

(7) Access, visit, and observe juvenile facilities and premises within the control of a county, or local agency, or a contractor with a county, or local agency, serving youth involved in the juvenile justice system. The ombudsperson shall be granted access to the facilities during business hours with advance notice of a minimum of 48 hours to the agency in direct control of the facility.

(e) The Division of the Ombudsperson of the Office of Youth and Community Restoration shall design posters and provide the posters to each juvenile facility operator subject to Section 224.72. These posters shall include the toll-free telephone number of the Ombudsperson of the Office of Youth and Community Restoration.

(f) Consistent with Chapter 17.5 (commencing with Section 7290) of Division 7 of Title 1 of the Government Code, on or before July 1, 2023, the Office of Youth and Community Restoration shall ensure the listing of rights and posters described in this section are translated into Spanish and other languages as determined necessary and distribute to each juvenile facility operator.

(g) The Office of Youth and Community Restoration shall evaluate the efficacy of local programs being utilized for realigned youth. No later than July 1, 2025, the office shall report its findings to the Governor and the Legislature.

(h) Juvenile grants shall not be awarded by the Board of State and Community Corrections without the concurrence of the office. All juvenile justice grant administration functions in the Board of State and Community Corrections shall be moved to the office no later than January 1, 2025.

(i) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the Office of Youth and Community Restoration may establish grantmaking programs with the funding designated in the Budget Act of 2021 and with other funding available for that purpose by means of information notices or other similar instructions, without taking further regulatory action.

(j) The Office of Youth and Community Restoration may enter into exclusive or nonexclusive contracts, or amend existing contracts, on a bid or negotiated basis for purposes of implementing those activities funded by the Budget Act of 2021 and other funding available for these purposes. Contracts entered into or amended pursuant to this section are exempt from Chapter 6 (commencing with Section 14825) of Part 5.5 of Division 3 of Title 2 of the Government Code, Section 19130 of the Government Code, Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code, the State Administrative Manual, and the State Contracting Manual, and are exempt from the review or approval of any division of the Department of General Services.

(k) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.

(Amended by Stats. 2022, Ch. 786, Sec. 6.1. (AB 2417) Effective January 1, 2023. Repealed as of January 1, 2028, by its own provisions. See later operative version added by Sec. 6.2 of Stats. 2022, Ch. 786.)

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Section 2200.2

2200.2. (a) If the office of the ombudsperson decides to investigate a complaint, or refer a complaint to another body for investigation, pursuant to paragraph (1) of subdivision (d) of Section 2200, the ombudsperson shall notify the complainant in writing of the intention to investigate or refer the complaint. If the ombudsperson declines to investigate a complaint or continue an investigation, the ombudsperson shall notify the complainant in writing of the reason.

(b) The ombudsperson shall update the complainant on the progress of the investigation and the attempts to resolve the complaint, and notify the complainant in writing of the final outcome. If appropriate, the office may also share the outcome of any investigation performed by the office with the youth's counsel.

(c) Except when there is a safety concern, the ombudsperson shall also notify the head of the agency against which a complaint was filed when it refers the matter for an investigation.

(d) The ombudsperson may resolve complaints, when possible, collaborating with facility administrators and staff to develop resolutions that may include training.

(e) (1) Information obtained by the office from a complaint, regardless of whether it is investigated by the office, referred to another entity for investigation, or determined not to be the proper subject of an investigation, shall remain confidential under relevant state and federal confidentiality laws. Disclosure of information that is not confidential under state and federal confidentiality laws shall occur only as necessary to carry out the mission of the office, including as necessary to provide explanation and support for the office's recommendations for improving the youth and community restoration system to the Legislature and state and local agencies that provide services and supports to youth placed in delinquency settings.

(2) The ombudsperson shall maintain confidentiality with respect to the identities of the complainants or witnesses coming before them, except insofar as disclosure may be necessary to enable the ombudsperson to carry out the duties of the office set forth in subdivisions (a) to (c), inclusive. The ombudsperson may not disclose a record that is confidential under relevant state and federal confidentiality laws.

(f) In order to encourage candor during the ombudsperson's investigation of complaints made by, or on behalf of, detained youths and to facilitate the ombudsperson's ability to resolve complaints, both of the following shall apply:

(1) The ombudsperson and their staff shall not be compelled to testify or be deposed in a judicial or administrative proceeding regarding matters coming to their attention in the exercise of their official duties, except as necessary to enforce or implement this chapter.

(2) The records of the ombudsperson and their staff, including notes, drafts, and records obtained from an individual or agency during the intake, review, or investigation of a complaint, and any reports not released to the public shall not be subject to disclosure or production in response to a subpoena or discovery in a judicial or administrative proceeding, except as necessary to enforce or implement the provisions of this chapter.

(Amended by Stats. 2022, Ch. 786, Sec. 7. (AB 2417) Effective January 1, 2023.)

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Section 2200.5

2200.5. (a) The ombudsperson shall publish and provide regular reports to the Legislature about all data collected over the course of the year, including, but not limited to, contacts to the office, complaints received, including the type and source of those complaints, investigations performed by the ombudsperson, the time to investigate and resolve complaints, the number and types of complaints referred to other agencies, the trends and issues that arose in the course of investigating complaints, pending complaints, and subsequent findings and actions taken, and a summary of the data received by the ombudsperson. Data shall be disaggregated by gender, sexual orientation, race, and ethnicity of the complainants to the extent this information is available.

(b) The compiled data shall be posted so that it is available to the public on the office's existing internet website.

(c) The report shall comply with all confidentiality laws.

(d) Nothing shall preclude the ombudsperson from issuing data, findings, or reports other than the annual compilation of data described in this section or Section 2200.

(Amended by Stats. 2022, Ch. 786, Sec. 8. (AB 2417) Effective January 1, 2023.)

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Section 2200.7

2200.7. (a) The office shall hire the necessary personnel to perform the functions of the ombudsperson. In hiring decisions, priority shall be given to people who were formerly detained or committed to a juvenile justice facility.

(b) When exercising the investigative, complaint resolution, and technical assistance functions of the ombudsperson of the Office of Youth and Community Restoration, the ombudsperson and their staff shall have all immunities under Article 2 (commencing with Section 815) of Chapter 1 of Part 2 of Division 3.6 of Title 1 of the Government Code afforded to the discharge of discretionary duties by public entities and their employees.

(c) If the ombudsperson believes, based on information received during the exercise of their official duties, that there is a breach of duty or misconduct by an employee of a state or local agency or their contractors in the conduct of the employees' official duties, the ombudsperson shall refer the matter to the agency director or other responsible officer, and, if the conduct would constitute a crime, to an appropriate law enforcement body or agency.

(Added by Stats. 2022, Ch. 50, Sec. 31. (SB 187) Effective June 30, 2022.)

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Section 2201

2201. (a) Until July 1, 2023, the committee established pursuant to Section 12824 of the Government Code shall be responsible for advising and providing recommendations related to policies, programs, and approaches that improve youth outcomes, reduce youth detention, and reduce recidivism for the population in subdivision (b) of Section 1990.

(b) The committee established pursuant to Section 12824 of the Government Code shall work directly with the Office of Youth and Community Restoration, the Division of Juvenile Justice, and shall be staffed by the California Health and Human Services Agency.

(Added by Stats. 2020, Ch. 337, Sec. 50. (SB 823) Effective September 30, 2020.)