

AB 388: What Youth Advocates Need to Know

Beginning **January 1, 2015**, a new law (AB 388) takes effect. This new law is specifically intended to reduce the frequency of law enforcement involvement and delinquency petitions arising from incidents at group homes.

Here's what you need to know:

- **DATA on licensing complaints and law enforcement contacts at group homes will be published annually and made available to all interested parties.** Group homes are required to report all incidents that result in law enforcement contact including the type of contact and the result of the contact to the California Department of Social Services (the "Department"). At least every six months the facility will provide the Department's Community Care Licensing Division ("CCL") with a follow-up report regarding any incident involving law enforcement contact.
- **INSPECTIONS of facilities with high numbers of law enforcement contacts will occur at least annually.** CCL will be required to do a comprehensive annual inspection visit to any group home that exceeds the threshold rate (established by the Department) of law enforcement calls. The resulting report will be distributed to the Department's Children and Family Services Division, and any other public agency that has certified the facility's program, including the State Department of Health Services responsible for certifying the mental health service component in RCL 13/14 group homes.
- **NEW DETENTION STANDARDS for foster youth who are referred to court on delinquency charges will be implemented.** These standards will ensure that foster youth are not penalized with detention because they do not have a parent to whom they can be released. Detention cannot be based on the lack of a suitable placement, or a youth's status as a dependent. If the court orders the minor released, the court shall also order the child welfare department to place the minor.
- **241.1 RECOMMENDATIONS may consider the minor's known behavioral issues.** If the offense occurred while the child was under the supervision of a foster home, group home, or other residential facility, then the probation and child welfare departments may consider whether the conduct was within the scope of behaviors the placement was intended to manage or treat. They can consider whether the service providers/placement was supposed to manage the behavior at issue before recommending delinquency supervision. They should consider the following questions: Were appropriate services provided? Were plans for behavioral intervention followed? Was the needs and service plan followed?
- **241.1 PROTOCOLS may be modified to include additional safeguards for foster youth.** These safeguards may include arrest notification to dependency attorneys and the child welfare department, timelines and procedures for release of dependent minors in custody, and nondiscrimination provisions ensuring equitable treatment of dependents who are detained in secure confinement.
- **VICTIM COMPENSATION RESTITUTION to group homes and group home staff is restricted, and RESTITUTION FINES are waived for all foster youth.** Under the new law, if a youth damages a group home or a group home staff member's property, the restitution is limited to the amount of damage the group home's insurance doesn't cover. Restitution fines are waived regardless of where the youth lived at the time of the offense.
- **PERFORMANCE STANDARDS & OUTCOME MEASURES will be developed by the Department in consultation with other stakeholders.** The standards and measures will require group homes to implement programs and services to minimize law enforcement contact and delinquency petition filings arising from incidents at group homes. Programming could include individualized behavior management programs, emergency intervention plans, and conflict resolution processes.

If you have any questions CONTACT Cat McCulloch at The Youth Law Center: 200 Pine Street, Suite 300 San Francisco, CA 94102 (415) 543-3379 ext. 3921 E-Mail: cmcculloch@ylc.org