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August 30, 2016

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Honorable Edmund G. Brown, Jr.  
Governor of the State of California  
State Capitol  
Sacramento, CA 95814

**RE: Request for Signature – AB 2813 (Bloom)**

Dear Governor Brown,

The Youth Law Center is proud to sponsor AB 2813, a bill that would protect children and youth in foster care from being needlessly detained in juvenile hall solely due to their foster care status. The protections provided in AB 2813 will harmonize the standards used by a probation officer to detain youth with those used by the juvenile court, provide equity to foster youth, and prevent foster youth from unnecessarily suffering the harms of detention.

In 2014 California passed AB 388, a bill designed to promote equity and improve outcomes for foster youth who make contact with the delinquency system by changing the criteria for detention used by the court at the detention hearing. However, as the result of an inadvertent exclusion, the bill neglected to address one of the most important stages of detention: the probation officer's initial decision to detain. AB 2813 harmonizes the criteria for detention by probation with those used by the court at the detention hearing and provides for equitable detention standards for foster youth when probation is making the decision to detain. As co-sponsors of AB 388, the Youth Law Center believes that AB 2813 would help fully realize AB 388's intention to eliminate the arbitrary detention of foster youth as a response to minor incidents and typical adolescent behavior that in competently parented family settings would not result in a young person spending a single day in juvenile hall.

AB 2813 does not result in increased costs for the state or counties. County social services departments already have the legal obligation to find appropriate placements for youth in the foster care system. AB 2813 does nothing to increase these existing obligations. Instead, AB 2813 clarifies that young people in the foster care system should not be detained merely due to their status as foster youth or the fact that they cannot return to their previous placement. In addition, by reducing the unnecessary detention of foster youth, AB 2813 may result in reduced costs. A recent audit demonstrated that in Los Angeles County, the yearly cost of holding one young person in a detention center is \$233,600.<sup>1</sup>

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<sup>1</sup> Therolf, Garrett, *L.A. County spends more than \$233,000 a year to hold each youth in juvenile lockup*, L.A. Times, Feb. 23, 2016, available at <http://www.latimes.com/local/countygovernment/la-me-probation-sticker-shock-20160223-story.html>.

Reducing the use of such an expensive intervention will ultimately save counties money.

Children in the foster care system, particularly those placed in group homes, are especially vulnerable to experiencing unnecessary involvement with the delinquency system.<sup>2</sup> Some group homes rely on law enforcement as the primary behavior management system to respond to minor misconduct such as fights among peers, conflict with group home staff, or damage to facility property. Once arrested, a youth is either given a citation and released, or transported to juvenile hall. At the juvenile hall, a probation officer may decide to detain the youth pending a hearing before the juvenile court – a hearing which may not occur for several days. Many foster youth are needlessly detained in juvenile halls pending the detention hearing because they are without a parent to whom they can be released or a placement to which they can return. Sadly, detention exponentially increases a foster youth's risk of spiraling deeper and deeper into the juvenile justice system and experiencing poor education and employment outcomes after exiting the system.<sup>3</sup>

The decision to detain a youth, even for a few days, can have severe consequences. When young people are detained, they are physically and emotionally separated from the communities that are the most invested in their recovery. Researchers have found that rather than rehabilitating youth, juvenile detention – which places youth together in a situation ripe for peer pressure and influence – appears to exacerbate behavior problems.<sup>4</sup> Furthermore, studies have shown the once a young person is detained, he is more likely to be referred to court, have his case adjudicated, and be declared a ward.<sup>5</sup> Delinquency adjudication can have serious collateral consequences, including harming a youth's ability to obtain employment, attend college, and retain housing.<sup>6</sup>

These consequences are serious for any youth, but there are additional long-term harms for foster youth who cross over into the delinquency system. A study of youth exiting Los Angeles County's juvenile court system found that youth who crossed over from the child welfare to the juvenile justice system experienced negative outcomes at

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<sup>2</sup> Ryan, J. P., Marshall, J. M., Herz, D., & Hernandez, P., *Juvenile delinquency in child welfare: Investigating group home effects*, 2008 Children and Youth Services Review, available at <http://www.cwla.org/programs/juvenilejustice/grouphomeeffects.pdf>

<sup>3</sup> Mendel, R., *NO PLACE FOR KIDS The Case for Reducing Juvenile Incarceration*, 2013, The Annie E. Casey Foundation.

<sup>4</sup> Maia Szalavitz, *Why Juvenile Detention Makes Teens Worse*, Time, Aug. 7, 2009, available at <http://content.time.com/time/health/article/0,8599,1914837,00.html>

<sup>5</sup> Hollman, Barry and Jason Ziedenberg, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, Justice Policy Institute, Nov. 28, 2006, p. 5, available at [http://www.justicepolicy.org/images/upload/06-11\\_rep\\_dangersofdetention\\_jj.pdf](http://www.justicepolicy.org/images/upload/06-11_rep_dangersofdetention_jj.pdf).

<sup>6</sup> See Sue Burrell, Stacy Rourke, and the Pacific Juvenile Defender Center, *Collateral Consequences of Juvenile Delinquency Proceedings in California* <http://njdc.info/wp-content/uploads/2014/04/PJDC-CA-Collateral-Consequences-Handbook-2011.pdf>

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twice the rate of youth coming into contact with only child welfare or probation.<sup>7</sup> The study revealed that such “cross-over” youth are twice as likely to be heavy users of public systems, three times more likely to experience a jail stay, one-and-a-half times more likely to receive General Relief, and 50 percent less likely to be consistently employed as other groups of former foster youth. Therefore, the fact that spending time in detention increases a youth’s likelihood of further penetrating the delinquency system is especially important for foster youth who experience such negative outcomes.

AB 2813 also addresses outdated aspects of the statute governing detention by probation. The statute as currently written contains detention criteria that have not been updated since the mid-1970s and permits a probation officer to detain a youth because, for example, that youth has been abused or neglected or is homeless. These criteria are out of line with the standards used by the court at the detention hearing, out of step with current probation practice, and inconsistent with the purposes of juvenile detention. AB 2813 would remove this outdated language and ensure that youth are not detained unless detention is necessary to protect the minor, protect the community, or ensure a youth’s presence in court.

Foster youth should not be unfairly subjected to detention for typical misbehavior that would not trigger such dire consequences for youth living at home with parents. Given the serious harms attendant on even short juvenile hall stays, it is imperative that foster youth not be subjected to detention unnecessarily. AB 2813 will allow foster youth the same opportunities as their peers who have not been removed from home to avoid the direct and collateral consequences of juvenile justice system involvement. AB 2813 will provide critically needed support for this population of young people who we have pledged to parent and support, to become healthy and productive members of our communities. For the forgoing reasons, the Youth Law Center respectfully requests that you sign AB 2813.

Sincerely,



Virginia Corrigan, Staff Attorney  
Cat McCulloch, Legal Fellow

cc: Honorable Richard Bloom

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<sup>7</sup> Culhane, D.P., Byrne, T., Metraux, S., Moreno, M., Toros, H., Stevens, M., *Young Adult Outcomes of Youth Exiting Dependent or Delinquent Care in Los Angeles*, November 2011, available at [http://works.bepress.com/cgi/viewcontent.cgi?article=1125&context=dennis\\_culhane](http://works.bepress.com/cgi/viewcontent.cgi?article=1125&context=dennis_culhane)