

AB 388: New Protections for Youth in Group Homes

Beginning **January 1, 2015**, a new law (AB 388) takes effect to strengthen the rights of foster youth who get involved with the juvenile justice system. The purpose of this law is to prevent unnecessary law enforcement involvement in group homes; limit the use of juvenile hall as a placement before trial for foster youth who do not need to be locked up; and make the rules about payments of certain fines and restitution payments fairer for foster youth.

Here's what you should know about the new law:

LAW ENFORCEMENT IN GROUP HOMES:

- **Group homes must report to the State licensing agency information about all calls made to the police concerning youth in the group home.** If a group home makes too many calls to the police, the State licensing agency must inspect the group home to make sure they are providing appropriate care and supervision of youth. The licensing agency is required to give the inspection reports to certain agencies and make information about group homes that call the police available to the general public. Remember, the police should not be a regular presence in group homes. If you feel like the police are overly involved in your group home then talk to your lawyer and your social worker.

JUVENILE HALL DETENTION:

- **You cannot be held in detention just because you are a foster youth.** If the judge makes an order for your release, your county child welfare agency **MUST** find a suitable placement for you. Before trial, the judge cannot keep you in juvenile hall just because you're a foster youth and it is difficult to find a placement for you. If you feel you are inappropriately held in detention, talk to your lawyer.

RESTITUTION:

- **Victim compensation restitution to group homes and group home staff is restricted.** Victim Compensation restitution is money you have to pay to victims you have injured or caused damage to their property. Under the new law, if you cause damage to a group home or to a group home staff member's property, you may still have to pay for the damage, but you can only be charged for the amount of damage the group home's insurance doesn't cover.
- **Restitution fines are waived for all foster youth.** Restitution fines are required by law in every case in which a juvenile is found to have committed a crime, unless the judge finds a good reason that the juvenile should not pay the fine. A restitution fine is a penalty that is in addition to restitution payments for the victim who has lost something of value because of the crime. Under the new law restitution fines are waived for ALL foster youth! The fine is waived regardless of where you lived at the time of the offense.

PERFORMANCE STANDARDS:

- **HELP minimize law enforcement involvement in group homes.** By January 1, 2016, the California Department of Social Services, along with other organizations and individuals, including foster youth, must develop standards for group homes to reduce law enforcement contact and delinquency petitions arising from incidents at group homes.

If you have questions about these new rights, or if you believe any of them are not being upheld, please contact your dependency attorney or your public defender. If you have problems or questions about foster care or your group home, you can also contact:

- **Karen Grace-Kaho at The California State Ombudsman for Foster Care:** California Department of Social Services 744 P Street, M.S. 9-025 Sacramento, CA 95814 (916) 651-6560 Toll Free 1-877-846-1602 E-Mail: fosteryouthhelp@dss.ca.gov Website: www.fosteryouthhelp.ca.gov
- **For more information about AB 388 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