

Part 6

A LEGAL MAP OF NON-CUSTODIAL RESIDENTIAL OPTIONS FOR YOUTH IN CALIFORNIA

This tool is part of a series designed to map key legal requirements at various stages in California’s juvenile delinquency system. The purpose of these maps is to enable community members and system stakeholders to navigate the legal landscape of juvenile justice and move towards system transformation. For other maps in this series, please visit the Youth Law Center’s website, ylc.org/navigate-juvenile-justice-law.

This map provides an overview of California law regarding non-custodial residential options for young people on juvenile probation or at risk of juvenile delinquency system involvement. Currently, youth in California’s juvenile delinquency system face a high likelihood of being removed from their homes for some period of time. For example, in 2018, over 17,000 youth—more than a quarter of youth referred to Probation—were detained in a secure facility while their delinquency charges were pending.¹ During the same year, more than 21,000 youth were made wards of the court, and nearly 10,000 of them (44%) were placed or detained outside of their homes, either in a foster care placement or in a state or local custodial facility.²

¹ See Cal. Dept. of Justice, JUVENILE JUSTICE IN CALIFORNIA, 2018, 22, available at: <https://data-openjustice.doj.ca.gov/sites/default/files/2019-07/Juvenile%20Justice%20in%20CA%202018%2020190701.pdf>.

² *Id.* at v.

In many counties, the existing options for youth who are not immediately returned home by the delinquency court are limited to custodial facilities or group home institutions, which research has shown have negative impacts on youth and exacerbate racial and ethnic disparities.³ Yet, state and federal law require Probation Departments to make reasonable efforts to avoid removal and prioritize home and community-based placements before recommending detention in a secure facility.

Reliance on custodial facilities is costly, especially when compared to the community-based placements detailed in this tool. While fiscal considerations alone should not ultimately determine the placement and service array that youth receive, counties should be mindful of placement options—available as early as the detention hearing—that maximize federal reimbursement through Title IV-E of the Social Security Act and Medicaid (Medi-Cal in California).⁴ The county financial savings resulting from Probation’s and the juvenile court’s use of home and community-based placements should not be overlooked.



This tool maps the array of residential settings available as alternatives to custodial facilities, as well as the expanded options for youth who are unable to safely and immediately return home. Below is a summary of the key legal guideposts for non-custodial residential options, followed by a detailed explanation of each point of law.⁵

3 Wong & Ridolfi, UNLOCKING OPPORTUNITY: HOW RACE, ETHNICITY AND PLACE AFFECT THE USE OF INSTITUTIONAL PLACEMENTS IN CALIFORNIA, January 2018, pp. 3-4, 12, 16-20, available at: <https://www.burnsinstitute.org/wp-content/uploads/2018/01/Unlocking-Opportunity.pdf>; Dozier, M. et al. (2014). *Consensus Statement on Group Care for Children and Adolescents: A Statement of Policy of the American Orthopsychiatric Association*. *American Journal of Orthopsychiatry* 83, 219-225, available at: <https://www.apa.org/pubs/journals/features/ort-0000005.pdf>.

4 See “Federal AFDC-FC/ Title IV-E,” California Juvenile Justice Practitioners’ Toolkit, available at <https://www.strongnation.org/articles/557-funding-streams-fulfilling-medi-cal-s-promise-extending-home-and-community-based-mental-health-services-to-juvenile-justice-involved-youth-in-california> (Dec. 2015), pp. iii-v, available at <https://www.youngmindsadvocacy.org/wp-content/uploads/2015/12/Fulfilling-Medi-Cals-Promise-DEC-2015-YMA2.pdf>.

5 Disclaimer: The information provided in this tool does not constitute legal advice. All content is for general informational purposes only.

NON-CUSTODIAL RESIDENTIAL OPTIONS FOR YOUTH

KEY GUIDEPOSTS FOR REFORM:

- ✦ Both law enforcement and Probation have authority to divert young people to community-based programs in lieu of referral to the juvenile delinquency system.
- ✦ If a youth is referred to the Probation Department, as part of its initial investigation Probation must determine whether there is “reason to believe” that a young person is “at risk of foster care placement” because it is contrary to the youth’s welfare to return home. If so, Probation must make “reasonable efforts” to facilitate the youth’s safe return home, and can release a youth home with services in lieu of continued custody or detention.
- ✦ It is a common misconception that a youth must wait until the dispositional stage of his or her case before release to a foster care placement. In fact, starting from detention, a youth can be released from secure confinement to a suitable placement pursuant to court order. Moreover, the law requires Probation to provide certain child welfare services, including case planning, from the moment that a youth is brought into a juvenile detention facility.
- ✦ Every time that a youth is brought into juvenile hall detention by the Probation Department, the law imposes certain requirements related to continued removal from home and risk of foster care placement:
 - Probation must document the reasons why the young person is at risk of foster care placement and all reasonable efforts it has made to prevent removal from the home. Probation must develop a comprehensive “case plan” and consult the youth’s “child and family team” to identify potential placements, resources, and services for the youth and family.
 - At the court detention hearing, Probation can recommend detention in a temporary foster care setting while the youth’s case is pending. Whether or not Probation recommends this type of setting, the juvenile court can authorize detention in a foster care setting, if it finds that the statutory requirements for detention and foster care placement have been met. Once authorized by the court, Probation must act immediately to move the youth to a suitable placement, rather than keeping the youth in detention while the juvenile delinquency case goes forward in court.



✦ An appropriate placement for a youth who cannot immediately return home is a place for the youth to reside that is “the least restrictive, most family-like environment that promotes normal childhood experiences, in close proximity to the minor’s home, that meets the minor’s best interest and special needs.” By law, Probation must consider placements in this order of priority:

- Placement with relatives and extended family,
- Foster family homes,
- Treatment foster homes,
- Group care placements, and
- Out-of-state residential treatment.

✦ Probation and counties must develop a range of placement options that include:

- **Resource family placement with relatives and non-relative extended family members:** Probation and the juvenile court are legally obligated to consider these placements first. Probation must diligently search for these family resources and can place the youth in the family’s home while the family member completes resource family approval.
- **Resource family placement through a foster family agency:** Probation and the county can contract with a foster family agency (FFA) for resource family homes and for specialized recruitment, training, and support activities. These homes provide high levels of support in a family setting.
- **Transitional housing and independent living settings:** Probation must develop a transitional independent living plan (TILP) for every youth age 16 or older in foster care placement. As part of the TILP, Probation is responsible for securing an appropriate independent living option, such as transitional housing for minors and nonminors or “supervised independent living placements,” for each youth in its care. The young person is eligible for these placements while still on probation.
- **Short-term residential therapeutic programs:** Probation and the juvenile court must follow the strict requirements regarding placement in a short-term residential therapeutic program (STRTP). STRTPs are a more treatment-intensive category of foster care placement created to replace group homes. If Probation is considering STRTP placement for a youth, that youth must meet eligibility criteria, and Probation must document both the specific need for STRTP placement and that the STRTP placement can meet the young person’s documented needs. Probation cannot place a youth in an STRTP without a plan for transitioning the youth to a less restrictive setting.



✦ Probation and counties may also utilize an array of specialized residential options that are available for any youth, as long as they are otherwise eligible:

- **Therapeutic foster care (TFC) homes** provide intensive mental health services in a family setting. TFC is a specialty mental health service run through the county mental health plan for youth who are eligible for Medi-Cal. Despite its name, TFC is available to all youth who qualify, whether or not they are in foster care.
- **Residential treatment centers** may be appropriate for youth with special education needs who have an individualized education program (IEP) through the school district or county office of education. Probation must coordinate with the school district to ensure educational stability in any placement setting.
- **Residential settings contracted with Regional Centers** are designed for individuals with developmental disabilities. If a youth has an individualized program plan (IPP) through the Regional Center, then Probation must include the Regional Center in the child and family team to coordinate placement and service options.

✦ California law safeguards young people from placement delay or disruption. Juvenile courts must monitor any unnecessary delays in placement and make alternative orders if Probation fails to secure a placement. Probation must initiate a placement preservation strategy before changing a young person's placement except under specific circumstances.

✦ Counties should develop detention and dispositional alternatives that effectively utilize a variety of funding streams, including reimbursement through federal programs like Title IV-E (for placement maintenance, administrative, and training costs) and Medicaid (for service and administrative costs).

✦ At the detention stage, specific legal provisions apply for any young person who is already in foster care as a juvenile court dependent. These youths have non-custodial foster care placement options through the Child Welfare Agency and should not be detained in juvenile hall because of their status as a dependent, a finding that a return to their current placement is contrary to their welfare, or child welfare's inability to provide a placement.



LAW OF NON-CUSTODIAL RESIDENTIAL OPTIONS FOR YOUTH



When law enforcement encounters a youth whose home or family cannot be located, there are options for addressing those needs that do not require arrest or referral to the juvenile delinquency system.

Law enforcement has the authority to take temporary custody of a youth when there is reason to believe that the young person has committed a delinquent act.⁶ However, taking temporary custody of a youth does not mean that law enforcement must refer the youth to the delinquency system or the Probation Department. In most cases, a law enforcement officer has the discretion to instead identify services that might address the root issues facing the youth.⁷ Specifically, when law enforcement encounters a youth who could be released but has no home to return to, the appropriate response is to make referrals to address the need for emergency shelter, housing, or a foster care placement rather than initiate delinquency proceedings. In these circumstances, law enforcement can deliver or refer the young person to a youth homelessness prevention center or, if appropriate, a “community service program for abused or neglected children.”⁸



If a youth is referred to Probation by law enforcement, the Probation Department is responsible for taking steps to address any issues that could lead to the youth’s removal from their home.

When a youth is referred to the Probation Department, Probation must investigate and determine whether it is necessary to initiate delinquency proceedings.⁹

While investigating a referral, Probation may learn that the youth or family has significant needs requiring intensive services. Addressing these service needs does not require formal delinquency proceedings.¹⁰ Instead, Probation can settle the case at intake and refer the youth and their family to agencies or programs in the community, such as Functional Family Therapy through the county mental health department, Homeless Assistance through the county CalWORKs office, or residential treatment services through the local school district or regional center.¹¹ For youth at risk of juvenile court wardship, Probation

6 Welf. & Inst. Code §§ 625(a), 626.

7 For a full discussion of the diversion options available to law enforcement, see the Youth Law Center’s publication, JUVENILE JUSTICE TRANSFORMATION: NAVIGATING THE LEGAL LANDSCAPE, Part 1: A Legal Map of Youth Diversion in California, March 2020, available at: www.ylc.org/navigate-juvenile-justice-law.

8 Welf. & Inst. Code §§ 307.5, 626(b). Youth homelessness prevention centers offer up to 90 consecutive days of shelter and services for minors (ages 12-18) who are homeless, at risk of homelessness, or “exhibiting status offender behavior.” Health & Safety Code § 1502.35(a)(2). A youth homelessness prevention center is not a placement. Health & Safety Code § 1502.35(k).

9 Welf. & Inst. Code § 652.

10 For a full discussion of the diversion options available to Probation, see the Youth Law Center’s publication, JUVENILE JUSTICE TRANSFORMATION: NAVIGATING THE LEGAL LANDSCAPE, Part 1: A Legal Map of Youth Diversion in California, March 2020, available at: www.ylc.org/navigate-juvenile-justice-law.

11 Cal. Rule of Court, rule 5.514(c)(1). For more information on community-based programs available to support families experiencing instability, see the Youth Law Center’s publication, JUVENILE JUSTICE TRANSFORMATION: NAVIGATING THE LEGAL LANDSCAPE, Part 7: A Legal Map of Family and Community Supports in California, June 2020, available at: www.ylc.org/navigate-juvenile-justice-law.

may create an informal six-month “program of supervision” with robust in-home services.¹² Whenever appropriate, Probation should consider connecting families to the residential settings described in this tool, which are designed to meet the youth and family’s specific needs and, consequently, divert young people from the juvenile justice system.

If Probation intends to refer a youth for delinquency proceedings in court and suspects that the youth may not be able to return home, Probation has a legal obligation to immediately assess the available living arrangements, based on the youth’s individual needs.¹³ The legal standard is whether a probation officer has “reason to believe” that a young person is at risk of foster care placement.¹⁴ “At risk of entering foster care” means that family conditions may require foster care placement unless the family issues are resolved.¹⁵ If a youth is at risk of entering foster care, then Probation must make “reasonable efforts” to resolve conditions in the home so that the young person can return.¹⁶ Reasonable efforts include, but are not limited to, “case management, counseling, parenting training, mentoring programs, vocational training, educational services, substance abuse treatment, transportation, therapeutic day services, and all other reasonable services that would prevent or eliminate the need to remove the youth from home.”¹⁷

Although it is common practice in some jurisdictions, the law does not permit Probation to wait until the dispositional stage of the youth’s case to assess the risk of foster care placement or to make reasonable efforts to prevent removal from the home.¹⁸ Probation must undertake this assessment and make reasonable efforts prior to making a recommendation for detention.¹⁹ These duties are mandated by federal and state child welfare laws and are a condition of the federal funds that California receives through Title IV-E of the Social Security Act.²⁰ Moreover, undertaking the requisite foster care risk analysis at the earliest possible moment serves an important purpose: engaging a youth and family with the right array of services early in a case to alleviate the need for placement at disposition. For a discussion of some of these services and resources—including services commonly understood as dispositional options that are actually available much earlier—see the Youth Law Center’s publication, *Juvenile Justice Transformation: Navigating the Legal Landscape, Part 7: A Legal Map of Family and Community Supports in California*.²¹

Youth who are already in foster care through the juvenile dependency court should be immediately released to the county’s Child Welfare Agency or to their current foster placement unless Probation can demonstrate the existence of a safety or flight risk.²² A determination that it is not appropriate for a youth to return to their current placement

12 For a discussion of the available options see JUVENILE JUSTICE TRANSFORMATION: NAVIGATING THE LEGAL LANDSCAPE, Part 7: A Legal Map of Family and Community Supports in California, June 2020, available at: www.ylc.org/navigate-juvenile-justice-law.

13 Welf. & Inst. Code §§ 628, 652.

14 Welf. & Inst. Code § 628(b).

15 Welf. & Inst. Code § 727.4(d)(2); Cal. Rules of Court, rule 5.502(2); California Department of Social Services (CDSS) All County Letter 14-36, available at: <https://www.cdss.ca.gov/inforesources/letters-regulations/letters-and-notices/all-county-letters/2014-all-county-letters>.

16 Welf. & Inst. Code § 628(b).

17 Welf. & Inst. Code § 727.4(d)(5). This definition is intentionally broad. In fact, federal law does not specifically define the term “reasonable efforts” because it is intended to be evaluated on a case by case basis. See Child Welfare Policy Manual 8.3C.4 Q.1, available at: https://www.acf.hhs.gov/cwpm/public_html/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=59.

18 Welf. & Inst. Code § 636 (d)(3)(B)

19 Welf. & Inst. Code § 636(c); CDSS All County Letter 14-36, available at: <https://www.cdss.ca.gov/inforesources/letters-regulations/letters-and-notices/all-county-letters/2014-all-county-letters>.

20 See “Probation Officer Obligations for Probation Youth in Foster Care,” California Department of Justice, Division of Law Enforcement, Information Bulletin, December 9, 2016, available at: <https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/ib-2016-04-probation.pdf>

21 Youth Law Center, JUVENILE JUSTICE TRANSFORMATION: NAVIGATING THE LEGAL LANDSCAPE, Part 7: A Legal Map of Family and Community Supports in California, June 2020, available at: www.ylc.org/navigate-juvenile-justice-law.

22 Welf. & Inst. Code § 628(a)(3).

cannot serve as a basis for Probation’s decision to detain.²³ Probation should bring any concerns about a possible placement disruption or change in service needs to the youth’s existing child and family team (CFT).²⁴ Every county has a protocol to determine whether and to what extent these youth will have continued contact with the Probation Department.²⁵



Probation may not detain a youth unless it first determines that returning the youth home would be contrary to his or her welfare, and it has evidence that can demonstrate this conclusion to the court. If a youth’s welfare requires temporary or long-term removal from their home, Probation and the juvenile court must take steps to ensure that the youth lives in a family-like setting close to their community and services.

Before Probation decides to bring a youth into detention, it must determine that it would be contrary to their welfare to return home.²⁶ Probation must conduct an investigation and base its decision on evidence that can be put before the court.²⁷ Only if it finds that returning home is contrary to the youth’s welfare can Probation bring the youth into custody.²⁸

Once a youth has been taken into detention, he or she will have a detention hearing, and Probation must conduct an assessment of the need for the removal from home to present to the court at the detention hearing. If Probation is recommending continued detention of the youth, Probation must inform the juvenile court, in writing, the reasons why a youth is at risk of entering foster care placement, including any prior referrals to child protective services and the reasonable efforts made to prevent removal from the home.²⁹ In addition, Probation must identify available services that could allow the youth to return home and any relatives who could provide care of the youth.³⁰

Based on this information, the juvenile court can find that returning home would be contrary to the youth’s welfare despite Probation’s reasonable efforts, that Probation must continue to provide services to the family, and that placement and care responsibility of the youth belongs to the Probation Department in the meantime.³¹ These court orders authorize Probation to detain the youth in a foster care placement prior to the dispositional hearing; the youth need not be detained in juvenile hall during this time.³² If the juvenile

23 Welf. & Inst. Code §§ 628(a)(2), 636(e).

24 See CDSS All-County Letter 18-23, p. 8, available at: <https://www.cdss.ca.gov/Portals/9/ACL/2018/18-23.pdf>.

25 See Welf. & Inst. Code § 241.1.

26 Welf. & Inst. Code § 628(a)(1).

27 *Id.*

28 *Id.* For a full discussion of Probation’s detention obligations, see the Youth Law Center’s publication JUVENILE JUSTICE TRANSFORMATION: NAVIGATING THE LEGAL LANDSCAPE, Part 2: A Legal Map of Youth Detention in California, March 2020, available at: www.ylc.org/navigate-juvenile-justice-law.

29 Welf. & Inst. Code §§ 635(d), 636(c)(2); Cal. Rules of Court, rule 5.760(b).

30 Welf. & Inst. Code § 635(d)(4)-(5).

31 Welf. & Inst. Code § 636(d)(2)-(3); see also Welf. & Inst. Code § 636(e), explaining the process when the court makes the same finding for a young person who is already a juvenile court dependent. In those circumstances, then it must order the Child Welfare Agency—rather than Probation—to place the young person in another foster care placement.

32 Welf. & Inst. Code §§ 636(d)(3), 636.2, 11401(b)(3) & (g)(3)(A)(iii).

court orders a youth's detention, the detention may be in juvenile hall or "other suitable place determined by the court."³³ Section #s 4-8 of this tool describe the available "suitable" options which can be considered as detention locations as well as dispositional options. The same court orders that authorize detention in a suitable placement also open up Title IV-E funds under the federal Social Security Act to support the maintenance and administration costs related to these placements.³⁴

Whenever a youth is detained, Probation has an obligation to investigate and plan for the ultimate disposition of the youth's case, including where the youth will reside. Probation must complete and submit a "case plan" summarizing its reasonable efforts to return the youth home, its plan for ongoing services to the youth and family, and its recommendation for placement as part of the disposition recommendation in the youth's case.³⁵ Probation must complete the case plan within 60 calendar days of removal from the home or by the date of the dispositional hearing, whichever occurs first.³⁶ Whenever Probation is obligated to complete a case plan, which includes any time it recommends a disposition of foster care placement, Probation's case plan must include input from the youth's "child and family team" (CFT).³⁷ The case plan and the child and family team are critical tools for coordinating services and for gathering input from those closest to the youth. They also reduce costs by increasing efficiency.³⁸

A case plan is not merely a report. It is an evolving roadmap for providing services and supports to a youth and family. The plan must be memorialized in a written document, discrete from other probation reports, and updated at specified times.³⁹ Most pertinent to this tool, the case plan must include a recommended foster care placement, including input from the youth's child and family team (CFT), even if Probation and the CFT disagree.⁴⁰

33 Welf. & Inst. Code § 636(a).

34 See "Federal AFDC-FC/ Title IV-E," California Juvenile Justice Practitioners' Toolkit, p.2, available at <https://www.strongnation.org/articles/557-funding-streams>.

35 Welf. & Inst. Code § 636.1. The case disposition is the juvenile equivalent to "sentencing," and takes place only after it is determined that the delinquency allegations against the youth are true. Welf. & Inst. Code §§ 702, 706.

36 Welf. & Inst. Code § 636.1(a).

37 Welf. & Inst. Code §§ 636.1(c), 706.6(b). If Probation does not recommend foster care placement but the court orders placement, Probation has 30 days after the placement order to develop the case plan. Welf. & Inst. Code § 706.5(b).

38 Welf. & Inst. Code § 706.6(a).

39 45 C.F.R. § 1356.21(j)(1).

40 Welf. & Inst. Code § 706.6(b)(3)(A); see also CDSS ACL 18-23, available at: <https://www.cdss.ca.gov/Portals/9/ACL/2018/18-23.pdf?ver=2018-06-01-160245-447>.

Although many jurisdictions equate foster care placement with short-term residential therapeutic programs (STRTPs) and other forms of group care,⁴¹ placement in group care comes with documented harmful effects that have prompted both state and federal lawmakers to urge county agencies, including Probation Departments, to reform their placement array and increase the number of service-wrapped, family-based placements near a young person's community.⁴² California law makes clear that an appropriate placement is:

- ✦ the least restrictive,
- ✦ most family-like environment,
- ✦ that promotes normal childhood experiences,
- ✦ in close proximity to the minor's home,
- ✦ that meets the minor's best interest and special needs.⁴³

The case plan must show that Probation has considered the least restrictive placement options first, following this order of priority:

- ✦ placement with relatives and non-relative extended family,
- ✦ foster family homes,
- ✦ treatment foster homes,
- ✦ group care placements,
- ✦ out-of-state residential treatment.⁴⁴

In other words, Probation cannot place a youth in a group home, short-term residential therapeutic program (STRTP), or any out-of-state placement without first considering the less restrictive alternatives listed above.

Section #s 4-8 below describe the types of non-custodial residential settings that may be appropriate for a young person as detention or dispositional options, in order of priority. The majority of these options are eligible for reimbursement through Title IV-E of the federal Social Security Act (covering portions of maintenance, administrative, and training costs related to placement) and Medicaid (covering about half of eligible costs), or utilize another federal or state funding stream, and therefore are more cost-effective for counties than custodial programming.

41 According to California Child Welfare Indicators Project data from October 2019, 60% of all minors placed in foster care through Probation were placed in group care. http://cssr.berkeley.edu/ucb_childwelfare/PIT.aspx.

42 See generally CDSS, "Continuum of Care Reform," available at: <https://www.cdss.ca.gov/inforesources/continuum-of-care-reform>; National Council of State Legislatures, "Family First Prevention Services Act," available at: <https://www.ncsl.org/research/human-services/family-first-prevention-services-act-fpsa.aspx>; Dozier, M. et al. (2014). Consensus Statement on Group Care for Children and Adolescents: A Statement of Policy of the American Orthopsychiatric Association. *American Journal of Orthopsychiatry* 83, 219-225.

43 Cal. Rules of Court, rule 5.790(h)(3).

44 Welf. & Inst. Code § 706.6(d).



Starting from detention, Probation must prioritize placement in the home of a relative or non-relative extended family member above all other options.

California’s juvenile court laws mandate that family-based placements take priority over more restrictive or congregate (i.e., “group”) settings whenever it is in the youth’s best interests.⁴⁵ Research demonstrates certain unique benefits related to placement with relatives.⁴⁶ It is Probation’s duty to identify and notify relatives “as early as possible” (and within 30 days) after a youth is detained and determined to be at risk of entering foster care placement.⁴⁷ Specifically, Probation must identify and locate all grandparents, adult siblings, and other relatives, including relatives suggested by the youth’s parents.⁴⁸ The Probation officer must use “due diligence” in investigating family names and locations, and should ask the child “in an age-appropriate manner” about relatives who are important to the child.⁴⁹ Relatives can also include “non-relative extended family members” who have a family-like or mentoring relationship with the young person even though they are not technically related.⁵⁰

As Probation identifies and locates the youth’s relatives, it must notify these relatives that the youth has been removed from their parents’ custody and that, as relatives, they can participate in the youth’s placement and care decisions and potentially become a placement option for the youth.⁵¹ Probation must give relatives all of the information they need to understand the services and financial resources they can receive as a formal placement for the young person.⁵²

To formally place a young person in any foster care setting, including with a relative, the juvenile court must make the necessary findings under Title IV-E of the federal Social Security Act.⁵³ The court makes these findings at various times in the young person’s case, starting at the detention hearing.⁵⁴ At the detention hearing, the juvenile court must determine whether Probation exercised due diligence in identifying, locating, and notifying family members about the youth’s circumstances.⁵⁵ The court has authority to order Probation to undertake additional activities to support a due diligence finding.⁵⁶

In order for a relative to serve as a placement for the youth, the relative must be approved as a “resource family.” Although every home-based foster care placement must be approved as a resource family by the local Child Welfare Agency or Probation Department, Probation may release a child to a relative or non-relative extended family

45 Welf. & Inst. Code § 281.5; Cal. Rules of Court, rule 5.790(h)(3).

46 Heidi Redlich Epstein, “Kinship Care is Better for Children and Families” (2017), available at: https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-36/july-aug-2017/kinship-care-is-better-for-children-and-families/.

47 Welf. & Inst. Code § 628(d)(1)-(2); see also Welf. & Inst. Code § 628(d)(4).

48 Welf. & Inst. Code § 628(d)(2). The legal definition of a relative is broad and includes adults who are related to the youth by blood, adoption, or marriage, as well as “great” or “great-great” relatives. Welf. & Inst. Code § 727.4(d)(6); Cal. Rules of Court, rule 5.502(34).

49 Welf. & Inst. Code § 628(d)(3).

50 Welf. & Inst. Code § 727(a)(4)(A) (citing Welf. & Inst. Code § 362.7).

51 Welf. & Inst. Code § 628(d)(2)(A)-(B).

52 *Id.*

53 Welf. & Inst. Code §§ 11401(b) & (g)(3)(A); see also Judicial Resources and Technical Assistance Project, Center for Families, Children & the Courts, “Recommended Title IV-E Findings and Orders,” available at: https://www.cpoc.org/sites/main/files/file-attachments/2_title_ive_gray.072417.kd_.pdf?1513012079.

54 See Welf. & Inst. Code §§ 636(d), 727(a)(4), 778; Cal. Rules of Court, rules 5.760(e), 5.790. Because these Title IV-E findings are made at detention, all of the Title IV-E placement options discussed in this document are also available as non-custodial detention options under Section 636(a).

55 Cal. Rules of Court, rule 5.790(f)-(g).

56 *Id.*

member pending approval once that relative clears a basic background check and home inspection.⁵⁷ Within five business days of this “emergency” placement, Probation should ensure that the relative submits an application to begin the process for resource family approval (RFA).⁵⁸

While placement with a relative is considered a less restrictive placement, Probation is obligated to play a key role in coordinating treatment and services to meet the youth’s level of need in the relative’s home, and the juvenile court is responsible for reviewing Probation’s compliance in facilitating the services described in the youth’s case plan.⁵⁹ For more information about these services, see the Youth Law Center’s publication, *Juvenile Justice Transformation: Navigating the Legal Landscape, Part 7: A Legal Map of Family and Community Supports in California*.⁶⁰

The case planning and child and family team (CFT) obligations that Probation must fulfill are mechanisms specifically designed to assess and coordinate these services and support the success of the family placement. Moreover, placement with a relative can lead to a permanent plan of guardianship or adoption, a permanent legal relationship that the juvenile court can establish by court order before it dismisses the youth’s delinquency case.⁶¹



Probation Departments can meet their obligation to prioritize family-like placements by contracting with foster family agencies and county mental health programs.

When developing a case plan for a young person who cannot safely return home and cannot be placed with a relative, but who wants to reside in a family-like environment, the Probation Department is obligated to have foster homes available to meet a young person’s placement needs.⁶² To meet this obligation, Probation can contract with a foster family agency or their local county mental health agency to match the young person with a foster home.

Placement through a foster family agency (FFA) is common for youth in the child welfare system, but occurs less frequently for young people in the delinquency system. Placement with a resource family through an FFA is a foster care placement that requires findings under Title IV-E of the federal Social Security Act at the detention hearing, and appropriate orders at the dispositional hearing. A foster family agency is usually a nonprofit organization, although county agencies can operate as FFAs, as well.⁶³ FFAs specialize in recruiting, approving, training, and supporting resource parents.⁶⁴ In addition, they can provide services to relative caregivers and other resource parents not otherwise connected to an FFA.⁶⁵ In

57 Welf. & Inst. Code § 727.05(a)-(c).

58 Welf. & Inst. Code § 727.05(d); see also Welf. & Inst. Code § 16519.5 (resource family approval statute)

59 42 U.S.C 675(5)(A); Welf. & Inst. Code §§ 706.5(c), 727.2(e), 727.3.

60 Youth Law Center, *JUVENILE JUSTICE TRANSFORMATION: NAVIGATING THE LEGAL LANDSCAPE, Part 7: A Legal Map of Family and Community Supports in California*, June 2020, available at: www.ylc.org/navigate-juvenile-justice-law.

61 Welf. & Inst. Code §§ 727.3, 728(d).

62 See Welf. & Inst. Code § 16001(a) (requiring counties to regularly evaluate the county’s “placement resources and programs in relation to the needs of children placed in out-of-home care,” “identify the type of additional placement resources and programs needed,” and “identify the additional placement resources and programs which need to be developed and available to allow a child to remain within the county and as close as possible to his or her home.”); see also Welf. & Inst. Code §§ 16501.1(d)(1); 11462.041(b)(2); 11462.041(c)(1).

63 Health & Safety Code § 1502(a)(4).

64 Health & Safety Code § 1502(a)(4)(A).

65 Health & Safety Code § 1502(a)(4)(C).

partnership with a Probation Department, FFAs can lead targeted recruitment and training for resource parents interested in matching with a youth on probation. FFAs operate throughout the state of California and may already be connected to Probation Departments as providers of other services, such as Wraparound mental health services.⁶⁶

For young people with complex behavioral, physical, educational, family, and health care needs, Probation’s case plan must address possible home-based placement with therapeutic services, such as an intensive services foster care (ISFC) resource family. Many FFAs offer ISFC placements, which refers to homes with “specially trained resource parents and intensive professional and paraprofessional services and support.”⁶⁷ ISFC is designed to help young people to remain in a home-based setting instead of spending time in a group residential program.⁶⁸ An ISFC home can also serve as a supportive transition to the home of a relative or to an independent living program after exiting a group residential program, or as a detention location for youth awaiting competency proceedings or restoration.⁶⁹



Probation must develop case plan goals that prepare transition age youth (16+) for independent living. Transition age youth may live in supervised independent living settings, even while still under probation supervision.

Probation is legally required to develop a transitional independent living plan (TILP) for any youth with a foster care placement order who is 16 years of age or older.⁷⁰ If Probation’s case plan and TILP indicate that a youth is ready to develop independent living skills in a supportive transitional setting, Probation must explore transitional housing or another appropriate supervised independent living option.⁷¹ Although some Probation Departments reserve use of these living options until the young person is off probation and participating in extended foster care under the juvenile court’s transition jurisdiction,⁷² the law clearly allows Probation to place eligible youth who are still on probation in a supervised independent living setting, as long as the juvenile court has previously made the required findings under Title IV-E of the federal Social Security Act and the required orders for foster care placement.⁷³

Transitional housing is available for both minors and young adults. Probation can place 16- and 17-year-old youth in a transitional housing placement program for minors (THP-M).⁷⁴ Likewise, Probation can place young adults up to age 21 in a transitional housing placement program for non-minors (THP-NMD). The California Department of Social Services (CDSS)

66 The California Department of Social Services maintains a list of nearly 200 foster family agencies, *available at*: <https://www.cdss.ca.gov/inforesources/continuum-of-care-reform/ffa>.

67 Welf. & Inst. Code § 18360(c).

68 Welf. & Inst. Code § 18360(c); *see also* the California Department of Social Services’ ISFC providers list, *available at*: <https://www.cdss.ca.gov/inforesources/continuum-of-care-reform/ffa>.

69 *See* Welf. & Inst. Code §§ 709(e), 18360(c).

70 Welf. & Inst. Code § 16501.1(g)(16)(A)(ii).

71 Welf. & Inst. Code §§ 16501.1(d)(3) & (g)(16)(A)(ii).

72 *See* Welf. & Inst. Code § 450.

73 Welf. & Inst. Code §§ 727(a)(4)(G), 11403.2; CDSS All-County Letter 11-85, pp. 2-6, *available at*: <https://www.cdss.ca.gov/lettersnotices/entres/getinfo/acl/2011/11-85.pdf>.

74 Welf. & Inst. Code §§ 11403.2(a)(1), 16522.1.

licenses transitional housing placement programs upon certification by the THP program's county that the program is needed and that its staffing and operations meet the needs of the county's transition age foster youth population.⁷⁵ THP-M programs have higher mandatory staff-to-participant ratios than THP-NMD programs and may have more program policies on topics like school expectations, visitors, and curfew.⁷⁶ THP-NMD programs also have discretion to implement these policies, but they often offer more autonomy and flexibility for their young adult participants.⁷⁷ There are no time limits on transitional housing programs as long as the young person is in foster care and meets the age requirements.⁷⁸ These programs are designed to provide supportive services in addition to housing, so it is important for Probation to coordinate with the transitional housing provider to ensure the provision of services and modify probation conditions accordingly.

Sometimes, a young adult's case plan requires a more flexible independent living setting. Perhaps the young person is moving away for college, has an adult resource who can better meet their needs than a transitional housing program can, or has identified a place to stabilize after a period of homelessness and before entering transitional housing. In those instances, Probation may place young adults (up to age 21) in a supervised independent living placement (SILP).⁷⁹ SILP placements come with a subsidy that allows the young person to pay rent to live either on their own (i.e. in a college dorm, SRO, or apartment), with a friend or relative (this often is a more affordable option), or in a community-based program that has a housing component (such as Job Corps). Probation can also use SILP subsidies to support a young person residing in an adult residential treatment facility or a Regional Center-vendored community care facility.⁸⁰ The youth's Probation officer is responsible for inspecting the placement, approving and securing funding for the SILP, and approving consecutive SILPs if the young person moves.⁸¹ As with all other placement options, Probation can pair a SILP with supportive services to ensure that the youth is making progress on their independent living goals.⁸²

Probation can also approve a SILP placement for young adults residing in the home of a parent, which can serve as an important transition for youth who turn 18 in out of home placement.⁸³ This arrangement can provide critical resources and services to help a young person reenter their community and navigate the challenging transition to adulthood.

75 Welf. & Inst. Code § 16522.1; Health & Safety Code § 1559.110.

76 Welf. & Inst. Code § 16522.1(b).

77 Welf. & Inst. Code § 16522.1(c).

78 Note that a jurisdiction may contain an array of "transitional housing" programs for young adults who are not in care (such as Transitional Living Programs funded by the U.S. Department of Housing and Urban Development) or whose foster care case recently closed (such as THP-Plus programs, which are certified through county agencies). At the request of a young person, Probation may explore approving these programs as supervised independent living placements (SILPs). However, absent a SILP arrangement, referral to and arrangements with these programs do not meet Probation's obligation to provide nonminor dependents with an appropriate, available placement at all times. Also keep in mind that these programs are not THP-NMD placements. Unlike THP-NMD, many of these programs have strict time limits, so they may be more appropriate as part of a young person's transition plan as they prepare to exit extended foster care at age 21, after maximizing their participation in THP-NMD or a SILP. For example, Probation may work with the youth to develop a case plan that includes placement in THP-NMD from age 18 to age 21, followed by a transition to a two-year transitional living program when the youth ages out of extended foster care. By contrast, if Probation's case plan begins with a referral to that two-year transitional living program at age 18, then the youth will time out of the program at age 20, Probation will need to provide another placement until the youth ages out of foster care at age 21, at which point the youth will have to move yet again to another residential option and will not be able to access transitional living program services again.

79 Welf. & Inst. Code §§ 11400(w); CDSS All-County Letter 11-77, pp. 6-11, available at: <https://www.cdss.ca.gov/lettersnotices/entres/getinfo/acl/2011/11-77.pdf>.

80 See Welf. & Inst. Code § 11402(j); U.S. Department of Health & Human Services, Administration for Children & Families, Children's Bureau, Child Welfare Policy Manual 8.3A.8d, Question 2, https://www.acf.hhs.gov/cwpm/public_html/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=530.

81 CDSS ACL 11-77, pp. 9-10, available at: <https://www.cdss.ca.gov/lettersnotices/entres/getinfo/acl/2011/11-77.pdf>.

82 See generally ACL 11-77, available at: <https://www.cdss.ca.gov/lettersnotices/entres/getinfo/acl/2011/11-77.pdf>.

83 CDSS All County Letter 17-83, available at: <https://www.cdss.ca.gov/portals/9/acl/2017/17-83.pdf?ver=2017-09-14-131929-100>.



Probation can utilize specialized residential options outside of the juvenile court system for young people with developmental, educational, or mental health needs.

Incarceration and placement in congregate care have well-documented negative effects on youth with disabilities.⁸⁴ Probation can prevent involvement in the juvenile justice system of youth with developmental, educational, or mental health needs. Probation can achieve this by making sure to document any developmental disabilities or mental health diagnoses in the young person’s case plan prior to disposition, and considering a broad array of alternatives to group care, as described above. Probation must also identify as early as possible whether a young person has an “individualized program plan” (IPP) through the Regional Center, an “individualized educational program” (IEP)⁸⁵ through their school district or county office of education,⁸⁶ or a history of receiving specialty mental health services through Medi-Cal. The California Integrated Core Practice Model (ICPM) should guide Probation Departments in their efforts to gather this information and in including other county agency representatives in the child and family team (CFT).⁸⁷ Eligibility for any of these programs may expand the young person’s residential placement and service options beyond the array available through the Probation Department, and thus, connecting a youth to these programs can eliminate the need for juvenile court involvement altogether.

Regional Centers serve individuals of all ages who have substantial developmental disabilities that fall into any of five categories: intellectual disability, cerebral palsy, epilepsy, autism, or disabling conditions that may resemble or require similar treatment to intellectual disability.⁸⁸ Any youth receiving Regional Center services will have an IPP, which is a written agreement with the Regional Center to provide certain services and supports to meet a Regional Center client’s independent living goals.⁸⁹ In developing a case plan, Probation shall include the youth’s Regional Center case manager, or another Regional Center representative, as a member of the child and family team.⁹⁰ The case plan should be compatible with the youth’s Regional Center IPP.⁹¹ The Regional Center case manager can provide services to keep a young person in their home or, if the young person lacks a safe and permanent home, the Regional Center can offer specialized placements in licensed homes, including foster homes.⁹²

Alternatively, or in addition, a young person with learning needs may have an individualized educational program (IEP) through their school district.⁹³ An IEP is a written document that reviews a student’s academic progress, sets forth measurable goals to help the youth make academic progress, and identifies the specialized instruction and related services needed for

84 See, e.g., U.S. Department of Health & Human Services, Administration for Children & Families, Children’s Bureau, *A National Look at the Use of Congregate Care in Child Welfare* (May 13, 2015), available at: https://www.acf.hhs.gov/sites/default/files/cb/cbcongregatecare_brief.pdf; Berkeley Center for Criminal Justice, *Mental Health Issues in California’s Juvenile Justice System* (May 2010), available at: <http://www.modelsforchange.net/publications/263>.

85 Educ. Code § 56345.

86 6.3. For purposes of this tool, we use school district, county office of education, and local educational agency interchangeably.

87 CDSS All-County Information Notice I-21-18, available at: https://www.cdss.ca.gov/Portals/9/ACIN/2018/I-21_18.pdf.

88 Welf. & Inst. Code § 4512(a). These conditions must originate before age 18, but the Regional Center can evaluate and assess an individual at any age, as long as they can document that their condition started when they were a minor.

89 See Welf. & Inst. Code § 4646.

90 Welf. & Inst. Code § 16501(a)(4)(B)(i)(V).

91 Welf. & Inst. Code § 4646(d).

92 See Welf. & Inst. Code § 17736(b).

93 Educ. Code § 56032.

the student to achieve those goals.⁹⁴ The youth’s IEP team convenes regularly to assess the youth’s educational progress and determine the services that are necessary for the youth to benefit from their education, including educational placement. The IEP team may determine that a student’s educational needs require placement in a residential treatment center at the educational agency’s expense.⁹⁵ If a plan for residential placement is documented in the youth’s IEP, then the court may dismiss probation or release the young person to their parents’ home on probation with a plan for enrollment in a residential treatment center pursuant to the IEP. Such a placement can be an alternative to a foster care placement and is not conditioned on the young person’s continued relationship with the juvenile court. Of course, if the young person’s case plan also requires continued foster care services, such as family reunification or permanency planning, then Probation must continue providing those services.⁹⁶ In those circumstances, Probation has a duty to coordinate with educational agencies to ensure educational stability for that young person.⁹⁷

For youth who qualify for Medi-Cal, California’s low-income health insurance program, there is another residential option that, contrary to its name, does not require juvenile court involvement: the county mental health agency’s Therapeutic Foster Care (TFC) program. TFC is a specialty mental health service provided by Medi-Cal’s Early and Periodic Screening, Diagnosis and Testing (EPSDT) program, so it is available to any young person under the age of 21 who qualifies for Medi-Cal and for whom TFC is medically necessary.⁹⁸ Child Welfare Agencies, Probation Departments, and mental health plans have an “affirmative responsibility” to identify, screen, and refer young people who may need TFC.⁹⁹ Counties should keep in mind that the federal Medicaid program reimburses about half of the service and administrative costs associated with community-based treatments like TFC, offering significant county savings as compared to custodial treatment programs, which do not qualify for federal reimbursement.¹⁰⁰

Even if a young person does not qualify for residential placement through the Regional Center, school district, or Medi-Cal, these programs may still provide services that can stabilize young people in the home-based settings described in the previous section. For more information about these services, see the Youth Law Center’s publication, *Juvenile Justice Transformation: Navigating the Legal Landscape, Part 7: A Legal Map of Family and Community Supports in California*.¹⁰¹

94 Educ. Code § 56345.

95 *B.H. v. Manhattan Beach Unified School Dist.*, 35 Cal. App. 5th 563, 582 (2019).

96 See Welf. & Inst. Code § 727.2.

97 Welf. & Inst. Code §§ 706.5(c)(5), 706.6(e)(2).

98 Medi-Cal Manual for Intensive Care Coordination (ICC), Intensive Home-Based Services (IHBS), and Therapeutic Foster Care (TFC) Services for Medi-Cal Beneficiaries, 3d Ed (Jan. 2018), p. 11, available at: https://www.dhcs.ca.gov/Documents/ChildrensMHContentFlaggedForRemoval/Manuals/Medi-Cal_Manual_Third_Edition.pdf.

99 *Id.*

100 *Fulfilling Medi-Cal’s Promise: Extending Home and Community-Based Mental Health Services to Juvenile Justice-Involved Youth in California* (Dec. 2015), p. 5, available at: <https://www.youngmindsadvocacy.org/wp-content/uploads/2015/12/Fulfilling-Medi-Cals-Promise-DEC-2015-YMA2.pdf>.

101 Youth Law Center, *JUVENILE JUSTICE TRANSFORMATION: NAVIGATING THE LEGAL LANDSCAPE, Part 7: A Legal Map of Family and Community Supports in California*, June 2020, available at: www.ylc.org/navigate-juvenile-justice-law.



Group care is available only under specific circumstances and as a last option.

As described throughout this tool, California law mandates certain procedures to ensure that the disposition of a young person's case leads to the most individualized, supportive, and family-like setting possible. Because STRTPs cannot provide this family-like setting, California law places strict requirements on any case plan that includes placement in a short-term residential therapeutic program (STRTP). Most STRTPs were previously licensed as “group homes,” and many people still refer to STRTPs as “group homes.” In 2015, California launched a multi-phase overhaul of its foster care system that aimed to reduce the number of youth in group care placements except when a youth's needs require short-term and intensive treatment.¹⁰² As part of these reforms, all group homes previously serving child welfare and probation foster youth were required to relicense as STRTPs or cease operations.¹⁰³

If Probation determines after receiving input from the child and family team and approval from the county's “Interagency Placement Committee” that a young person requires “short-term, specialized, and intensive treatment,” then it may develop a case plan that includes placement in an STRTP.¹⁰⁴ Probation's case plan must confirm that the young person meets the STRTP eligibility criteria, specify “the need for, nature of, and anticipated duration” of the treatment program, demonstrate that the program can meet the youth's needs, and include a plan to transition the young person to a less restrictive environment.¹⁰⁵ Placement in an STRTP is a foster care placement that requires the juvenile court to make certain findings under Title IV-E of the federal Social Security Act and enter certain orders at detention and disposition. STRTP placements are generally limited to 12 months.¹⁰⁶ STRTPs can be used as emergency placements, but only if a licensed mental health professional determines, in writing, that a youth's needs warrant placement in an STRTP.¹⁰⁷

102 See generally Assembly Bill 403 (2015).

103 This process is ongoing. California Department of Social Services, All-County Information Notice I-73-19 (Dec. 4, 2019), available at: https://www.cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACINs/2019/I-73_19.pdf?ver=2019-12-04-133128-473, provides administrative guidance through the end of December 2020 for the group homes that remain and the counties that are working to transition individual foster youth out of group home care.

104 Welf. & Inst. Code §§ 727(a)(4)(E), 361.2(e)(9), 4096; ACL 17-122, pp. 3-4, available at: <https://www.cdss.ca.gov/Portals/9/ACL/2017/17-122.pdf?ver=2018-01-10-151213-733>. Another narrow exception, under Welf. & Inst. Code § 602.3, allows the court to make a “treatment-based alternative placement order” for a young person adjudicated on a firearm-related felony offense, for which secure commitment is ordinarily required, if the court finds that the young person has a mental health disorder requiring intensive treatment.

105 Welf. & Inst. Code §§ 361.2(e)(9), 11462.01(b) (requiring that the young person must meet the Medi-Cal criteria for specialty mental health services, be assessed to be seriously emotionally disturbed, or have behavioral or treatment needs that can only be met by the level of care provided in a program).

106 Welf. & Inst. Code § 727(a)(4)(E) (requiring chief probation officer approval after 12 months in an STRTP placement).

107 Welf. & Inst. Code § 11462.01(h)(3).



Probation must take steps to avoid long delays in finding an appropriate family-based placement and to minimize placement disruption.

California law has created safeguards to prevent placement delay or instability. If the juvenile court has ordered a young person released home or to a placement, the young person should be released “expeditiously.”¹⁰⁸ The juvenile court must conduct hearings every 15 days that a young person is detained while awaiting placement.¹⁰⁹ When the court finds Probation’s delay to be unreasonable, it shall order Probation to find alternatives to continued detention, including temporary placements.¹¹⁰ Because a case plan identifying a youth’s placement must be completed prior to disposition, significant delays (beyond a few days) should be rare, and placement delays due to belated case planning and CFT are not reasonable.¹¹¹

Once a youth is in placement, Probation cannot change the placement without first implementing a placement preservation strategy, and, if the strategy is not successful, providing 14 days’ notice of the change, with narrow exceptions.¹¹² Also, Probation cannot remove a young person from placement and put them in detention on a probation violation except in specific circumstances.¹¹³



Probation’s planning, service coordination, and placement obligations are consistent with Probation’s legal duties to avoid commitment of youth whenever possible.

When a youth has been removed from home, either temporarily or as part of a foster care case plan, Probation has extensive planning and service coordination obligations and an array of less restrictive, community-based detention and placement options. The points of law discussed in this tool are consistent with California’s laws on temporary custody, detention, and commitment, which give Probation Departments broad discretion to release youth from secure detention in most circumstances.¹¹⁴ Ensuring that Probation Departments fulfill their case planning and service coordination obligations early and explore all available placement options is essential to avoiding incarceration of youth whenever possible. Reducing the number of youth commitments has many advantages for youth and their communities. In addition, because these options come with federal funding, they allow counties to save and reinvest critical resources that would otherwise be spent on county-funded custodial programs.¹¹⁵

108 Welf. & Inst. Code § 737(e).

109 Welf. & Inst. Code § 737(b).

110 Welf. & Inst. Code § 737(d).

111 See Welf. & Inst. Code § 636.1(a).

112 Welf. & Inst. Code § 16010.7.

113 Welf. & Inst. Code § 777 (allowing notice of a probation violation only when seeking to order a young person residing at home *into* foster care placement, or when seeking to commit any youth to a county institution or the Division of Juvenile Justice); *In re Brent F.*, 130 Cal. App. 4th 1124, 1127 (2005) (“[S]ection 777 is the exclusive statutory mechanism for a juvenile court to modify a prior placement order by committing a ward of the court to CYA [DJJ].”)

114 For a full discussion of laws governing youth detention, see the Youth Law Center’s publication, *JUVENILE JUSTICE TRANSFORMATION: NAVIGATING THE LEGAL LANDSCAPE*, Part 2: A Legal Map of Youth Detention in California, March 2020, available at: www.ylc.org/navigate-juvenile-justice-law.

115 See Annie E. Casey Foundation, *No Place for Kids: The Case for Reducing Juvenile Incarceration* (2011), 17-22, available at: <https://www.aecf.org/resources/no-place-for-kids-full-report/>.



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