



1971

Juvenile

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Recommended Citation

University of the Pacific, McGeorge School of Law, *Juvenile*, 3 MCGEORGE L. REV. 356 (1972).

Available at: <https://scholarlycommons.pacific.edu/mlr/vol3/iss1/28>

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Juvenile

Juvenile Court; procedure

Welfare and Institutions Code §§625.5 (new); 509, 514, 576.5, 729, 777 and 871 (amended).

SB 463 (Kennick); STATS 1971, Ch 641

Authorizes any judge of juvenile court to make specified annual inspection of facilities; includes, as a probation officer, social workers supervising dependent children; authorizes service of notice by personal service; includes, as a basis for a supplemental petition, the fact that previous disposition was ineffective in the protection of a minor; authorizes juvenile court, after conducting a detention hearing, to detain a minor pending adjudication of a supplemental petition.

Section 509 on the Welfare and Institutions Code is amended to provide that any judge of the juvenile court, rather than only the presiding judge, shall inspect annually, any jail, juvenile hall or lockup which, in the preceding calendar year was used for confinement of a minor under the age of 18, for more than 24 hours.

Section 514 of the Welfare and Institutions Code is amended to include in the definition of a probation officer, any social worker who, pursuant to §576.5 of this code is supervising children declared to be dependent children of the court.

Section 576.5 of the Welfare and Institutions Code, as amended, now provides that the board of supervisors may delegate to the county welfare department those duties specified in §625.5 of this code concerning dependent children.

Section 625.5 is added to the Welfare and Institutions Code to provide that a social worker acting within the scope of his regular duties or pursuant to §576.5, may do the following:

(a) Receive and maintain, pending a court hearing, temporary custody of a minor under age 18 who is described in §600 and who has been delivered by the probation officer.

(b) Receive and maintain in temporary custody without a warrant, a minor under age 18 who has been declared a dependent child of the juvenile court pursuant to §600, and is in need of such care.

Section 729, which relates to the continuation of a hearing, the duties of a probation officer pursuant to such a hearing, and the notice required, is amended to provide that a notice of hearing may be *personally served* on a person not earlier than 30 days preceding the date to which the hearing was continued.

Section 777(a) is amended to provide as an additional basis, that the *protection of a minor* is a ground for the filing of a supplemental petition to modify a previous order effecting custody of a minor. Prior to amendment rehabilitation was the basis for a filing of such a petition. Section 777(c) is added to provide that an order for the detention of the minor pending adjudication of the petition may be made only after a hearing is conducted pursuant to Article 6 (Temporary Custody and Detention) of Chapter 2 (Juvenile Court Law).

See Generally:

- 1) 3 WITKIN, SUMMARY OF CALIFORNIA LAW, *Parent and Child* §§144A, 151A, 152A, 162A, 188A, 196A, 198A (Supp. 1969).
- 2) CONTINUING EDUCATION OF THE BAR, *California Juvenile Court Practice* §§ 145, 146, 158, 160, 193 (1968).
- 3) REVIEW OF SELECTED 1969 CODE LEGISLATION, CONTINUING EDUCATION OF THE BAR 222.

Juvenile; referees, attorney general

Welfare and Institutions Code §§553, 681 (as added by Ch 1355 STATS 1967), and 739 (amended); §§553.1 and 681 (as added by Ch 507 STATS 1967) (repealed).

SB 456 (Kennick); STATS 1971, Ch 640

SB 471 (Moscone); STATS 1971, Ch 639

Section 553 of the Welfare and Institutions Code provides for the appointment of referees by the juvenile court. All referees appointed after the effective date of this amendment must have been admitted to the practice of law in California for at least 5 years, or admitted to practice law in another state and California for a total of 10 years. All referees appointed on or after September 15, 1961, and before 1971, must have been admitted to practice before the Supreme Court of California for 5 years or have had 5 years experience in probation work at the supervisory level, or a combination of both for an aggregate of at least 5 years. A probation officer, who is not an attorney, may no longer be appointed as a referee.

Section 681 (added STATS 1967, Ch 1355) is amended to provide that the district attorney *shall*, with the consent or at the request of the juvenile court, participate in juvenile court hearings when the minor

who is the subject of the hearing is represented by counsel. The district attorney shall also participate in hearings, and represent the minor in the interest of the state, when the minor is described in the petition as being in need of proper and effective control, as not being provided with the necessities of life, or as being in an unfit home (§600a & b), and the person having care or custody of the minor, or residing in the home of the minor, is charged with criminal acts against the minor.

In 1967 the legislature passed two sections numbered 681; section 681 added by STATS 1967, Ch 507 is repealed.

Section 739, which specifies situations under which minors who are in the custody of the court or the probation department may receive medical, surgical, or dental care, now provides that the mother of any person described in §739, whether or not she is 21, may authorize medical, surgical, dental or other remedial care for such child.

See Generally:

- 1) 3 WITKIN, *SUMMARY OF CALIFORNIA LAW, Parent and Child* §§146A, 183A-1, 166A, 193A, (Supp. 1969).
- 2) CONTINUING EDUCATION OF THE BAR, *California Juvenile Court Practice* §§11, 95, 146, 163, 187, 191 (1968).

Juvenile; court proceedings

Welfare and Institutions Code §§682, 700.5 (new); 558, 559 (amended).
SB 457 (Kennick); STATS 1971, Ch 698

Section 682 (a) is added to the Welfare and Institutions Code to allow the court, upon request of counsel for the minor, to continue a hearing beyond the time limit within which the hearing is otherwise required to be held. Subsection (b) of §682 provides that in any case in which the minor is represented by counsel and no objection is made to an order continuing any such hearing, "the absence of such an objection shall be deemed a consent to the continuance."

Section 700.5 is added to the Welfare and Institutions Code to provide that in a proceeding to declare a minor a ward or dependent child of the court, the court may grant a 10 day continuance if it is satisfied that such continuance is necessary to assure the availability of a necessary witness.

Section 558 of the Welfare and Institutions Code is amended to provide that if a minor, his parent or guardian applies to the juvenile court for a rehearing of the order and finding of a referee, such application

must now contain the reasons why such rehearing is requested. If an application for rehearing is not granted within 20 days, it shall be deemed denied unless the court, for good cause, extends the period. In any event, the court may not extend the period beyond 45 days from the date of receipt of the application.

Section 559 of the Welfare and Institutions Code provides that a judge of the juvenile court may, on his own motion, order a rehearing of any matter heard before a referee. Chapter 698 amends this section to require a judge of the juvenile court to make such motion within 20 judicial days from the hearing before a referee.

Prior to the enactment of Chapter 698, Section 558 did not allow the court to extend the period in which an application for rehearing could be granted beyond 20 days. Section 559 did not require the judge of the juvenile court to make his motion for rehearing within 20 judicial days from the hearing before a referee.

See Generally:

- 1) 3 WITKIN, SUMMARY OF CALIFORNIA LAW, *Parent and Child* §147A (Supp. 1969).
- 2) CONTINUING EDUCATION OF THE BAR, *California Juvenile Court Practice* 40, 42, 118, 154-156 (1968).

Juvenile; traffic hearings

Welfare and Institutions Code §§562, 563 (amended).
SB 1192 (Deukmejian); STATS 1971, Ch 532

Section 562 of the Welfare and Institutions Code is amended by Chapter 532 to include a violation of Penal Code §602(m) (driving a vehicle upon another's land without permission) among those cases enumerated in §562 wherein a traffic hearing officer, subject to the orders of the juvenile court, may hear and dispose of cases involving a minor under the age of 18 years as of the date of the alleged offense.

Section 563 provides authority for a minor to consent to a hearing, based upon a copy of notice to appear in lieu of a petition, before a traffic hearing officer, or before a referee or a judge of the juvenile court wherein such minor is charged with specified offenses. This section is now amended to include alleged violations of Penal Code §602(m) among those specified offenses.

See Generally:

- 1) REVIEW OF SELECTED 1967 CODE LEGISLATION, CONTINUING EDUCATION OF THE BAR 235, 240; REVIEW OF SELECTED 1968 CODE LEGISLATION, CONTINUING EDUCATION OF THE BAR 261.
- 2) 3 WITKIN, SUMMARY OF CALIFORNIA LAW, *Parent and Child* §§149A, 150A, 178A (Supp. 1969).

Juvenile; procedures

Education Code §13013 (new); Welfare and Institutions Code §§628, 657 (amended); §1801.5 (new).
SB 1492 (Moscone); STATS 1971, Ch 1337
SB 1094 (Gregorio); STATS 1971, Ch 1389

Makes various changes in procedures relating to minors under juvenile court law as well as minors taken out of school by peace officers.

Section 628 of the Welfare and Institutions Code provides for the investigation and release of a minor taken into temporary custody pursuant to Article 5 commencing with §627.5 (Temporary Custody and Detention) of this code. Chapter 1389 amends §628 to provide that a minor shall not be released to his parent, guardian or relative if continued detention of the minor is a matter of immediate and urgent necessity for the protection of the minor, as well as the person or property of another.

Section 657 of the Welfare and Institutions Code provides for the time for a hearing in the juvenile court. Chapter 1389 adds to §657 the provision that a minor who is alleged to come within the provisions of §§601 or 602, may at the detention hearing, or any time thereafter, with the consent of counsel, admit in court the allegations of the petition and waive the jurisdictional hearing.

Section 1801.5 is added to the Welfare and Institutions Code to provide that if a person is ordered returned to the Youth Authority following a hearing by the court, he, or his parent or guardian may, within 10 days after the making of such order, file a written demand that the question of whether the minor is physically dangerous to the public be tried by a jury. The court shall summon a jury and set the attendance date not less than 4 nor more than 30 days from the date of the demand for a jury trial. The court shall submit to the jury the question of whether the person is physically dangerous to the public because of his mental or physical deficiency, disorder, or abnormality.

Section 1801.5 further provides that the court's previous order entered pursuant to §1801 (Notice to person detained and parent or guardian; hearing; order for continued treatment or discharge) shall not be read to the jury, nor alluded to in such trial. The trial shall be had as provided by law for the trial of civil cases and shall require a verdict by at least three-fourths of the jury.

Section 13013 is added to the Education Code to provide that when

a principal or other school official releases a minor pupil to a peace officer for the purpose of removing the minor from the school premises, such school official shall take immediate steps to notify the parent, guardian, or responsible relative of the minor regarding the release of the minor to such officer, and regarding the place to which the minor is reportedly being taken.

COMMENT

Under existing law, §1800 of the Welfare and Institutions Code allows detention of a youth if the discharge of such youth would be physically dangerous to the public because of the youth's mental or physical condition. The Youth Authority Board must apply to the court for an order detaining the youth and under §1801, of this code, the court must notify the youth's parent, guardian, or court-appointed guardian of the application for detention. The court may then after the hearing, detain the youth or discharge him from the control of the Youth Authority.

Section 1801.5 would allow for a jury trial to determine if the youth is physically dangerous to the public prior to commitment pursuant to §§1800 and 1801.

See Generally:

- 1) 34 OPS. ATT'Y GEN. 93 (1959).
- 2) *In re Valenzuela* 275 Cal. App. 2d 483 (1969).
- 3) 3 WITKIN, SUMMARY OF CALIFORNIA LAW, *Parent and Child* §§131, 133, 135 (1963); §§167A-185A (Supp. 1969).
- 4) 2 PAC. L.J., REVIEW OF SELECTED 1970 CODE LEGISLATION 482 (1971).

Juvenile; minors taken into custody

Welfare and Institutions Code §627 (amended).

AB 723 (Sieroty); STATS 1971, Ch 1030

Allows a minor taken into custody two completed phone calls within three hours after confinement.

Subsection (a) of Section 627 of the Welfare and Institutions Code provides that when an officer takes a minor before a probation officer at a juvenile hall or any other place of confinement pursuant to Article 6 (Temporary Custody and Detention), he shall take immediate steps to notify the minor's parent, guardian, or a responsible relative that such minor is in custody and the place where he is being held.

Chapter 1030 adds subsection (b) to Section 627 to provide that except where physically impossible, within three hours after such minor has been taken into custody, the minor has the right to make at

least two phone calls at his own expense and in the presence of a public officer or employee: one call completed to his parent, guardian, relative, or employer and the second call completed to an attorney. Subsection (a) further provides that it is a misdemeanor for a public employer or employee to willfully deprive a minor of this right.

See Generally:

- 1) 32 OPS. ATT'Y GEN. 46 (1958).
- 2) 1 WITKIN, SUMMARY OF CALIFORNIA LAW, *Parent and Child* §169A (Supp. 1969).
- 3) *Ex parte Moilanen*, 104 Cal. App. 2d 835 (1951).

Juvenile; detention of minors

Welfare and Institutions Code §§631, 737 (amended).
AB 2310 (Murphy); STATS 1971, Ch 1543

Section 631 of the Welfare and Institutions Code provides that whenever a minor under the age of 18 is taken into custody (except when such minor willfully misrepresents himself as 18 or more years of age), he shall be released within 48 hours unless a petition is filed to declare him a ward of the court or a dependent child, or a criminal complaint against him has been filed.

Chapter 1543 amends §631 to provide that if a minor is detained for more than 6 hours, and is released and no petition is filed, the probation officer shall prepare a written explanation of the detention within 72 hours from the release of the minor. The explanation shall be kept in the record of the case, and a copy shall be sent to the minor's parent, guardian, or other person having care or custody of the minor.

Section 737 of the Welfare and Institutions Code provides that whenever a person has been adjudged a ward or dependent child of the juvenile court and has been committed or otherwise disposed of, such minor may be detained in the detention ward, or, if the minor is 18 years of age or more, he may be detained in the county jail or otherwise until the execution of the order of commitment or other disposition. Chapter 1543 amends §737 to provide that in any case where a minor is detained more than 15 days, the court shall review the case every 15 days to determine if the delay is reasonable. During the review, the court shall inquire into the action taken by the probation department in carrying out its order, the reasons for the delay and the effect of the delay upon the minor.

Prior to the enactment of Chapter 1543, §631 did not require a written statement of why a minor was held for more than 6 hours and

released without filing a petition. Section 737 did not require a review every 15 days to determine whether the delay in holding the minor was reasonable.

See Generally:

- 1) 3 WITKIN, SUMMARY OF CALIFORNIA LAW, *Parent and Child* §190A (Supp. 1969).
- 2) REVIEW OF SELECTED 1969 CODE LEGISLATION, CONTINUING EDUCATION OF THE BAR 222; CONTINUING EDUCATION OF THE BAR, *California Juvenile Court Practice* §§36, 39, 176, 180, 184 (1968).

Juvenile; standard of proof

Welfare and Institutions Code §701 (amended).
AB 2927 (Fong); STATS 1971, Ch 934

Section 701 of the Welfare and Institutions Code provides that at the hearing in the juvenile court, the court shall first consider the question whether the minor is a person: described in Welfare and Institutions Code §600 (Persons subject to jurisdiction); §601 (Minors refusing to obey parents, habitually truant, or in danger of leading an immoral life); or §602 (Minors violating laws defining a crime of failing to obey a court order). [See generally, CONTINUING EDUCATION OF THE BAR, *California Juvenile Court Practice* §§49, 120-121, 124-127, 131, 186, 188 (1969)].

Any relevant matter or information may be introduced to determine whether a minor comes under the jurisdiction of the juvenile court. However, to determine whether a minor is a person described by §602, section 701 has been amended to require that proof beyond a reasonable doubt supported by evidence, legally admissible in the trial of criminal cases, be shown. Only a preponderance of evidence legally admissible in the trial of civil cases is necessary to determine if a person is subject to §600 or §601 of this code.

Prior to this amendment, a preponderance of evidence was sufficient to support a finding that a minor is a person described in §602.

See Generally:

- 1) *In re Winship*, 397 U.S. 358 (1970).
- 2) 3 WITKIN, SUMMARY OF CALIFORNIA LAW, *Parent and Child* §§127, 180A, 184A, 186A, 186A-1 (Supp. 1969).

Juvenile; dismissal of cases

Welfare & Institutions Code §782 (new).
SB 461 (Kennick); STATS 1971, Ch 607

Section 782 is added to the Welfare and Institutions Code to provide

that at any time before a minor reaches the age of 21, a judge of the juvenile court in which a petition was filed may dismiss the petition or set aside the findings and dismiss the petition if the court finds that the interests of justice and the welfare of the minor require such dismissal or it finds that the minor is not in need of treatment or rehabilitation. This section further provides that the court shall have jurisdiction to order such dismissal or setting aside of the findings and dismissal regardless of whether the minor is, at the time of such order, a ward or dependent child of the court.

See Generally:

- 1) Glen, *The Coming of Juvenile Justice System*, 23 CALIF. YOUTH AUTH. Q. 2 (Fall 1970).

Juvenile; destruction of court records

Welfare and Institutions Code §826 (amended).
AB 887 (Moorhead); STATS 1971, Ch 1062

Section 826 (a) of the Welfare and Institutions Code allows the destruction of all records and papers in a proceeding concerning a minor after 5 years have lapsed from the termination of jurisdiction over such minor by the juvenile court. However, the juvenile court record, any minute book entries, dockets, and judgment dockets shall not be destroyed.

Chapter 1062 amends §826 to provide that in juvenile traffic matters, the juvenile court record, any minute book entries, dockets, and judgment dockets may be destroyed after 5 years from the date the jurisdiction of the juvenile court over such minor has terminated. Chapter 1062 does not require that the original record be microfilmed or photocopied prior to such destruction.

Prior to the enactment of Chapter 1062, §826 allowed the juvenile court record, any minute book entries, dockets, and judgment dockets in juvenile traffic matters to be destroyed only if the original records were first photocopied or microfilmed.

See Generally:

- 1) 3 WITKIN, SUMMARY OF CALIFORNIA LAW, *Parent and Child* §§199A, 201A (Supp. 1969).

Juvenile; youth authority

Welfare and Institutions Code §1756.5 (repealed).
AB 693 (Arnett); STATS 1971, Ch 782

Chapter 782 repeals Section 1756.5 of the Welfare and Institutions

Code. This section provided that whenever the Youth Authority found that any person committed to the authority was feeble-minded, insane, mentally ill, a sexual psychopath, or a defective or psychopathic delinquent, it was allowed to return the person to the committing court for discharge from the control of the Youth Authority and for recommitment and placement in the appropriate state institution.

COMMENT

The apparent purpose for the repeal of §1756.5 is that the Youth Authority is now authorized to place a minor with the Department of Mental Hygiene for care and treatment without losing jurisdiction over such minor (Welfare and Institutions Code §1756). Hence it is not necessary to return the minor to the committing court for discharge from the control of the Youth Authority and for recommitment and placement in a state institution.

Juvenile; court appointed attorneys

Government Code §27706; Welfare and Institutions Code §634 (amended).

SB 462 (Kennick); STATS 1971, Ch 667

Section 27706 of the Government Code, which prescribes the duties of the public defender, is amended to provide that the public defender shall, upon order of the court, represent any person who is entitled to be represented by counsel but is not financially able to employ counsel in proceedings under the Arnold-Kennick Juvenile Court Law (Welfare and Institutions Code §500 *et seq.*).

Prior to this amendment, section 27706 limited representation by the public defender in juvenile court proceedings to those concerned with a person alleged to be or who has been found to be within the description of Sections 600, 601 or 602 of the Welfare and Institutions Code.

Section 634 of the Welfare and Institutions Code specifies the situations in which the court may appoint counsel for those involved in juvenile court proceedings. One such situation arises when the court determines that there is a conflict of interest between a parent or guardian and child such that one attorney could not properly represent both.

Section 634 left the question of whether or not additional counsel should be appointed to the discretion of the court by providing that "the

court *may* appoint counsel.” Chapter 667 has deleted the word “may” from the section, and replaced it with the word “shall”.

See Generally:

- 1) 3 WITKIN, SUMMARY OF CALIFORNIA LAW, *Parent and Child* §§172A, 185A (Supp. 1969).

Juvenile; parent and child

Civil Code §232.9 (amended).

AB 1904 (Warren); STATS 1971, Ch 1077

Section 232.9 of the Civil Code authorizes the State Department of Social Welfare, a county welfare department, a county adoption department, or a county probation department to initiate an action to declare a child free from the custody and control of his parents [*See generally* 2 PAC. L. J., REVIEW OF SELECTED 1970 CODE LEGISLATION 399 (1971)].

Chapter 1077 amends §232.9 to permit the department which is initiating the petition to maintain custody of the child pending hearing of the action if such department had custody prior to instituting the petition. However, the court may in its discretion make such other orders regarding custody pending the hearing which it finds will be in the best interest and welfare of the child.

Juvenile; minors taken into custody

Welfare and Institutions Code §625.1 (new).

AB 910 (Brown); STATS 1971, Ch 1415

Chapter 1415 adds §625.1 to the Welfare and Institutions Code to provide that a peace officer *may*, without a warrant, take a minor under the age of 18 into temporary custody as a person described in §602 (Minors violating laws defining crime; minors failing to obey court orders) if any of the following occur:

- 1) The officer has reasonable cause to believe that the minor has committed a public offense in his presence.
- 2) When the minor has committed a felony, although not in the officer's presence.
- 3) Whenever the officer has reasonable cause to believe that the minor has committed a felony, whether or not a felony has in fact been committed.
- 4) Whenever the minor has been involved in a traffic accident and

the officer has reasonable cause to believe that the minor had been driving while under the influence of intoxicating liquor or under the combined influence of intoxicating liquor and any drug.

COMMENT

Existing law, §625 of the Welfare and Institutions Code, allows a peace officer to take into custody a minor under the age of 18 when such officer has reasonable cause for believing that such minor is a person described in §§600, 601 or 602 of this code.

It appears that §625.1 is added by Chapter 1415 to conform with the provisions of §836 of the Penal Code, grounds for arrest without a warrant. Section 625.1 incorporates all of the provisions of §836, however §625.1 adds an additional subdivision, (4).

Subdivision (4) of §625.1 allows an officer to arrest, without a warrant, a minor suspected of driving under the influence of intoxicating liquor or the combined influence of liquor or the combined influence of liquor and any drug, whenever the minor has been involved in a traffic accident. Subdivision (4) does not expressly state that a minor may be arrested for driving while under the influence of drugs alone.

See Generally:

- 1) 1 WITKIN, SUMMARY OF CALIFORNIA LAW, *Parent and Child* §167A (Supp. 1969).
- 2) REVIEW OF SELECTED 1967 CODE LEGISLATION, CONTINUING EDUCATION OF THE BAR 240.

Juvenile; detention of youths with dangerous propensities

Welfare and Institutions Code §1801.5 (new).
AB 1845 (Miller); STATS 1971, Ch 1680

Chapter 1680 adds §1801.5 to the Welfare and Institutions Code to provide that if a person is ordered to return to the Youth Authority following a hearing by the court, he, or his parent or guardian may, within 10 days after the making of such order, file a written demand that the question of whether he is physically dangerous to the public be tried by a jury in the superior court of the county in which he was committed.

Upon the filing of such demand the court shall summon a jury not less than four days, nor more than 30 days from the date of the demand. The question that will be submitted to the jury will be: "Is the person physically dangerous to the public because of his mental or physical deficiency, disorder, or abnormality?"

The court's previous order entered pursuant to §1801 (re: order for continued treatment or discharge; hearing; notice) shall not be read to the jury, nor alluded to in such trial. The trial shall be conducted as for a trial of civil cases and requires a verdict by at least three-fourths of the jury.

COMMENT

Under existing law pursuant to §1800, a youth who is being detained and about to be discharged, can be kept from being released if such youth's mental or physical condition would make him physically dangerous to the public. Section 1801 enables the Youth Authority Board to apply to the court for an order providing for such detention. Notice of the application for the order must be given the youth, his parents, guardian or court appointed guardian. The court may, after a hearing, detain the youth or discharge him from the control of the Youth Authority. Chapter 1680 provides that, if after such hearing the youth is ordered detained, he may have the question of whether he is physically dangerous to the public litigated before a jury.

See Generally:

- 1) 2 PAC. L.J., REVIEW OF SELECTED 1970 CODE LEGISLATION 482 (1971).

Juvenile; child abuse

Penal Code §11161.5 (amended); Welfare and Institutions Code §§634.5, 727.5, 727.6 (new); 600, 628, 681, 727 (amended).

AB 850 (Ryan); STATS 1971, Ch 1729

Specifies procedure for disposition of a child who has been physically abused by his parents, guardian, or other person with custody of the child. Requires certain specified persons to report any observation of injuries to a minor which appear to have been inflicted by other than accidental means.

Section 600 of the Welfare and Institutions Code is amended to include as grounds for adjudication by a court that a minor is a dependent of the court, a showing that the minor's home is unfit by reason of physical abuse of either of his parents, his guardian, or other person with custody of the child.

Section 628 of the Welfare and Institutions Code is amended to include as grounds for retention of a minor in temporary custody, a determination by a probation officer that the minor is provided with a home which is not fit for him by reason of physical abuse by either of the minor's parents, his guardian, or other person with custody of the child.

This section is further amended to provide that whenever there is reasonable cause to believe that a minor, who is under the care of a physician or surgeon, or a hospital, clinic, or other medical facility and cannot be immediately moved, is a person described in subsection (d) of §600 (minor living in an unfit home because of neglect, cruelty, depravity, or physical abuse), while the minor is at the office of the physician, surgeon, or medical facility, he shall be deemed as having been taken into temporary custody and delivered to the probation officer.

This chapter adds §634.5 to the Welfare and Institutions Code to provide that notwithstanding the provisions of §634 (appointment of counsel), when a minor described as living in an unfit home appears before the juvenile court at a detention hearing, the court shall appoint counsel, and the court may appoint the district attorney to represent the minor pursuant to §681.

Section 681, as amended, specifies conditions under which the district attorney shall participate in a juvenile court hearing, and under what circumstances the district attorney shall represent the minor in juvenile court proceedings.

Chapter 1729 additionally provides, in §727, that when a court adjudges a child a dependent of the court because such child is a person from an unfit home, and the court further orders that the child will remain in the custody of a parent or guardian subject to the supervision of a probation officer, the parent or guardian must participate in a counseling program, designated by the court, as a condition of retaining custody.

Section 727.5 is added to the Welfare and Institutions Code to provide that if a child is removed from an unfit home, and the person legally responsible for the child has been receiving public assistance, the removal is to be reported to the appropriate social services office.

Section 11161.5 of the Penal Code is amended to include supervisors of child welfare and attendance and certified pupil personnel employees of any public or private school, public or private school teachers, licensed day care workers, and social workers within the list of persons required to report to local police any observation indicating that a minor has physical injuries which appear to have been inflicted upon him by other than accidental means. This amendment also requires that a report be made to the county welfare department if the minor is a person specified in §600 of the Welfare and Institutions Code and the duty of the probation officer has been transferred to the county welfare department.