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Juveniles

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Juveniles

Juveniles; alcoholic beverages—private parties

Business and Professions Code § 25662 (amended).

SB 2273 (Mello); 1988 STAT. Ch. 680

Existing law prohibits a person under twenty-one from possessing alcohol in any place open to the public.¹ Chapter 680 allows peace officers lawfully on the premises to confiscate any alcohol in the possession of or provided to minors if: (1) The alcohol is in plain view;² (2) observed at an unsupervised³ social gathering open to the public; (3) ten or more persons under twenty-one are participating; and (4) minors are drinking alcohol.⁴

ASA

1. Cal. Bus. & Prof. Code § 25662. Minors delivering alcohol for a parent or pursuant to employment are exempt. *Id.* See *id.* § 25658.5 (attempt by minor to purchase alcohol is an infraction). See also, CAL. CONST. art. XX, § 22 (prohibits minors from purchasing alcohol or being furnished with alcohol).

2. Objects are subject to seizure and may be introduced into evidence if they fall into the plain view of an officer lawfully on the premises. *Harris v. U.S.*, 390 U.S. 234, 236 (1968). See also *People v. Rodriguez*, 111 Cal. App. 3d. 161 at 165, 168 Cal. Rptr. 413, 415 (1980) (police officer may seize other contraband in plain view while confiscating alcohol).

3. There must be no supervision by a parent or guardian of one of the participants. CAL. BUS. & PROF. CODE § 25662(b).

4. *Id.* Alcohol in open containers may be destroyed while alcohol in unopened containers will be impounded for up to seven working days before it may be destroyed. *Id.* The owner or resident of property where alcohol was seized and who is twenty-one or older may request release of the alcohol. *Id.* Accord *id.* § 25356 (owner of property or alcohol illegally or erroneously seized may petition the Department of Alcoholic Beverage Control for item's return). See *id.* § 25353 (alcohol or other property seized under the Alcoholic Beverage Control Act is forfeited to the state).

Juveniles; Children's Civil Commitment and Mental Health Treatment Act

Welfare and Institutions Code §§ 5585, 5585.10, 5585.20, 5585.21, 5585.22, 5585.25, 5585.50, 5585.52, 5585.53, 5585.55, 5585.56, 5585.57, 5585.58, 5585.59 (new); § 5008 (amended).

AB 4642 (Bronzan); 1988 STAT. Ch. 1202

Support: California Council on Mental Health; California Parent Teachers Association; Chief Probation Officers of California; Mental Health Association of California; San Fernando Valley Child's Guidance Clinic

Opposition: American Civil Liberties Union

Under existing law,¹ mental health commitment and treatment is provided for adults and minors.² Chapter 1202, the Children's Civil Commitment and Mental Health Treatment Act of 1988,³ removes minors⁴ from these general treatment provisions for the initial seventy-two hour period of evaluation and treatment.⁵ The legislature, in enacting Chapter 1202, intends to provide minors with prompt evaluation, individualized treatment, supervision, and placement services to prevent severe and long-term mental disabilities as well as to safeguard their due process rights.⁶

Chapter 1202 permits a peace officer or other person⁷ with probable cause to take a minor, who is gravely disabled⁸ or who, as a result

1. CAL. WELF. & INST. CODE §§ 5000-5778 (the Lanterman-Petris-Short Act and the Short-Doyle Act).

2. *Id.*

3. *Id.* §§ 5585-5585.59.

4. Legally emancipated minors requiring involuntary treatment are considered adults and not covered under this section. *Id.* § 5585.59.

5. *Id.* § 5585.20. Evaluation and treatment beyond the initial 72 hour period will be pursuant to the Lanterman-Petris-Short Act. *Id.*

6. *Id.* § 5585.10. Chapter 1202 applies only to the first 72 hours of treatment. *Id.* § 5585.20. Evaluation and treatment beyond 72 hours must be pursuant to the Lanterman-Petris-Short Act, (California Welfare & Institution Code sections 5000-5550). *Id.* See generally Zenoff, M.D. & Zients, M.D., *If Civil Commitment Is the Answer for Children, What Are the Questions?*, 51 GEO. WASH. L. REV. 171 (1983) [hereinafter *Civil Commitment for Children*] (general discussion of problems with civil commitment of children).

7. Chapter 1202 allows a member of the attending staff of an evaluation facility designated by the county, designated members of a mobile crisis team, or other professional person designated by the county to take the minor into custody. CAL. WELF. & INST. CODE § 5855.50.

8. A gravely disabled minor is a minor who is unable to use the elements of life which are essential to health, safety, and development, including food, clothing, shelter, even though provided to the minor by others. *Id.* § 5585.25. Mental retardation, epilepsy, or other developmental disabilities, alcoholism, other drug abuse, or repeated antisocial behavior do not, by themselves, constitute a mental disorder. *Id.*

of a mental disorder, is a danger to self or others, into custody for seventy-two hours for evaluation and treatment.⁹ Before a minor may be committed, a written application must be submitted to the treating facility indicating the circumstances under which the officer, member of the attending staff, or professional person became aware of the minor's condition.¹⁰ The application must also state that the person had probable cause¹¹ to believe that the minor: (1) Is a danger to others or to self; or (2) is gravely disabled and authorization for voluntary treatment is not available.¹² The committed minor must receive a clinical evaluation of the pertinent conditions that appears to constitute the minor's problem.¹³ If, after evaluating the minor, the professional person determines that additional treatment is necessary, the professional must develop a written treatment plan identifying the least restrictive placement alternative.¹⁴ The minor must be released when the disability ends or as soon as danger to the minor or others no longer exists.¹⁵

KMK

9. *Id.* § 5585.50. The facility must make every effort to notify the minor's parent or legal guardian. *Id.*

10. *Id.* § 5585.50.

11. *See* *People v. Triplett* 144 Cal. 3d. 283, 192 Cal. Rptr. 537 (1983) (peace officer must be able to point to specific and articulable facts, which when taken together with rational inferences, reasonably warrant belief or suspicion that the person detained is mentally disordered and a danger to himself, or gravely disabled).

12. CAL. WELF. & INST. CODE § 5585.50. If probable cause is provided by someone other than the officer or professional, that person may be civilly liable to the minor for intentionally providing false information. *Id.*

13. *Id.* § 5585.52. The facility must be a certified health facility designated by the county and by the State Department of Mental Health and minors under 16 years old must be kept separate from adults who are also receiving involuntary psychiatric treatment. *Id.* § 5585.55. The evaluation will include a psychological evaluation of the family or living environment. *Id.* § 5585.52. The facility must make every effort to involve the minor's parent or legal guardian. *Id.*

14. *Id.* § 5585.53. The family, legal guardian, or caretaker and minor must be consulted and informed of the recommendations for additional treatment. *Id.* *See Civil Commitment supra* note 6 at 207 (the least restrictive alternatives include consideration of foster homes, residential treatment centers, group homes, community schools, and psychiatric hospitals; the judge has flexibility in choosing the facility).

15. CAL. WELF. & INST. CODE § 5585.56. The minor will be released to the minor's parent, legal guardian, or caretaker, unless they are unavailable or unwilling, in which case the county procedures regarding abandonment of a minor will be followed. *Id.* § 5585.56. An aftercare plan will be developed, including educational and training needs, for a minor being considered for release from involuntary treatment. CAL. WELF. & INST. CODE § 5585.57. *See generally* CAL. CIV. CODE § 232 (persons entitled to be free from parental custody and control).

Juveniles; custody and control

Civil Code § 232 (amended); Welfare and Institutions Code §§ 305, 306, 308, 335, 342, 363, 366.21, 366.22, 366.25, 366.26 (amended).

SB 1860 (Presley); 1988 STAT. Ch. 1075

SB 1859 (Presley); 1988 STAT. Ch. 701

(Effective August 29, 1988)*

SB 2569 (Russell); 1988 STAT. Ch. 1083

Existing law delineates the options available to a court during a hearing to consider terminating parental rights.¹ In an effort to increase the likelihood of adoption in lieu of permanent guardianship or long-term foster care,² Chapter 1075 creates a new option at such hearings by allowing the court to specify adoption as the preferred permanent plan, without permanently terminating parental rights.³ Chapter 1075 also expands the list of authorized procedures by which parental rights may be permanently terminated with regard to minors who, on or after January 1, 1989,⁴ are adjudged to be dependent children.⁵

Under Chapter 1075, when a petition is filed to have a minor ward of a guardian⁶ declared a dependent child of the juvenile court,⁷ the

* 1988 Cal. Stat. ch. 701, sec. 5, at ____ (urgency measure to ensure protection of children at risk of abuse or neglect).

1. CAL. WELF. & INST. CODE § 366.26(b)(1),(3) (specified options include permanently severing parental rights and ordering the child placed for adoption, or not permanently severing parental rights and utilizing legal guardianship for the minor).

2. Where termination of parental rights would be best for the child and the minor is likely to be adopted but is difficult to place due to the minor's membership in a sibling group, the presence of a diagnosed handicap, or the fact that the minor is more than 7 years old, the court may order a public agency to locate an adoptive family within 60 days. *Id.* § 366.26(c)(2). After the 60-day period, the court will hold another hearing and do one of the following: (1) Permanently sever parental rights and place the child with an adoptive family; (2) place the child with a legal guardian without permanently severing parental rights; (3) order the minor be placed in long-term foster care, subject to regular review of the juvenile court. *Id.* §§ 366.26(c)(2), 366.26(b)(1),(3),(4).

3. *Id.* § 366.26(b)(2) (orders the public agency to locate an adoptive family within 60 days). During this period, the agency is directed to contact other private and public agencies regarding the availability of the child for adoption. *Id.* § 366.26(c)(2).

4. *Id.* § 366.26(a) (effective January 1, 1990, this section designates the exclusive procedures for permanently terminating parental rights with regard to, or establishing legal guardianship of, minors adjudged dependant).

5. *Id.* See *id.* § 360(c) (defining circumstances warranting a finding of dependency). Parental rights may be terminated if the child has been relinquished for adoption by the parents voluntarily or by court order. CAL. CIV. CODE §§ 224, 224(m), 7017.

6. CAL. PROB. CODE §§ 1500, 1514 (circumstances warranting appointment of a guardian).

7. CAL. WELF. & INST. CODE § 300 (circumstances under which a minor may be declared a dependent child). See generally *Review of Selected 1987 California Legislation*, 19 PAC. L.J. 650, 650-653 (1988) (discussing dependency adjudications).

probate court that appointed the guardian must be notified.⁸ In addition, Chapter 1075 identifies the applicable Probate Code procedures for removing the guardian.⁹

When a child has been declared a dependent minor of the juvenile court,¹⁰ existing law requires a hearing to determine the minor's appropriate final status.¹¹ In addition to the options set forth in existing law, Chapter 1075 gives the court the option, at a twelve month-review hearing¹², of ordering the child to remain in long-term foster care.¹³ If the minor has not been returned to the parent or guardian by the eighteenth month,¹⁴ existing law directs that an assessment of the minor's circumstances be made before any dependency status hearing is held.¹⁵ Chapter 1075 requires a more detailed assessment of the prospective adoptive parents or guardian.¹⁶

If the child cannot be returned home, existing law requires that a permanency planning hearing be held to determine the future status of the child.¹⁷ Where reunification proceedings are not called for and

8. CAL. WELF. & INST. CODE § 335(b).

9. *Id.* A guardian may be removed for breach of fiduciary duty, felony conviction, gross immorality, or where it is found to be in the best interest of the minor. CAL. PROB. CODE § 2650. *Cf.* CAL. PROB. CODE § 2651 (allowing any interested person to apply by petition to have the guardian removed).

10. *See generally* CAL. WELF. & INST. CODE § 300(a)-(e) (minor may be declared dependent subject to court's jurisdiction if the minor is without parental control, destitute, physically dangerous, or abused, or the minor's parent or guardian is abused). A child may also be subject to the court's jurisdiction if the child has been relinquished for adoption by the parents voluntarily, or by court order. CAL. CIV. CODE §§ 224, 224(m), 7017.

11. CAL. WELF. & INST. CODE § 366.21(e),(g). Reunification of child and parent or guardian is directed unless the court finds by a preponderance of the evidence that return would create a substantial risk to the minor's well-being. *Id.* § 366.21(e),(f).

12. *See generally id.* § 366.21(f) (describing procedures for conduct of 12-month review hearing and placing on probation department the burden to show by preponderance of evidence that return of child to parent or guardian would create substantial risk to child's well being).

13. *Id.* § 366.21(g)(2). The court must find by clear and convincing evidence that the child is not adoptable and that no legal guardian is available. *Id.* The court's other options are to continue the case for up to six months or to order a hearing within 120 days to terminate parental rights. *Id.* § 366.21(g)(1),(3).

14. *See generally id.* § 366.22 (detailing procedures and required findings at 18-month hearing). The court may continue the case until the eighteenth month only if it finds that a substantial probability exists that the parent or parents and the minor will be reunited, or that reasonable services have not been provided to the parents. *Id.* § 366.21(g)(1).

15. *Id.* § 366.21(i), 366.22(b).

16. *Id.* §§ 366.21(i)(4),(5), 366.22(b)(4),(5) (assessment now includes screening of adoptive parent or guardian's criminal record and review of relationship between child and adoptive parent or guardian). Under Chapter 1075, the requirement for a separate assessment at the permanency planning stage is replaced by a direction that the court use the assessment made at the 18-month review hearing. *Id.* § 366.26(d).

17. *Id.* § 366.25(a). *See generally* *Review of Selected 1982 California Legislation*, 14 PAC. L.J. 667, 673-74 (1983) (detailing the conduct of permanency planning hearings as established by 1982 Cal. Stat. ch. 978, sec. 27, at 5161 (enacting CAL. WELF. & INST. CODE § 366.25)).

special circumstances exist,¹⁸ Chapter 1075 requires the court to make additional orders for visitation with the parents or guardians.¹⁹

Chapter 1075 clarifies an area of dispute in the courts concerning whether orders authorizing the filing of a petition to terminate parental rights or authorizing the initiation of guardianship proceedings are appealable as final judgments.²⁰ Under Chapter 1075, such orders are subject to review only by extraordinary writ.²¹

Existing law provides that under specified circumstances a peace officer or social worker acting without a warrant may take a child into temporary custody.²² Chapter 1075 eliminates the requirement that the minor has suffered injury or abuse prior to being taken into custody, therefore making it possible for the peace officer or social worker to take into custody any minor who is in immediate danger of physical or sexual abuse.²³ Chapter 1075 expands the list of

18. CAL. WELF. & INST. CODE § 361.5(b) (circumstances warranting such a finding). If there is no substantial probability of reunification within six months, the court is required to develop a permanent plan for the minor. *Id.* § 366.25(d).

19. *Id.* § 366.25(d)(2) (orders for visitation will be made unless the court finds by a preponderance of the evidence that visitation would harm the physical or emotional well-being of the child). Chapter 1075 requires the court to make similar orders for visitation if guardianship or long term foster care are ordered. *Id.* § 366.26(c)(3).

20. Compare *In re Debra M.*, 189 Cal.App.3d 1032, 1036-1039, 234 Cal.Rptr. 739, 741-743 (1987) and *In re Lisa M.*, 177 Cal.App.3d 815, 818, 225 Cal.Rptr. 7, 8-9 (1986) (such orders are not appealable) with *In re Sarah F.*, 191 Cal.App.3d 398, 402-404, 236 Cal.Rptr. 480, 481-483 (1987) and *In re Joshua S.*, 186 Cal.App.3d 147, 152-155, 230 Cal.Rptr. 437, 440-442 (1986) (such orders are appealable).

21. CAL. WELF. & INST. CODE § 366.25(j).

22. *Id.* §§ 305(a) (pertaining to peace officers), 306(b) (pertaining to social workers). Temporary custody is warranted where the minor needs medical care, is in immediate danger of continued abuse, or the minor's physical environment poses an immediate threat. *Id.* §§ 305(a), 306(b). See also COMM'N ON PEACE OFFICER STANDARDS AND TRAINING, GUIDELINES FOR THE INVESTIGATION OF CHILD PHYSICAL ABUSE AND NEGLECT, CHILD SEXUAL ABUSE AND EXPLOITATION, pp. 2, 9, 13, (1986) (requiring, among other conditions, threat of continued physical or sexual abuse). The county welfare department is required to make a diligent effort to ensure regular telephone contact takes place between a child taken into custody and the child's parent. CAL. WELF. & INST. CODE § 308(a). The juvenile court may order that the parent or guardian not be notified of the exact whereabouts of the child if notifying the parent or guardian would endanger the child or if the parent or guardian is likely to flee with the child. *Id.* If the peace officer or social worker has reasonable cause to believe that notifying the parent or guardian of the exact whereabouts of the child would endanger the child, or that the parent or guardian is likely to flee with the child, but obtaining a court order for nondisclosure is impossible or impracticable, the peace officer or social worker may refuse to disclose the place where the child is being held. *Id.*

Chapter 1083 imposes the requirement that the initial telephone contact must take place as soon as practicable but not later than five hours after the child is taken into custody. *Id.* Chapter 1083 also mandates that the county welfare department's efforts to ensure regular telephone contact between the parent and child must be diligent and reasonable. *Id.*

23. CAL. WELF. & INST. CODE §§ 305(a), 306(b). Compare 1987 Cal. Stat. ch. 1485, secs. 11(a), 13(b) at (amending CAL. WELF. & INST. CODE §§ 305(a), 306(b)) (minor in immediate danger of continued physical or sexual abuse) with CAL. WELF. & INST. CODE §§ 305(a), 306(b) (eliminating the word "continued"). See generally Chapter 701 (making related changes to the

specified circumstances warranting temporary custody and provides that in certain cases the officer must first attempt to contact the child's parent or guardian to determine if the parent or guardian is able to assume custody before the child is turned over to the custody of the county welfare department.²⁴

JAM & ALK

California Welfare & Institutions Code). Where public assistance such as Aid to Families with Dependent Children, Basic Health Care Services, County Aid and Assistance, or Food Stamp programs are available and would eliminate the need to take temporary custody of the child, such services must be utilized. *Id.* § 306(b). Chapter 701 further provides for reduction in public assistance by the amount attributable to the child once a child has been removed from the home. *Id.* § 363.

24. CAL. WELF. & INST. CODE § 305(a) (peace officer must attempt to contact parent or guardian of child if child is left unattended which poses a threat to child's health or safety).

Juveniles; custody—parent convicted of child abuse or molestation

Civil Code § 4610 (new); § 7012 (amended).

SB 1803 (Lockyer); 1988 STAT. Ch. 1128

Opposition: Family Law Section, State Bar of California

Existing law gives a parent¹ unsupervised visitation² or custody³ of his or her child⁴ when a court determines that it is in the best interest of the child.⁵ If a parent has been convicted of specified crimes,⁶ Chapter 1128 prohibits a court from awarding the parent unsupervised visitation or custody of his or her child.⁷

Existing law allows judgments for child support⁸ to be enforced through the use of contempt of court proceedings.⁹ Chapter 1128

1. See CAL. CIV. CODE § 7001 (definition of parent-child relationship).

2. See *id.* § 4601.5 (supervised visitation occurs when a parent's freedom to visit the child is restricted or limited to only those situations where a third person is present while parent is visiting child). See also *id.* § 4601 (definition of visitation rights).

3. CAL. CIV. CODE § 197 (definition of custody rights).

4. *Id.* § 221 (definition of child and children).

5. *Id.* § 4608. A court's determination of the best interest of the child includes, but is not limited to, considerations of the health, safety and welfare of the child. *Id.*

6. See *id.* § 4610 (referring to crimes that prohibit parent from being awarded custody or unsupervised visitation of child). See also CAL. PENAL CODE §§ 273(a),(d) and 647.6 (defining offenses of willful cruelty, corporal injury, and annoying or molesting a child under 18).

7. CAL. CIV. CODE § 4610. However, even if a parent is convicted of one of the specified offenses, a court may still determine that the parent poses no significant risk to the child. *Id.*

8. *Id.* § 4700 (definition of order for support).

9. CAL. CIV. PROC. CODE § 1672 (duty to pay child support enforceable by contempt of court proceeding). See generally *id.* § 1209 (acts constituting contempt of court).

provides that a court may consider imprisonment in addition to the civil remedies applicable in a contempt of court proceeding.¹⁰

CLB

10. CAL. CIV. CODE § 7012(c).

Juveniles; driving offenses

Vehicle Code § 23144 (new).
AB 3563 (Killea); 1988 STAT. Ch. 223

With the enactment of Chapter 223, the court has discretion to order the Department of Motor Vehicles to suspend, revoke, or delay a juvenile's driving privileges¹ if the juvenile fails to complete a specified court ordered alcohol education program² pursuant to a conviction of driving under the influence.³ The imposed sanction will last until the juvenile reaches the age of twenty one or shows proof of completion to the court.⁴

CEL

1. CAL. VEH. CODE § 23144(a) (of any person convicted of section 23140 of the Vehicle Code).

2. *Id.* § 23141(a)(1), (2) (or a community service program which provides an alcohol education component).

3. *Id.* § 23140 (a person under the age of 18 who drives with a 0.05% or more blood alcohol level is in violation of state law). See generally *Review of Selected 1986 California Legislation*, 18 PAC. L.J. 433, 738 (1987) (discussing juvenile offenses involving alcohol while driving).

4. CAL. VEH. CODE § 23144(b)(1), (2). The court must order the Department of Motor Vehicles to terminate the sanctions once proof of completion is shown. *Id.* § 23144(b)(1).

Juveniles; Interstate Compact on Juveniles—Rendition Amendment

Welfare and Institutions Code § 1300.4 (new).
AB 3293 (La Follette); 1988 Cal. STAT. Ch. 608
Sponsor: California Youth Authority
Support: California Peace Officers Association; California Probation, Parole and Correctional Association; California Correctional Peace Officers Association; Office of Criminal Justice Planning

Existing law authorizes the Governor to adopt the Interstate Compact on Juveniles, which provides for interstate cooperation for the

return of escaped or runaway juveniles, and also adopts the Out-of-State Confinement Amendment to the Compact.¹

Chapter 608 enacts the Rendition Amendment to the Interstate Compact on Juveniles, which additionally provides that upon the request of a state any juvenile who has engaged in criminal conduct in that state must be returned.²

KAB

1. CAL. WELF. & INST. CODE §§ 1300, 1300.3 (Out-of-State Confinement Amendment to Interstate Compact on Juveniles provides for out-of-state confinement of delinquent juveniles if deemed necessary by the receiving state).

2. *Id.* § 1300.4. The demand for return of the juvenile will be made in the form of a petition filed in a court in the requesting state where the criminal conduct has taken place. *Id.* See generally, In Interest of Storm, 223 N.W. 2d. 170 (Idaho Ct. App. 1974) (Interstate Juvenile Compact provides for different treatment of juveniles in interstate transfer than that for adults under extradition, but this was not a denial of equal protection of law).

Juveniles; notice of child support liens

Civil Procedure Code §§ 708.730, 708.780 (amended); Government Code § 12419.3 (amended).
SB 2035 (Mello); 1988 STAT. Ch. 1017

Under existing law, a variety of enforcement procedures are available to enforce child support orders.¹ Chapter 1017 enacts a new method to collect unpaid child support through the issuance of a lien² against the judgment debtor's lottery winnings or personal income tax refunds owed by the State.³ The Controller is authorized to deduct the amounts owed pursuant to a Notice of Child Support Lien, and forward the amount to the judgment creditor.⁴

Chapter 1017 also revises the order of priorities for payment of delinquent child support accounts from personal income tax refunds, such that child support accounts enforced by the District Attorney receive first priority.⁵

CLB

1. See CAL. CIV. CODE §§ 4380 (methods of enforcement for child support orders), 4700-4703 (provisions for support, enforcement of arrearages, and order for assignment of wages).

2. CA. CIV. PROC. CODE § 697.060 (definition and creation of lien). See also *id.* § 708.780(c) (criteria for creating and establishing child support lien).

3. CAL. CIV. PROC. CODE § 708.730(d) (judgment creditor must file request and affidavit requesting court to impose lien).

4. *Id.* § 708.780(c). See generally *id.* § 680.250 (definition of judgment debtor). The lien does not apply to exempted money. *Id.* § 708.780(c).

5. CAL. GOV'T. CODE § 12419.3(a)(1)-(4).

Juveniles; vehicle code offenses

Welfare and Institutions Code § 654.1 (new).
SB 1807 (Morgan); 1988 STAT. Ch. 1258

Under existing law, if a minor's violation of the Vehicle Code is not a felony, a probation officer may request that the prosecuting attorney file a petition to have the minor declared a ward of the court¹ or to delineate specific programs of supervision for the minor.² In such situations, the minor does not appear before a judge.³ In contrast, regardless of which option is selected by the probation officer, Chapter 1258 requires that a judge, referee, or traffic hearing officer hear any violation of drunk driving laws⁴ as a condition of any program of supervision.⁵

PKR

1. CAL. WELF. & INST. CODE § 650 (commencement of proceedings by the prosecuting attorney). See generally *id.* § 602 (definition of ward of the court).

2. CAL. WELF. & INST. CODE §§ 654 (listing programs of supervision for the minor), 256 (limiting traffic hearing officers to hearing any violation of the Vehicle Code not declared a felony).

3. *Id.*

4. See CAL. VEH. CODE §§ 23140 (unlawful for a minor to drive vehicle if blood-alcohol concentration is 0.05 or more); 23152 (unlawful to drive under the influence of alcohol and/or drugs).

5. *Id.* § 654.1(a). See *Paul D. v. Superior Court*, 158 Cal. App. 3d 838, 842, 205 Cal. Rptr. 77, 79-80 (1984) (requirement that each juvenile offender receive treatment as an individual is not satisfied by an administrative policy of rejecting application for informal probation upon the sole basis of the juvenile's offense). See also *Mark F. v. Superior Court*, 189 Cal. App. 3d 206, 211, 234 Cal. Rptr. 388, 391 (1987); *Marvin F. v. Superior Court*, 75 Cal. App. 3d 281, 289-290, 142 Cal. Rptr. 78, 82-83 (1977) (probation officer must view each juvenile individually when assessing that juvenile's suitability for informal probation).