

THIRD READING

Bill No: AB 1886
Author: Elhawary (D)
Amended: 8/19/26 in Senate
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 5-1, 6/30/26

AYES: Arreguín, Caballero, Cortese, Pérez, Wiener

NOES: Seyarto

ASSEMBLY FLOOR: 46-21, 5/28/26 - See last page for vote

SUBJECT: Wards: probation

SOURCE: Alliance for Boys & Men of Color
California Alliance for Youth and Community Justice
California Youth Connection
California Youth Defender Center
Communities United for Restorative Youth Justice
Fresh Lifelines for Youth
National Center for Youth Law
Sister Warriors Freedom Coalition
W. Haywood Burns Institute
Western Center on Law & Poverty

DIGEST: This bill removes the exclusion of wards who have been ordered to be under the supervision of the probation officer in specified out-of-home placements from the general 12-month limitation on juvenile probation.

Senate Floor Amendments of 8/19/26 clarify that this bill does not apply to a youth who has been committed to a secure youth treatment facility.

ANALYSIS:

Existing law:

- 1) States that the purpose of the juvenile court law is to provide for the protection and safety of the public and each minor under the jurisdiction of the juvenile court and to preserve and strengthen the minor's family ties whenever possible, removing the minor from the custody of the minor's parents only when necessary for the minor's welfare or for the safety and protection of the public. Requires the juvenile court and other public agencies charged with enforcing, interpreting, and administering the juvenile court law to consider the safety and protection of the public, the importance of redressing injuries to victims, and the best interests of the minor in all deliberations. (Welfare (Welf.) & Institutions (Inst.) Code, § 202, subds. (a) & (d).)
- 2) Provides that a minor between 12 and 17 years of age, inclusive, who violates any law defining a crime, and a minor under 12 years of age who is alleged to have committed murder or a specified sex offense, is within the jurisdiction of the juvenile court, which may adjudge the minor to be a ward of the court. (Welf. & Inst. Code, § 602.)
- 3) Provides that the juvenile court may retain jurisdiction over a ward until the person attains 21 years of age, except that if the wardship is based on the commission of a specified serious offense, the juvenile court may retain jurisdiction until age 23, unless the ward would have faced an aggregate sentence of seven years or more in criminal court, in which case the juvenile court may retain jurisdiction until age 25. (Welf. & Inst. Code, § 607, subds. (a)-(c).)
- 4) Authorizes the juvenile court to place a ward of the court on supervised probation. Authorizes the court to make any reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the ward. (Welf. & Inst. Code, § 727.)
- 5) Prohibits a minor adjudged to be a ward of the court who is subject to an order of probation, with or without supervision of the probation officer, from remaining on probation for a period that exceeds 12 months from the most recent disposition hearing, except as specified. Specifies that a court is not precluded from holding progress review hearings at any point prior to 12 months from the most recent disposition hearing. (Welf. & Inst. Code, § 602.05, subd. (a).)

- 6) Authorizes a court may extend the probation period after a noticed hearing and upon proof by a preponderance of the evidence that it is in the ward's and the public's best interest, consistent with Section 202. (Welf. & Inst. Code, § 602.05, subd. (b).)
- 7) Requires the probation agency to submit a report to the court detailing the basis for any request to extend probation. (Welf. & Inst. Code, § 602.05, subd. (b)(1).)
- 8) Requires the court to provide the ward and the prosecuting attorney with the opportunity to present relevant evidence. Provides that the court has discretion to receive evidence by testimony, declaration, and other documentary evidence. (Welf. & Inst. Code, § 602.05, subd. (b)(2).)
- 9) Requires the court, in cases in which the court finds by a preponderance of the evidence a basis for extending probation, to state the reasons for the findings orally on the record. Requires the court to also set forth the reasons in an order entered upon the minutes if requested by either party or when the proceedings are not being recorded electronically or reported by a court reporter. (Welf. & Inst. Code, § 602.05, subd. (b)(3).)
- 10) Requires, if the court finds good cause to continue the noticed hearing, probation to continue until completion of the noticed hearing, provided that continuance is only as long as necessary. (Welf. & Inst. Code, § 602.05, subd. (b)(4).)
- 11) Requires the court, if it extends probation at the noticed hearing, to schedule and hold subsequent noticed hearings for the ward not less frequently than every six months for the remainder of the wardship period. (Welf. & Inst. Code, § 602.05, subd. (c).)
- 12) Specifies that termination of a ward's probation before the end of a twelve-month period is permitted. (Welf. & Inst. Code, § 602.05, subd. (d).)
- 13) Requires the court to comply with the provisions of existing law prior to terminating jurisdiction over a youth who is a minor or was a nonminor or ward subject to an order for foster care placement. (Welf. & Inst. Code, § 602.05, subd. (e).)

- 14) Provides that the limit on a youth's probation term does not apply to any ward whom the court ordered the care, custody, and control of the minor or nonminor to be under the supervision of the probation officer, as specified, for foster care placement. Prohibits the requirement to comply with the provisions of Section 607.2 from being the sole basis for continuing an order imposing terms and conditions of probation. Provides that if the court retains jurisdiction, the ward shall not be subject to a removal petition directing an out-of-home placement or a violation of probation. (Welf. & Inst. Code, § 602.05, subd. (f).)
- 15) Provides that the limit on a youth's probation term does not apply to a ward while serving a custodial commitment to a juvenile hall, juvenile home, ranch, camp, or forestry camp. (Welf. & Inst. Code, § 602.05, subd. (g).)
- 16) Provides that the limit on a youth's probation term does not apply to any ward who is transferred from a secure youth treatment facility (SYTF) to a less restrictive program (LRP) or to any ward who is discharged from an SYTF pursuant to a probation discharge hearing. (Welf. & Inst. Code, § 602.05, subd. (h).)
- 17) Requires the court to hold a hearing prior to terminating jurisdiction over a ward who satisfies any of the following criteria:
 - a) Is a minor subject to an order for foster care placement as a ward who has not previously been subject to the jurisdiction of the court, as specified.
 - b) Is a nonminor who was subject to an order for foster care placement as a ward on the day he or she attained 18 years of age.
 - c) Is a ward who was subject to an order for foster care placement as a dependent of the court at the time the court adjudged the child to be a ward of the court, as specified. (Welf. & Inst. Code, § 607.2, subd. (a).)

This bill:

- 1) Prohibits, prior to the court's termination of jurisdiction over a youth in foster care, the requirement to comply with existing law pertaining to the termination of that jurisdiction, from being a basis for extending the probation period. Provides that if the procedures described in Section 607.2 cannot be completed before the end of the period of probation, the court may maintain jurisdiction beyond the end of the probation period for the purpose of compliance. Prohibits the court from imposing any terms and conditions of probation or any other

conditions of performance or compliance on the ward during this period of extended jurisdiction.

- 2) Deletes a provision of existing law that states that the general limit on a juvenile probation term does not apply to a minor or nonminor who is on supervised probation and in a foster care placement.

Background

There are a number of dispositional outcomes available to the juvenile court for minors who are before the court based on the commission of a crime, including diversion, informal probation, and wardship probation. For minors placed on wardship probation, the court may order probation with or without the supervision of a probation officer.

The California Department of Justice reported that in 2024, over 11,000 youth in California were placed on wardship probation. (Office of the Attorney General, *Juvenile Justice in California* (2025), p. 40, available at <<https://data-openjustice.doj.ca.gov/sites/default/files/2025-07/Juvenile%20Justice%20In%20CA%202024%20final.pdf> .) The report included the percentage of each type of juvenile court disposition (e.g., wardship, informal probation, dismissed, etc.) within each racial or ethnic category, and indicated that 43.2% of White youths were placed on wardship probation, 54.2% Hispanic youths were placed on wardship probation, 49.7% Black youths were placed on wardship probation, and 41.6% of youth identified as “Other” were placed on wardship probation. (*Id.* at p. 41.)

AB 1376 (Bonta, Chapter 575, Statutes of 2025), established a presumptive 12-month limit that a ward may remain on probation. Welfare and Institutions Code section 602.05 authorizes a court to extend the probation period after a noticed hearing and upon proof by a preponderance of the evidence that it is in the ward’s and the public’s best interest. Existing law requires the court to hold noticed hearings for the ward not less frequently than every 6 months for the remainder of the wardship period if the court extends probation.

Notably, AB 1376 excluded from the 12-month limitation on probation any ward that has been ordered to be under the supervision of the probation officer for placement in specified out-of-home placements; any ward serving a custodial commitment to a juvenile hall, juvenile home, ranch, camp, or forestry camp; and,

any ward who is transferred from an SYTF to an LRP or who has been discharged from an SYTF.

Proponents of this bill argue that AB 1376 excluded foster youth, creating an inequity that this bill seeks to address. To address this concern, this bill prohibits, prior to the court's termination of jurisdiction over a youth in foster care, the requirement to comply with existing law pertaining to the termination of that jurisdiction, from being a basis for extending the probation period. However, this bill provides that if the procedures described in Section 607.2 cannot be completed before the end of the period of probation, the court may maintain jurisdiction beyond the end of the probation period for the purpose of compliance but the court is prohibited from imposing any terms and conditions of probation or any other conditions of performance or compliance on the ward during this period of extended jurisdiction. This bill also deletes a provision of existing law that states that the general limit on a juvenile probation term does not apply to a minor or nonminor who is on supervised probation and in a foster care placement.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 8/19/26)

Alliance for Boys & Men of Color (co-source)
California Alliance for Youth and Community Justice (co-source)
California Youth Connection (co-source)
California Youth Defender Center (co-source)
Communities United for Restorative Youth Justice (co-source)
Fresh Lifelines for Youth (co-source)
National Center for Youth Law (co-source)
Sister Warriors Freedom Coalition (co-source)
W. Haywood Burns Institute (co-source)
Western Center on Law & Poverty (co-source)
A New Path
Alianza for Opportunity
All of US or None-Sacramento
All of US or None Riverside
Alliance of Californians for Community Empowerment Action
Asian Solidarity Collective
Back to the Start
BAY-Peace
Bend the Arc: Jewish Action, California
Bridges of Hope CA

Brotherhood Crusade
California Alliance of Child and Family Services
California Attorneys for Criminal Justice
California Coalition for Women Prisoners
California Community Foundation
California for Safety and Justice
California Public Defenders Association
California School-Based Health Alliance
Californians for Safety and Justice
Californians United for a Responsible Budget
Cancel the Contract
Cancel the Contract Antelope Valley
Center for Juvenile Law and Policy, Loyola Law School
Center on Juvenile and Criminal Justice
Children Now
Children's Defense Fund-CA
Coalition of California State Tribes
Coleman Advocates for Children & Youth
Community Interventions
Community Works
Consumer Attorneys of California
Ella Baker Center for Human Rights
Equity California
Essie Justice Group
Fair Chance Project
Families Inspiring Reentry & Reunification 4 Everyone
Felony Murder Elimination Project
Freedom 4 Youth
Fresno Barrios Unidos
Friends Committee on Legislation of California
Glide Foundation
Hoops 4 Justice
Initiate Justice
Initiate Justice Action
Insideout Writers
Integral Community Solutions Institute
Jesse's Place Organization
Legal Services for Prisoners With Children
Local 148 Los Angeles County Public Defender's Union
Los Angeles Brotherhood Crusade - Black United Fund

MILPA Collective
Nuestra Causa
Peace and Justice Law Center
Peace United Church of Christ, Santa Cruz
Pillars of the Community
Restore 180
Restoring Hope California
San Francisco Public Defender
Smart Justice California
The California Youth Justice Project
Ujima Adult and Family Services
Underground Grit
Universidad Popular
Urban Peace Institute
Urban Peace Movement
Youngsters for Change
Youth Alliance
Youth Law Center
Youth Leadership Institute

OPPOSITION: (Verified 8/19/26)

Association of Orange County Deputy Sheriffs
California Judges Association
California State Sheriffs' Association
Chief Probation Officers' of California
Riverside Sheriffs' Association
Sacramento County Probation Association
San Joaquin County Probation Officers Association
State Coalition of Probation Organizations

ASSEMBLY FLOOR: 46-21, 5/28/26

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Ávila Farías, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Mark González, Haney, Harabedian, Hart, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Ortega, Papan, Pellerin, Ransom, Rogers, Schiavo, Schultz, Sharp-Collins, Solache, Stefani, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Alanis, Bains, Castillo, Chen, Davies, DeMaio, Dixon, Ellis, Flora,
Gallagher, Jeff Gonzalez, Hadwick, Hoover, Johnson, Lackey, Macedo,
Patterson, Sanchez, Ta, Tangipa, Wallis

NO VOTE RECORDED: Gipson, Irwin, Nguyen, Pacheco, Patel, Petrie-Norris,
Quirk-Silva, Ramos, Celeste Rodriguez, Michelle Rodriguez, Blanca Rubio,
Soria, Valencia

Prepared by: Stephanie Jordan / PUB. S. / 916-651-4118

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**** **END** ****