
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

SB 1009 (Becker) - Juveniles: detention

Version: April 7, 2026

Urgency: No

Hearing Date: April 13, 2026

Policy Vote: PUB. S. 4 - 1

Mandate: No

Consultant: Bob Franzoia

Bill Summary: SB 1009 would require a juvenile court to order a minor released from custody unless the court finds by clean and convincing evidence that one of several specified criteria has been met. The bill would require that whenever a court orders a minor detained in the juvenile hall, the court shall, upon request, reconsider whether continued detention in the juvenile hall is necessary, based on current information.

Fiscal Impact: Unknown, potentially significant costs to probation agencies, county welfare services and juvenile courts. Probation agencies would need to develop a stronger evidentiary basis for detention likely requiring additional staff resources to accomplish that goal. The provision allowing a court to revisit detention, upon request, would create some additional hearings, though some courts may hold these hearings already when they are requested. Board of State and Community Corrections data on how many juveniles are held in detention shows that the average daily population in pre-disposition detention last year was just over 1,100 so courts are holding potentially thousands of these hearings annually. While there were just over 30,000 total delinquency filings not all of them would involve detained youth. There is uncertainty whether the changes will result in these hearings taking longer as judges generally already considering whether a less restrictive option was available as part of their findings.

Typically, a court reporter is present in juvenile justice cases so judges can orally state these findings on the record but where there is a shortage of court reporters and judges are required to put these findings in writing it would create a new additional workload. Welfare and Institutions Code 726 (d) (3), as added by this bill, would result in additional workload by requiring a written statement of decision, similar to what is expected in a transfer hearing at a dispositional hearing (WIC 707), even where there is a court reporter's transcript.

Cost pressures (Trial Court Trust Fund, General Fund) to the courts will depend on the number of actions and the amount of court time required by each action. It generally costs \$1,000 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. The FY 2025-26 state budget provided \$82 million ongoing General Fund support to the Trial Court Trust Fund for court operations. The proposed FY 2026-07 budget would provide \$70 million General Fund support.

Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund and staff workload may create a need for increased funding for courts from the General Fund to perform existing duties. Numerous trial court operations are funded through the imposition and collection of criminal fines and fees.

However, the Legislature has reduced and eliminated criminal fines and fees over the past several years. As a result, annual appropriations from the General Fund are needed to address declining revenue to the Trial Court Trust Fund.

Unknown, potentially significant to major, county specific cost savings to the extent a higher evidentiary standard and requested hearings on the current detention of minors results in moving minors from more costly placements, for example, juvenile halls or secure youth treatment facilities to less costly placements (camps and ranches, group homes or foster homes or home detection utilizing electronic monitoring). While enabling additional requests for hearings, presumably because there is a change in circumstances, may not always result in more hearings, the effect could be longer hearings. Savings may increase due to credits juvenile wards may accumulate while doing electronic monitoring. Smaller counties may have fewer options for less restrictive non-detention options.

Background: This bill makes the following changes to the juvenile detention process:

Changes the standard at a youth's initial detention hearing to instead require the court to order the minor released from custody unless the court finds by clear and convincing evidence that the minor has violated an order of the juvenile court.

Prohibits the court from ordering a minor detained in the juvenile hall unless it makes a finding that a less restrictive alternative to detention in the juvenile hall is unsuitable.

Requires the court, whenever it orders a minor detained in the juvenile hall, to, upon request, reconsider whether continued detention in the juvenile hall is necessary based on current information and consistent with existing law. Specifies that this provision shall not be construed to affect a minor's rights, as specified.

Provides that a minor may not be removed from the physical custody of the minor's parent or guardian as the result of an order of wardship unless the court finds by clear and convincing evidence that a less restrictive, alternative disposition for the ward is unsuitable.

Requires the court, in making this determination, to consider all relevant and material evidence, including, but not limited to, the recommendations of counsel, the probation department, and any other agency or individual designated by the court to advise on the appropriate disposition of the case.

Requires the court, when considering an order of removal or continued removal based on the evidence, to consider the following:

- 1) Whether reasonable efforts were made to eliminate the need for removal, or continued removal, of the child from the home.
- 2) Whether services could be provided to enable the child's parent or legal guardian to obtain assistance that may be needed to effectively provide the

care and control necessary for the child to return home in lieu of an order of removal.

Requires the court, if it orders the removal of the minor, to state on the record the reasons for its decision, including the reasons supporting the court's finding that a less restrictive, alternative disposition for the ward is unsuitable. Requires the court to specify how it weighed the specified factors. Requires the court to also set forth the reasons in an order entered upon the minutes if requested by either party or in any case in which the proceedings are not being recorded electronically or reported by a court.

Staff Notes Welfare and Institutions Code 636 (a) states:

(a) If it appears upon the hearing that the minor has violated an order of the juvenile court or has escaped from a commitment of the juvenile court or that it is a matter of immediate and urgent necessity for the protection of the minor or reasonably necessary for the protection of the person or property of another that the minor be detained or that the minor is likely to flee to avoid the jurisdiction of the court, and that continuance in the home is contrary to the minor's welfare, the court may make its order that the minor be detained in the juvenile hall or other suitable place designated by the juvenile court for a period not to exceed 15 judicial days and shall enter the order together with its findings of fact in support thereof in the records of the court...

The statute is silent on evidence or its form.

This bill would amend WIC 636 (a) to state:

(a) ~~If it appears upon the hearing~~ *the court finds by clear and convincing evidence* that the minor has violated an order of the juvenile court or has escaped from a commitment of the juvenile court or that it is a matter of immediate and urgent necessity for the protection of the minor or ~~reasonably necessary~~ for the protection of the person or ~~property~~ of another that the minor be detained or that the minor is likely to flee to avoid the jurisdiction of the court, and that continuance in the home is contrary to the minor's welfare, the court may make its order that the minor be detained in the juvenile hall or other suitable place designated by the juvenile court for a period not to exceed 15 judicial days and shall enter the order together with its findings of fact in support thereof in the records of the court...

To the extend probation agencies and the courts are not currently meeting a clear and convincing evidentiary standard there would be unknown, likely significant costs to both.

Staff Notes this bill amends WIC 726 to add (d) (1) to require that a minor may not be removed from the physical custody of the minor's parent or guardian as the result of an order of wardship made pursuant to Section 602 unless the court finds by clear and convincing evidence that a less restrictive, alternative disposition for the ward is unsuitable

Staff Comments: Juvenile detention rates have been trending downward and there are specific rules of court and statutory guidance the courts must follow in order to make a determination to detain a minor. The decline generally suggests that alternatives to

detention are being utilized appropriately. Minors determined appropriate for detention represent the highest risk and most serious offenses.

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