

THIRD READING

Bill No: SB 1009
Author: Becker (D), et al.
Amended: 5/14/26
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 4-1, 3/17/26
AYES: Arreguín, Pérez, Reyes, Wiener
NOES: Seyarto
NO VOTE RECORDED: Caballero

SENATE APPROPRIATIONS COMMITTEE: 5-2, 5/14/26
AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab
NOES: Seyarto, Dahle

SUBJECT: Juveniles: detention

SOURCE: California Youth Defender Center; Communities United for Restorative Youth Justice; Fresh Lifelines for Youth

DIGEST: This bill prohibits a 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 a court to reconsider whether continued detention in the juvenile hall is necessary whenever the court orders a minor detained in the juvenile hall; and prohibits a minor from being removed from the physical custody of the minor's parent or guardian as the result of an order of wardship unless the court finds that a less restrictive alternative disposition for the ward is unsuitable.

ANALYSIS:

Existing law:

- 1) Provides that a peace officer may, without a warrant, take into temporary custody a minor when there is reasonable cause for believing that the minor will

be adjudged a ward of the court or charged with a criminal action, or that the minor has violated an order of the juvenile court or escaped from any commitment ordered by the juvenile court, or the minor is found in any street or public place suffering from any sickness or injury which requires medical treatment, hospitalization, or other remedial care. (Welfare (Welf.) & Institutions (Inst.) Code, § 625.)

- 2) Requires, except as provided, that a minor taken into custody be brought before a judge or referee of the juvenile court for a hearing to determine whether the minor must be further detained as soon as possible and no later than the next judicial day after a petition has been filed. Provides that such a hearing be referred to as a “detention hearing.” (Welf. & Inst. Code, § 632, subd. (a).)
- 3) Requires, upon the minor’s appearance before the court at the detention hearing, the minor and the minor’s parent or guardian, if present, to be informed of the reasons why the minor was taken into custody, the nature of the juvenile court proceedings, and the right of the minor to be represented at every stage of the proceedings by counsel. (Welf. & Inst. Code, § 633.)
- 4) Provides that the court examine the minor, his or her parent, legal guardian, or other person having relevant knowledge, hear relevant evidence the minor, his or her parent, legal guardian, or counsel desires to present, and, unless it appears that the minor has violated an order of the juvenile court or has escaped from the 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 he or she be detained or that the minor is likely to flee to avoid the jurisdiction of the court, the court must make its order releasing the minor from custody. (Welf. & Inst. Code, § 635, subd. (a).)
- 5) Provides that the circumstances and gravity of the alleged offense may be considered, in conjunction with other factors, to determine whether 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. (Welf. & Inst. Code, § 635, subd. (b)(1).)
- 6) Requires the court to order the release of the minor from custody unless a prima facie showing has been made that the minor will be adjudged a ward of the court or charged with a criminal action. (Welf. & Inst. Code, § 635, subd. (c)(1).)

- 7) Provides that 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. Requires the court to enter the order together with its findings of fact in support in the records of the court. (Welf. & Inst. Code, § 636, subd. (a).)
- 8) Requires the court to determine whether continuance in the home is contrary to the minor's welfare and whether there are available services that would prevent the need for further detention. Requires the court to make that determination on a case-by-case basis and to make reference to the documentation provided by the probation officer or other evidence relied upon in reaching its decision. (Welf. & Inst. Code, § 636, subd. (d).)
- 9) Requires the court to release the minor to the physical custody of the minor's parent or legal guardian if the minor can be returned to the custody of the minor's parent or legal guardian at the detention hearing through the provision of services to prevent removal. (Welf. & Inst. Code, § 636, subd. (d)(1).)
- 10) Requires the court to state the facts upon which the detention is based if the minor cannot be returned to the custody of the minor's parent or legal guardian at the detention hearing. (Welf. & Inst. Code, § 636, subd. (d)(2).)
- 11) Requires the court, in all cases in which a minor is adjudged a ward or dependent child of the court, to limit the control to be exercised over the ward or dependent child by any parent or guardian and requires the court, in its order, to clearly and specifically set forth all those limitations. Prohibits a ward or dependent child from being taken from the physical custody of a parent or guardian unless the court finds one of the following facts: that the parent or guardian is incapable of providing or has failed or neglected to provide proper maintenance, training, and education for the minor; that the minor has been tried on probation while in custody and has failed to reform; or that the welfare of the minor requires that custody be taken from the minor's parent or guardian. (Welf. & Inst. Code, § 726, subd. (a).)

- 12) Requires, if the minor is removed from the physical custody of the minor's parent or guardian as the result of an order of wardship, the order to specify that the minor may not be held in physical confinement for a period in excess of the middle term of imprisonment which could be imposed upon an adult convicted of the offense or offenses which brought or continued the minor under the jurisdiction of the juvenile court. (Welf. & Inst. Code, § 726, subd. (d)(1).)
- 13) Authorizes the court, if a minor or nonminor is adjudged a ward of the court, to make any reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the minor or nonminor, including medical treatment, subject to further order of the court. (Welf. & Inst. Code, § 727, subd. (a).)
- 14) Authorizes the court, when a minor is adjudged a ward of the court, to order one of several specified types of treatment. Provides that as an additional alternative, the court may commit the minor to a juvenile home, ranch, camp, or forestry camp. Specifies that if there is no county juvenile home, ranch, camp, or forestry camp within the county, the court may commit the minor to the county juvenile hall. (Welf. & Inst. Code, § 727, subd. (a).)

This bill:

- 1) 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.
- 2) 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.
- 3) 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 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.

- 4) Requires the court, when considering an order of removal or continued removal based on the evidence, to consider all of the following: whether reasonable efforts were made to eliminate the need for removal, or continued removal, of the child from the home, and 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.
- 5) 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 reporter.
- 6) Includes several legislative findings and declarations.

Background

Detention Hearings. When a minor is taken into custody, the minor must be taken before a juvenile court judge or referee for a hearing to determine whether the minor must be further detained. (Welf. & Inst. Code, § 632, subd. (a).) The detention hearing must take place as soon as possible and no later than the next court day after a petition has been filed with the court. (*Ibid.*) However, for a misdemeanor not involving violence, the detention hearing must take place as soon as possible and no later than 48 hours after being taken into custody. (Welf. & Inst. Code, § 632, subd. (b).)

At the detention hearing, the minor and the minor's parent or guardian are informed of the reasons why the minor was taken into custody, the nature of the juvenile court proceedings, and the right of the minor and the minor's parents or guardian to be represented at every stage of the proceedings by an attorney. (Welf. & Inst. Code, § 633.) During the detention hearing, the court will question the minor, the minor's parent or legal guardian, or other individuals with relevant knowledge, and hear relevant evidence the minor, the minor's parent or legal guardian, or their attorney presents. (Welf. & Inst. Code, § 635, subd. (a).)

The court is required to order the release of the minor from custody unless the court finds that the prosecutor has made a prima facie case that the minor has committed a crime and that one of the following is true: (1) the minor has violated a juvenile court order; (2) the minor has escaped from the commitment of the juvenile court; (3) that it is a matter of immediate and urgent necessity for the protection of the minor; (4) that it is reasonably necessary for the protection of the person or property of another that the minor be detained; or (5) that the minor is likely to flee to avoid the jurisdiction of the court. (Welf. & Inst. Code, § 635, subds. (a), (c).) The court may consider the circumstances and gravity of the alleged offense, in conjunction with other factors, to determine whether 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. (Welf. & Inst. Code, § 635, subd. (b)(1).)

If the court finds that the minor has violated a juvenile court order, the minor has escaped from the commitment of the juvenile court, that it is a matter of immediate and urgent necessity for the protection of the minor, that it is 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 continuance in the home is contrary to the minor's welfare, the court may order the minor detained in juvenile hall or another suitable placement. (Welf. & Inst. Code, § 636, subd. (a).) If the probation officer recommends that the minor be detained, the probation officer must submit documentation to the court that continuance in the home is contrary to the minor's welfare or that reasonable efforts were made to prevent or eliminate the need for removal of the minor from the home as well as documentation of the nature and results of the services provided. (Welf. & Inst. Code, § 636, subd. (c).) Before detaining the minor, the court must determine whether continuance in the home is contrary to the minor's welfare and whether there are available services that would prevent the need for further detention. (Welf. & Inst. Code, § 636, subd. (d).) This determination is made on a case-by-case basis and the court is required to make reference to the documentation provided by the probation officer or other evidence relied upon in reaching its decision. (*Ibid.*) If the court finds that 24-hour supervision is not necessary, the minor must be released on home supervision. (Welf. & Inst. Code, §§ 628.1, 636, subd. (b).)

Detention Standard. As stated above, Welfare and Institutions Code section 635 requires the court to order the release of a minor from custody at the detention hearing unless *it appears* that one of the following circumstances is true: the minor has violated an order of the juvenile court; the minor has escaped from the

commitment of the juvenile court; it is a matter of immediate and urgent necessity for the protection of the minor; it is reasonably necessary for the protection of the person or property of another that they be detained; or the minor is likely to flee to avoid the jurisdiction of the court. (See also Cal. Rules of Court, rule 5.760.)

This bill prohibits a 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. This bill additionally requires a court to reconsider, upon request, whether continued detention in the juvenile hall is necessary whenever the court orders a minor detained in the juvenile hall. Finally, this bill amends Welfare and Institutions Code section 726 to prohibit a minor from being removed from the physical custody of the minor's parent or guardian as the result of an order of wardship unless the court finds that a less restrictive, alternative disposition for the ward is unsuitable. In making its determination, the court is required to consider all relevant and material evidence, including the recommendations of counsel, the probation department, and any other agency or individual designated by the court.

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

According to the Senate Appropriations Committee:

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.

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.

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.

SUPPORT: (Verified 5/14/26)

California Youth Defender Center (co-source)
Communities United for Restorative Youth Justice (co-source)
Fresh Lifelines for Youth (co-source)
A New Path
A New Way of Life Reentry Project
ACLU California Action
Alianza for Opportunity
Alliance for Boys and Men of Color
Alliance for Children's Rights
Anti Police-Terror Project
Anti-Recidivism Coalition
Arts for Healing and Justice Network
Back to the Start
Brotherhood Crusade
California Alliance for Youth and Community Justice
California Attorneys for Criminal Justice
California Public Defenders Association
Californians for Safety and Justice
Californians United for a Responsible Budget
Center on Juvenile and Criminal Justice
Children's Advocacy Institute
Coalition of California State Tribes
Community Interventions
Community Works
Community Works West
Courage California
East Bay Community Law Center
Ella Baker Center for Human Rights
Empowering Women Impacted by Incarceration
Fair Chance Project
Families Inspiring Reentry & Reunification 4 Everyone
Families United to End Life Without the Possibility of Parole
Freedom 4 Youth
Friends Committee on Legislation of California
Glide Foundation

Haywood Burns Institute
In Our Care San Mateo County
Jesse's Place Organization
Justice2Jobs Coalition
LA County Public Defenders Union, Local 148
La Defensa
Legal Aid At Work
Legal Services for Prisoners With Children
Los Angeles County Public Defender's Office
Milpa Collective
National Center for Youth Law
Peace and Justice Law Center
Restore 180
Restoring Hope California
Rubicon Programs
San Francisco Public Defender's Office
Silicon Valley De-Bug
Sister Warriors Freedom Coalition
Smart Justice California
Starting Over Strong
Success Stories Program
The California Youth Justice Project
The Place4Grace
Underground Grit
Unlocked Futures
Urban Peace Institute
Urban Peace Movement
Western Center on Law & Poverty
Youngsters for Change
Youth Alliance
Youth Empowerment
Youth Leadership Institute

OPPOSITION: (Verified 5/14/26)

American Federation of State, County, and Municipal Employees, AFL-CIO
Association of Orange County Deputy Sheriffs
California District Attorneys Association
California Police Chiefs Association
California State Sheriffs' Association
Chief Probation Officers' of California

Los Angeles County Deputy Probation Officers, AFSCME Local 685
Sacramento County Probation Association
San Diego County Probation Officers Association
San Joaquin County Probation Officers Association
State Coalition of Probation Organizations
Supervising Deputy Probation Officers Union, Teamsters Local 986

Prepared by: Stephanie Jordan / PUB. S. /
5/18/26 15:16:30

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