
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
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Author: Archuleta
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Consultant: SJ

Subject: *Juveniles: secure youth treatment facilities*

HISTORY

Source: Chief Probation Officers of California

Prior Legislation: AB 102 (Ting), Ch. 38, Stats. of 2023
SB 92 (Com. on Budget & Fiscal Review), Ch. 18, Stats. of 2021
SB 823 (Com. on Budget & Fiscal Review), Ch. 337, Stats. of 2020
SB 81 (Com. on Budget & Fiscal Review), Ch. 175, Stats. of 2007

Support: Contra Costa County; Kern County Board of Supervisors; League of California Cities; Shasta County Board of Supervisors

Opposition: Alliance for Boys and Men of Color; California Coalition for Women Prisoners; California Public Defenders Association; California Youth Defender Center; Californians United for a Responsible Budget; Center on Juvenile and Criminal Justice; Communities United for Restorative Youth Justice; Community Works; Felony Murder Elimination Project; Fresh Lifelines for Youth; Glide Foundation; Justice2Jobs Coalition; La Defensa; Legal Services for Prisoners With Children; Los Angeles County Public Defender's Union, Local 148; National Center for Youth Law; National Institute for Criminal Justice Reform; Peace and Justice Law Center; San Francisco Public Defender's Office; Sister Warriors Freedom Coalition; Smart Justice California; Starting Over Strong; The Collective for Liberatory Lawyering; The Place4Grace; W. Haywood Burns Institute; Youth Law Center

PURPOSE

The purpose of this bill is to prohibit a court from ordering a ward to be transferred to a particular less restrictive program (LRP) unless the court determines that it meets certain criteria and authorizes the referral of youth committed to an SYTF to a state hospital, as specified.

Existing law provides, generally, that a minor who is between 12 years of age and 17 years of age, inclusive, when the minor violates any law defining a crime, is subject to the jurisdiction of the juvenile court and to adjudication as a ward. (Welf. & Inst. Code, § 602, subd. (a).)

Existing law authorizes a court to make any reasonable orders for the care, supervision, custody, conduct, maintenance, and support of a minor or nonminor who is adjudged a ward of the court. (Welf. & Inst. Code, § 727, subd. (a)(1).)

Existing law authorizes a court to order commitment of a minor to a juvenile home, ranch, camp, or forestry camp, or to juvenile hall if the county does not have a juvenile home, ranch, camp, or forestry camp, when the minor is adjudged a ward of the court. (Welf. & Inst. Code, § 730, subd. (a)(1).)

Existing law authorizes a court to order a ward who is 14 years of age or older to be committed to an SYTF for a period of confinement if the ward meets all of the following criteria:

- The juvenile is adjudicated and found to be a ward of the court based on an offense listed in subdivision (b) of Section 707 that was committed when the juvenile was 14 years of age or older.
- The adjudication is the most recent offense for which the juvenile has been adjudicated.
- The court has made a finding on the record that a less restrictive, alternative disposition for the ward is unsuitable. (Welf. & Inst. Code, § 875, subd. (a)(1)-(3).)

Existing law requires the court, in determining whether a less restrictive disposition is suitable, 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 to advise on the appropriate disposition of the case. Requires the court to additionally make its determination based on specified criteria, including the severity of the offense or offenses for which the ward has been most recently adjudicated; the ward's previous delinquent history; whether the programming, treatment, and education offered and provided in an SYTF is appropriate to meet the treatment and security needs of the ward; and whether the goals of rehabilitation and community safety can be met by assigning the ward to an alternative, less restrictive disposition that is available to the court, among other things. (Welf. & Inst. Code, § 875, subd. (a)(3)(A)-(E).)

Existing law requires the court, in making its order of commitment for a ward, to set a baseline term of confinement for the ward that is based on the most serious recent offense for which the ward has been adjudicated. Requires the baseline term of confinement to represent the time in custody necessary to meet the developmental and treatment needs of the ward and to prepare the ward for discharge to a period of probation supervision in the community. Requires the baseline term of confinement for the ward to be determined according to offense-based classifications. Provides that the baseline term is subject to modification in progress review hearings. (Welf. & Inst. Code, § 875, subd. (b)(1).)

Existing law requires the court, in making its order of commitment, to additionally set a maximum term of confinement for the ward based upon the facts and circumstances of the matter or matters that brought or continued the ward under the jurisdiction of the court and as deemed appropriate to achieve rehabilitation. (Welf. & Inst. Code, § 875, subd. (c)(1).)

Existing law provides that the maximum term of confinement is the longest term of confinement in a facility that the ward may serve subject to the following:

- Prohibits a ward committed to an SYTF from being held in secure confinement beyond 23 years of age, or two years from the date of the commitment, whichever occurs later. Allows a ward who has been committed to an SYTF based on adjudication for an offense or offenses for which the ward, if convicted in adult criminal court, would face an aggregate sentence of seven or more years, to be held in secure confinement until 25 years of age, or two years from the date of commitment, whichever occurs later.
- Prohibits the maximum term of confinement from exceeding the middle term of imprisonment that can be imposed upon an adult convicted of the same offense or offenses. Requires, if the court elects to aggregate the period of physical confinement on multiple counts or multiple petitions, the maximum term of confinement to be the aggregate term of imprisonment specified in Section 1170.1 of the Penal Code.
- Requires precommitment credits for time served to be applied against the maximum term of confinement. (Welf. & Inst. Code, § 875, subd. (c)(1)(A)-(C).)

Existing law requires the court, within 30 judicial days of making an order of commitment to an SYTF, to receive, review, and approve an individual rehabilitation plan (IRP) that meets specified requirements for the ward that has been submitted to the court by the probation department and any other agencies or individuals the court deems necessary for the development of the plan. (Welf. & Inst. Code, § 875, subd. (d)(1).)

Existing law requires an IRP to do all of the following:

- Identify the ward's needs in relation to treatment, education, and development, including any special needs the ward may have in relation to health, mental or emotional health, disabilities, or gender-related or other special needs.
- Describe the programming, treatment, and education to be provided to the ward in relation to the identified needs during the commitment period.
- Reflect, and be consistent with, the principles of trauma-informed, evidence-based, and culturally responsive care.
- Requires the ward and their family to be given the opportunity to provide input regarding the needs of the ward, and requires the opinions of the ward and the ward's family to be included in the IRP report to the court. (Welf. & Inst. Code, § 875, subd. (d)(2).)

Existing law requires the court to schedule and hold a progress review hearing for the ward not less frequently than once every six months during the term of commitment, including any term spent in an LRP. Requires the court to evaluate the ward's progress in relation to the IRP and determine whether the baseline term of confinement is to be modified in the review hearing. (Welf. & Inst. Code, § 875, subd. (e)(1)(A).)

Existing law provides that the court may order, at the conclusion of each review hearing and upon making a finding on the record, that the ward remain in custody for the remainder of the baseline term, or may order that the ward's baseline term or previously modified baseline term be modified downward by a reduction of confinement time not to exceed six months for each review hearing. Authorizes the court to additionally order that the ward be assigned to an LRP. Provides that the determination of whether the baseline term will be modified, or whether a youth will be assigned to an LRP, is a judicial decision and the juvenile court's discretion may not be limited by stipulation of the parties at any time. (Welf. & Inst. Code, § 875, subd. (e)(1)(A).)

Existing law authorizes the court, if the ward is already assigned to an LRP, to order a reduction in the length of time the ward is to remain in the LRP prior to a probation discharge hearing, based on the ward's progress. Authorizes the court, if it determines that ward has failed materially to comply with the court-ordered conditions of placement in the LRP, to modify the order of placement in the LRP. (Welf. & Inst. Code, § 875, subd. (e)(1)(B).)

Existing law prohibits the ward's confinement time, including time spent in an LRP, from being extended beyond the baseline confinement term, or beyond a modified baseline term, for disciplinary infractions or other in-custody behaviors. Requires that any infractions or behaviors be addressed by alternative means, which may include a system of graduated sanctions for disciplinary infractions adopted by the operator of an SYTF and subject to any relevant state standards or regulations that apply to juvenile facilities generally. (Welf. & Inst. Code, § 875, subd. (e)(2).)

Existing law requires the court to hold a probation discharge hearing for the ward at the conclusion of the baseline confinement term, including any modified baseline term. Requires the probation discharge hearing to occur at the end of the period, or modified period, of placement that has been ordered by the court for a ward who has been placed in an LRP. (Welf. & Inst. Code, § 875, subd. (e)(3).)

Existing law requires the court to review the ward's progress toward meeting the goals of the IRP and the recommendations of counsel, the probation department, and any other agencies or individuals having information the court deems necessary at the discharge hearing. Requires the court to order that the ward be discharged to a period of probation supervision in the community under conditions approved by the court at the conclusion of the hearing unless the court finds that the ward constitutes a substantial risk of imminent harm to others in the community if released from custody. Provides that if the court finds that the ward constitutes a substantial risk of imminent harm to others in the community if released from custody, the ward may be retained in custody in an SYTF for up to one additional year of confinement, subject to review hearing and probation discharge hearings and to the maximum confinement provisions of law. (Welf. & Inst. Code, § 875, subd. (e)(3).)

Existing law requires the court, if the ward is discharged to probation supervision, to determine the reasonable conditions of probation that are suitable to meet the needs of the ward and to facilitate the ward's successful reentry into the community. Requires the court to periodically review the ward's progress and to make any additional orders deemed necessary to modify the program of supervision in order to facilitate the provision of services or to otherwise support the ward's successful reentry into the community. Authorizes the court, if it finds that the ward has failed materially to comply with the reasonable orders of probation imposed by the court, to order that the ward be returned to a juvenile facility or to an LRP for a period not to exceed either the remainder of the baseline term, including any court-ordered modifications, or six months, whichever is longer, and in any case not to exceed the maximum confinement limits. (Welf. & Inst. Code, § 875, subd. (e)(4).)

Existing law authorizes the court, upon a motion from the probation department or the ward, to order that the ward be transferred from an SYTF to an LRP. Requires the court to consider the transfer request at the next scheduled treatment review hearing or at a separately scheduled hearing. Requires the court to consider the recommendations of the probation department on the proposed change in placement. Requires approval of the request for an LRP to be made only

upon the court's determination that the ward has made substantial progress toward the goals of the IRP and that placement is consistent with the goals of youth rehabilitation and community safety. (Welf. & Inst. Code, § 875, subd. (f)(1).)

Existing law requires the court, in making its determination to approve a transfer request to an LRP, to consider both of the following factors:

- The ward's overall progress in relation to the rehabilitation plan during the period of confinement in an SYTF.
- The programming and community transition services to be provided, or coordinated by the LRP, including, but not limited to, any educational, vocational, counseling, housing, or other services made available through the program. (Welf. & Inst. Code, § 875, subd. (f)(1).)

Existing law authorizes the court, in any order transferring the ward from an SYTF to an LRP, to require the ward to observe any conditions of performance or compliance with the program that are reasonable and appropriate and that are within the capacity of the ward to perform. Requires the court to set the length of time the ward is to remain in an LRP, not to exceed the remainder of the baseline or modified baseline term, prior to a probation discharge hearing. (Welf. & Inst. Code, § 875, subd. (f)(2).)

Existing law authorizes the court, if it determines that the ward has materially failed to comply with the court-ordered conditions of placement in the LRP, to modify the terms and conditions of placement in the program or to order the ward to be returned to an SYTF for the remainder of the baseline term, or modified baseline term, and subject to further periodic review hearings and to the maximum confinement provisions of law. Requires the ward's baseline or modified baseline term to be adjusted to include credit for the time served by the ward in the LRP if the ward is returned to the SYTF. (Welf. & Inst. Code, § 875, subd. (f)(2).)

Existing law outlines the criteria that an SYTF must meet, including that the facility be a secure facility. (Welf. & Inst. Code, § 875, subd. (g).)

Existing law requires, notwithstanding any other law, the Chief Deputy Secretary for the Division of Juvenile Justice (DJJ) to certify, if in their opinion, the rehabilitation of a person with a mental health disorder or a developmental disability who is confined in a state correctional school may be expedited by treatment at one of the state hospitals. Requires that this fact is certified to the director of the appropriate department who may authorize receipt of the person at one of the hospitals for care and treatment. (Welf. & Inst. Code, § 1756.)

Existing law requires the Chief Deputy Secretary for DJJ to immediately send for, take, and receive the person back into a state correctional school upon notification from the director that the person will no longer benefit from further care and treatment in the state hospital. Requires a person placed in a state hospital who is committed to DJJ to be released from the hospital upon termination of the person's commitment unless a petition for detention of that person is filed, as specified. (*Ibid.*)

Existing law authorizes the court committing a ward to an SYTF to modify or set aside the order of commitment upon the written application of the ward or the probation department and upon a showing of good cause that the county or the commitment facility has failed, or is unable to, provide the ward with treatment, programming, and education that are consistent with the IRP, that the conditions under which the ward is confined are harmful to the ward, or that the juvenile justice goals of rehabilitation and community safety are no longer served by continued confinement of the ward in an SYTF. Requires the court to notice a hearing in which it must hear any evidence from the ward, the probation department, and any behavioral health or other specialists having information relevant to consideration of the request to modify or set aside the order of commitment. Requires the court to, at the conclusion of the hearing, make its findings on the record, including findings as to the custodial and supervision status of the ward, based on the evidence presented. (Welf. & Inst. Code, § 779.5.)

This bill prohibits a court from ordering a ward to be transferred to a particular LRP unless the court determines that the particular LRP satisfies all of the following:

- The program has current insurance policies that satisfy any legal requirement to have insurance that is applicable to the program.
- The program has provided appropriate training for staff and conducted criminal background checks, and any results were considered as part of a hiring determination.
- The program provides evidence that it adheres to wards' case plans and applicable accountability measures.
- The program addresses the risk needs of wards being transferred to the LRP from SYTF.
- The program provides proof of notice submitted to the city and county in which it operates.
- The program meets state and local zoning and land use requirements for residential facilities.

This bill exempts the following LRPs from the above prohibition:

- A program operated by a juvenile facility subject to oversight and regulation by the Board of State and Community Corrections (BSCC).
- A program that is subject to licensure by another state licensing agency.
- A program in the home of the ward's parent or a supportive relative recognized by the county probation department and agreed to by the court.

This bill requires, the probation department in consultation with the facility's behavioral health director, to certify, if in their opinion, the rehabilitation of a person with a mental health disorder or a developmental disability who is confined in an SYTF may be expedited by treatment at one of the state hospitals. Requires that this fact is certified to the director of the appropriate department who may authorize receipt of the person at one of the hospitals for care and treatment. Requires the probation department to immediately send for, take, and receive the person back into an SYTF upon notification from the director that the person will no longer benefit from further care and treatment in the state hospital, and requires a person placed in a state hospital who is committed to an SYTF to be released from the hospital upon termination of the person's commitment unless a petition for detention of that person is filed, as specified.

COMMENTS

1. Need For This Bill

According to the author:

SB 1157 seeks to resolve unaddressed issues resulting from the enactment of the closure of the Division of Juvenile Justice (DJJ) and the shift of supervisory and detention duties for DJJ and DJJ eligible youth to counties. By providing for a framework of requirements for Less Restrictive Programs (LRPs) and referrals of youth in a county Secure Youth Treatment Facility (SYTF) to the Department of State Hospitals for specialized care, SB 1157 will better improve outcomes for youth and ensure the statutory goals of LRPs are met safely and consistently across the state. Because these programs are part of the term of secure detention, and not a part of post jurisdiction or release, it's critical that there is a framework in place to set programming expectations and safety considerations for programs serving the highest risk and highest need youth and young adults in the state. Time spent in an LRP remains court-ordered custody time under local government responsibility, yet in many cases it is replaced by private alternatives to detention in community settings, often unregulated residential settings with no equivalent elsewhere for youth under the jurisdiction of the court or local governments. SB 1157 establishes the first comprehensive statewide accountability framework for LRPs, imposing minimum criteria around program and operation standards, including training, background checks, and coordination with courts and counties that will ultimately better serve our youth and communities.

2. Secure Youth Treatment Facilities

With the passage of SB 823 (Committee on Budget), Chapter 337, Statutes of 2020, the state planned the closure of the Division of Juvenile Justice (DJJ) and realigned the responsibility for managing all youth under the jurisdiction of the juvenile courts to county probation departments. This change resulted in the reallocation of funding to counties to enable them to meet the needs of youth who would have previously been committed to DJJ. SB 823 also established the Office of Youth and Community Restoration (OYCR) within the California Health & Human Services (CalHHS) Agency. OYCR's mission is to "promote[] trauma responsive, culturally informed, gender honoring, and developmentally appropriate services for youth involved in the juvenile justice system that support the youths' successful transition into adulthood" and its "vision of youth justice is one that is framed by accountability and healing rather than punishment, and has been driven by on-the-ground advocates, researchers and probation departments, along with policy, funding, and practice changes, working together to make this new vision of youth justice a reality." (OYCR, *About OYCR* available at <<https://www.oycr.ca.gov/about/#our-mission>>.)

SB 92 (Committee on Budget), Chapter 18, Statutes of 2021, was enacted the following year to establish a new dispositional option for juveniles ages 14 and over who are adjudicated for a Welfare and Institutions Code section 707(b) offense (i.e., a specified serious or violent felony) and for whom a less restrictive alternative disposition is not suitable. This dispositional option—commitment to an SYTF—is a secured, custodial setting. Counties are not required to establish

an SYTF and may contract with another county that has an SYTF to house this population. A county is also authorized to establish an SYTF to serve as a regional center for the commitment of juveniles from one or more counties. A county that elects to establish an SYTF is required to notify and submit a description of the facility to the BSCC to ensure compliance with standards pertaining to facility design and security, among other things.

3. Less Restrictive Programs

As mentioned above, Welfare and Institutions Code section 875 authorizes a court to commit a youth to an SYTF if: the juvenile was adjudicated for and found to have committed a Section 707(b) offense when the juvenile was 14 and older; the adjudication is the most recent offense for which the juvenile has been adjudicated; and the court has made a finding on the record that a less restrictive, alternative disposition for the ward is unsuitable. (Welf & Inst. Code, § 875, subd. (a)(1).) In other words, the court must decide, following a youth's adjudication for an eligible offense, whether an SYTF is the appropriate placement for a youth who qualifies for commitment to an SYTF. Once the SYTF commitment is ordered, the court conducts review hearings at least every six months. In reviewing the youth's progress, the court may order that the youth be assigned to an LRP.

The court may order that the youth be transferred from an SYTF to an LRP, such as a halfway house, a camp or ranch, or a community residential or nonresidential service program, upon a motion from the probation department or the youth. (Welf & Inst. Code, § 875, subd. (f)(1).) The stated purpose of an LRP is "to facilitate the safe and successful reintegration of the ward into the community." (Welf & Inst. Code, § 875, subd. (f)(1).) When a request for a transfer from an SYTF to an LRP is made, the court must consider the request at the next scheduled review hearing or at a separately scheduled hearing, and must consider the probation department's recommendations. (Welf & Inst. Code, § 875, subd. (f)(1).)

In order to approve a transfer request to an LRP, the court must find that the youth has made substantial progress toward the goals of the IRP and that placement in an LRP is consistent with the goals of youth rehabilitation and community safety. (Welf & Inst. Code, § 875, subd. (f)(1).) In making its determination, the court must consider the youth's overall progress in relation to the IRP during the period of confinement in an SYTF as well as the programming and community transition services to be provided or coordinated by the LRP, including any educational, vocational, counseling, housing, or other services made available through the program. (Welf & Inst. Code, § 875, subd. (f)(1)(A) & (B).)

The court may order any reasonable and appropriate conditions that are within the capacity of the youth to perform when ordering a transfer from an SYTF to an LRP. (Welf & Inst. Code, § 875, subd. (f)(2).) The length of time the youth is to remain in an LRP cannot exceed the remainder of the baseline or modified baseline term, prior to a probation discharge hearing. (Welf & Inst. Code, § 875, subd. (f)(2).) A youth who fails to comply with the court-ordered conditions of placement in the program may have the conditions modified or be returned to an SYTF for the remainder of the baseline term, or modified baseline term. (Welf & Inst. Code, § 875, subd. (f)(2).)

4. Stepping Home Model

In 2023, OYCR adopted the Stepping Home Model which was developed to prepare and support youth as they transition back into their communities. The Model is described as:

[P]romot[ing] healing and accountability for youth and is intended to guide counties and partnering entities as they ensure the safe and successful transition of youth from SYTFs through the continuum of placements to home. The model details a process for all youth that begins from their confinement in an SYTF and ends with their safe and successful return to their communities through the usage of LRPs. The Model also promotes key elements that center healing and accountability for youth and the participation of youth and their family in the formation of the youth's treatment and programming. (OYCR & UCLA Luskin Social Welfare, *Stepping Home Elements—Less Restrictive Programs: Considerations and Possibilities* (2024), p. 4 available at <<https://www.chhs.ca.gov/wp-content/uploads/2024/08/OYCR-UCLA-Stepping-Home-Elements-Less-Restrictive-Programs.pdf>>.)

The Model includes ten key elements:

- SYTFs and LRPs must protect youth from harm and abuse by promoting cultures and environments of dignity and respect.
- Youth facing potential commitment to SYTFs should receive professional neuropsychological assessments to identify underlying trauma, developmental needs, behavioral health needs, and unmet social needs, coupled with targeted healing, trauma-informed and therapeutic interventions by qualified personnel.
- Informed by assessment, each youth's case plan should be developed utilizing family and community support teams and include full access to restorative health care.
- Informed by assessment and the youth's whole person care plan, access must be provided to behavioral health services as needed, administered with fidelity to quality, dose, and duration.
- Restorative justice programming must be provided that promotes youth accountability for offenses and builds positive relationships and behavior, including victim awareness and personal insight.
- Cohort support and programming that connects youth to others going through similar transitions, providing motivation through peer support, and exposing youth to pro-social experiences.
- Strength based, healthy living and support activities for positive youth development, including opportunities for healing and spirituality, quality and age-appropriate education, outdoor and leisure time, and opportunity to move from the facility to the community to attend school, work, and family and community events.
- Use of trusted/credible messengers with lived experience to help the youth engage with staff and programs, and to help them express their needs.
- Pre-release engagement with community-based health organizations and resources that address the social determinants of health through CalAIM and Enhanced Care Management services provided by trusted community resources to ensure continuity of care and access to needed community services including housing.

- Transitions to community and home living that include comprehensive wraparound services such as supported living programs, basic income assistance, continuing behavioral health support, education and vocational placements, and transportation support. (OYCR, *Memo on the Stepping Home Model* (Mar. 5, 2025), p. 1 available at <<https://www.chhs.ca.gov/wp-content/uploads/2024/11/OYCR-Stepping-Home-Model-Memo.pdf>>.)

In 2024, OYCR requested that the Child Welfare Council (CWC), another entity within CalHHS, adopt the Model as “the standard of care and services to be pursued for youth committed to SYTFs and embarking on transitions to LRPs and upon their return to community living.” (OYCR, *Memo, supra*, p. 2.) The CWC unanimously approved adoption of the Model at its March 5, 2025 meeting. In its memo, OYCR provided the following with respect to future actions following the CWC’s adoption of the Stepping Home Model:

[T]he next stage in the development of the model will be preparation of action and implementation guides for each of the elements, as well as development of implementation assessment instruments that can be used by county probation leadership, staff and affected youth, as well as by external stakeholders to determine progress towards fulfilling these best practices.

Such guides and assessment instruments are essential considering the highly decentralized structure of Juvenile Probation in California. While probation facilities are subject to Title 15 and Title 24 regulations, these regulations serve as minimum health and safety requirements, not as guidance for fulfilling the goals of the transition from a strictly correctional model to a behavioral health-based youth justice model in the state. (*Ibid.*)

5. Continuum of LRPs

As stated above, the purpose of an LRP is “to facilitate the safe and successful reintegration of the ward into the community,” and could be a halfway house, a camp or ranch, or a community residential or nonresidential service program. (Welf. & Inst. Code, § 875, subd. (f)(1).)

LRPs exist along a continuum, moving from structured placements such as LRPs within Title 15-regulated facilities and short-term residential therapeutic programs (STRTPs) to community-based environments.¹ A technical assistance brief written by OYCR provides:

Any setting or program, other than an SYTF facility, can be considered an LRP. Youth in LRPs are under probation supervision with services and supports, regardless of where they are living. LRPs need not be a specific place or location, but include individualized rehabilitative programming based on each youth’s IRP goals and needs. (OYCR, *California’s SB 823 Less Restrictive Programs: A Continuum of Care for Adolescent Rehabilitation* (Jan. 2026), p. 4 <<https://www.chhs.ca.gov/wp-content/uploads/2026/01/LRP-Continuum.pdf>>.)

¹ Title 15 applies to any county, city and county, or joint juvenile facility that is used for the confinement of youth. (Cal. Code of Regs., tit. 15, § 1300 et seq.)

Some examples of LRPs include juvenile ranches and camps operated by the counties (i.e., Title 15-regulated facilities), STRTPs, Foster Family Agencies (FFAs), and Pine Grove Fire Camp. (OYCR, *supra*, pp. 4-5.) Section 875 also specifies that a community residential or nonresidential service program may serve as an LRP. Community-based residential programs are homes in the community operated by community-based organizations that provide supervised and highly structured, home-like environments with staff support and case management in addition to services such as reentry programming, trauma-informed care, education, employment support, and mentorship, among others. (*Id.* at p. 6.) Nonresidential service programs include independent living with reentry supports and services. Individuals in this type of LRP live in a home or apartment that is not operated by a community-based organization. (*Ibid.*) Unlike community-based residential programs, these have no on-site supervision; instead, individuals receive supportive services in the community. (*Ibid.*) Other types of LRPs include higher education-based programs (e.g., youth live in on-campus student housing or off-campus housing while enrolled in college) as well as family or kinship homes (i.e., youth may return home or live with family while receiving services). (*Ibid.*)

Section 875 does not explicitly require an LRP to be licensed with a state agency; some of the facilities explicitly included in or authorized by Section 875 require licensure under state law while others do not.² LRPs that serve individuals who are 18 or older are generally not licensed, and individuals who are 18 and older may be placed alongside peers who are not on LRP status. (OYCR, *supra*, p. 7.) Similarly, youth who are under 18 may be placed in STRTPs or FFAs alongside youth who are not on LRP status, but individuals under 18 may not be housed in an unlicensed, community-based LRP. (*Ibid.*)

6. Data on Step Downs to LRPs

With respect to transfers to LRPs, 100 youths were stepped down to an LRP during fiscal year 2022-23, and 161 youths were stepped down to an LRP during fiscal year 2023-24. (OYCR, *AB 102 Report* (Sept. 2025), p. 27 available at <https://oycr.ca.gov/wp-content/uploads/sites/346/2025/09/2025-AB-102-Report_FINAL.pdf>.) Notably, 14 counties transferred youth from an SYTF to an LRP during fiscal year 2022-23, and 26 counties did the same during fiscal year 2023-24. Among those counties, half were in Northern California, 27% were in Southern California, 23% were in Central California. (*Ibid.*) Three-quarters of those stepped down to an LRP in fiscal year 2023-24 were age 19 or older, and the most commonly adjudicated offenses for those who were stepped down to LRPs were homicide, robbery, assault, and attempted homicide. (*Id.* at pp. 28-29.)

² For example, Section 875 includes “halfway house” as an LRP option. This term is not defined in Section 875, and this code section does not provide a cross reference to a definition elsewhere in state law. However, the general understanding of a “halfway house” is a transitional residential facility for individuals following a period of incarceration. (Federal Bureau of Prisons (BOP), About Our Facilities <https://www.bop.gov/about/facilities/residential_reentry_management_centers.jsp> [halfway houses are referred to in BOP contracts as residential reentry centers].) One type of facility in the state that could serve as a halfway house is a “sober living facility” which are exempt from state licensing requirements. (Health & Saf. Code, § 11833.05, subd. (f).)

7. Effect of This Bill

The proponents of this bill assert that statutory changes are necessary to establish minimum standards to operate an LRP and demonstrate that the program can meet the needs of youth (both collectively and individually), as well as demonstrate compliance with state and local ordinances. They emphasize that these parameters are necessary given that the LRP population is a high risk, high needs population that once spent the entirety of their commitment in a DJJ facility prior to the closure of DJJ.

In order to accomplish these goals, this bill prohibits a court from ordering a ward to be transferred to a particular LRP unless the court determines that the LRP satisfies all of the following:

- The program has current insurance policies that satisfy any legal requirement to have insurance that is applicable to the program.
- The program has provided appropriate training for staff and conducted criminal background checks, and any results were considered as part of a hiring determination.
- The program provides evidence that it adheres to wards' case plans and applicable accountability measures.
- The program addresses the risk needs of wards being transferred to the LRP from SYTF.
- The program provides proof of notice submitted to the city and county in which it operates.
- The program meets state and local zoning and land use requirements for residential facilities.

This bill specifically exempts LRPs that are operated by a juvenile facility subject to oversight and regulation by the BSCC (i.e., Title15-regulated facilities), that must be licensed by a state agency, or are a program in the home of the ward's parent or a supportive relative recognized by the county probation department and agreed to by the court.

This bill additionally replaces references to DJJ with "county probation" in Welfare and Institutions Code section 1756 to authorize the referral of youth committed to an SYTF to a state hospital. Specifically, this bill requires the probation department in consultation with the facility's behavioral health director, to certify, if in their opinion, the rehabilitation of a person with a mental health disorder or a developmental disability who is confined in an SYTF may be expedited by treatment at one of the state hospitals.

This bill raises a number of questions. To the extent that the state should develop guidelines, parameters, or minimum standards related to the operation of LRPs, how should those be developed? Should those minimum standards be codified in statute or should the Legislature direct the BSCC in consultation with OYCR to develop regulations on this topic? One benefit of that approach would be that these two state entities have oversight of the state's juvenile facilities and population. In addition, requiring a state entity such as the BSCC to develop regulations pertaining to LRPs could also provide for a process to vet LRPs up front rather than placing judges in the position of making determinations regarding an LRP in each case before the court.

With respect to the judicial determinations made in the bill, it is unclear how the court will have the tools necessary to make some of those determinations. In addition, the timeline for the court to make those determinations is unclear and arguably could take several days, leading to delays in making its decision. It is worth noting that some of these terms or conditions are undefined. For example, what is meant by “appropriate training for staff”? What kind of criminal background checks would be required—background checks that require fingerprinting or non-fingerprint based commercial background checks?

Finally, with respect to the changes proposed to Section 1756, should the Department of State Hospitals (DSH) be replaced with county psychiatric hospitals or other appropriate treatment facilities (whether county-operated or county-contracted facilities)? As opponents to the bill note, Section 1756 previously applied to DJJ, a state department. Now that counties have assumed the role of DJJ, it may be appropriate to amend the bill to reflect the equivalent of DSH hospitals at the county level.

8. Argument in Support

The bill’s sponsor, the Chief Probation Officers of California, writes:

With the passage of SB 823 (2020), the entirety of the California’s juvenile justice system is now administered by counties. Secure Youth Treatment Facilities (SYTFs) and Less Restrictive Programs (LRPs) were established as part of the Division of Juvenile Justice (DJJ) closure and associated transfer of supervisory and detention authority of DJJ youth and DJJ qualifying youth to counties.

SB 1157 provides similar tools to counties that DJJ previously had for addressing high level mental health referrals to the Department of State Hospitals. While this population is small, the impacts on youth and our facilities is enormous when a youth is in crisis. Specifically, existing WIC 1756 allowed for a person at the state Division of Juvenile Justice (DJJ) to be referred to the Department of State Hospitals (DSH) if the transfer would enhance their treatment. When the Division of Juvenile Justice abruptly closed, all responsibility was shifted to county jurisdiction in 2021 and the state subsequently ceased intakes of the highest risk and highest need youth and neglected giving counties the authority to make mental health referrals to DSH for youth in SYTF that was afforded to DJJ.

This statutory authority is necessary as, while infrequent, there are instances where a young adult’s behavioral health needs are so significant as to require treatment beyond the scope of what is available in juvenile detention facilities, and which may only be adequately and appropriately provided in a locked behavioral health facility.

The bill would also address Less Restrictive Programs (LRPs), which are a new statutory creation as part of DJJ closure and the shift of responsibility to counties. While a youth may be ordered by the court into an LRP in the community, jurisdiction remains with probation as this is part of the court ordered custody within the WIC 875 continuum. The concern is there is currently no framework to address the governance concerns for LRPs located in the community, nor are there set expectations for their operations.

Despite the establishment of LRPs as an option for courts to consider upon progress of a young adult, statute does not establish a framework when the identified program is a congregate residential setting not otherwise governed or regulated by a government or public entity. Because these programs are part of their custodial term, which, prior to SB 823 would have been served entirely at DJJ and not a part of post jurisdiction or release, it's critical that there is a framework in place. SB 1157 establishes a framework to set programming expectations, safety considerations, and liability concerns, for programs serving the highest risk and highest need youth and young adults in the state when they are in congregate residential placements in the community.

Without these most basic criteria, counties, courts and other stakeholders may not have the confidence necessary to utilize this tool. SB 1157 simply requires the court to determine that specified LRP operators adhere to the young person's case plan and accountability measures, provide training to their staff and perform staff background checks, obtain appropriate insurance, have provided notice to the city and county in which it operates, and meet state and local zoning and land use requirements. Having these types of criteria is an important aspect as it relates to the use of taxpayer funds, particularly as no parameters have been established to date for the costs of these programs when created as part of the DJJ closure.

These criteria are necessary as LRPs are serving individuals who are the highest need, have committed the most serious offenses within the juvenile justice system, and as previously stated, would have otherwise been serving the entirety of their custodial time at a secure state DJJ facility but for SB 823 (2020). This is a significant design flaw in the closure of DJJ and without SB 1157 we risk not only the safety of the community but also endangering the youth and young adults placed in our care.

9. Argument in Opposition

The California Youth Defender Center writes:

This bill undermines California's shift toward a health and community-based juvenile justice system following 2020 Juvenile Justice Realignment. By preemptively limiting the use of community-based placements for justice-involved youth, the bill runs counter to the intent of Realignment and should not move forward.

When the Legislature closed the Division of Juvenile Justice (DJJ), it was explicit about what should replace it: dispositions in the least restrictive appropriate environment, reduced reliance on confinement, and community-based responses that eliminate racial and ethnic disparities. Less Restrictive Programs (LRPs) are a key component of realizing that intent. Current law under WIC § 875(f) authorizes courts to transfer youth from Secure Youth Treatment Facilities (SYTFs) to less restrictive, community-based settings to serve the remainder of their commitment — building a continuum of graduated options that research consistently shows produces better outcomes for youth and safer communities.

That continuum is still being built. SB 1157 does not strengthen it. Instead, it imposes barriers targeted at the community-based end of that continuum using a judicial mechanism that cannot work in practice. It also expands probation's authority to transfer youth to state hospitals under WIC § 1756, attempting to replicate a DJJ-era process that does not align with the current system. We oppose both components.

A commitment to an SYTF is the most restrictive disposition available in the juvenile system. When a youth demonstrates substantial progress toward their Individual Rehabilitation Plan (IRP), WIC § 875(f) allows a court to transfer them to an LRP. SB 1157 disrupts that process by creating a new judicial checklist that must be satisfied before a transfer can occur.

These requirements – including insurance verification, staff training documentation, proof of case plan adherence, risk-need alignment, notice, and zoning compliance – place courts in an inappropriate and potentially risky role beyond their core judicial function. Courts would be asked to evaluate highly technical insurance and regulatory compliance issues that vary widely across the continuum of LRPs, as well as employment law questions related to staff training and background checks. The bill also provides no clear evidentiary framework for demonstrating “case plan adherence,” ... Similarly, the bill does not define how “risk needs” are to be identified or evaluated, nor how courts should determine whether a program can meet those needs. ... The bill identifies no agency responsible for interpreting these requirements, leaving courts with ambiguous standards and no guidance.

At the same time, SB 1157's exemptions for certain programs, including those operated by Probation or subject to another state licensing agency, create a predictable and problematic outcome. Judges who want to transfer youth to a community-based LRP will have no reliable way to make the required findings. On the other hand, judges who are reluctant to do so will have an inexhaustible list of unanswerable questions to justify denial. ... The result will not be improved program quality, but rather fewer transfers to community-based LRPs. The programs most likely to struggle with Section 877's documentation requirements are not the programs most likely to harm youth. They are the ones most likely to be offering something courts cannot find anywhere else – and the ones Realignment was built to support.

SB 1157 also expands WIC § 1756 to allow probation to transfer youth from SYTFs to the Department of State Hospitals, attempting to apply a DJJ-era mechanism to a fundamentally different system.

Prior to 2020 ... youth were in state custody, and transfers between state agencies were coherent. Since the closure of DJJ, however, responsibility for youth has shifted entirely to counties. ... SB 1157 disrupts that framework by allowing probation to initiate transfers outside of the established court-driven process. If a youth cannot be served in an SYTF, that determination should return to the court through an IRP modification under WIC § 875, where a full range of options – including less restrictive alternatives – can be considered.

... Once a youth is transferred to a state hospital, it is unclear who is responsible for implementing the IRP or reporting to the court, even as mandatory review hearings continue. This disconnect places the youth physically outside the juvenile system while that system's timelines and obligations remain in place, with no clear mechanism for oversight. ... Importantly, state hospitals are designed for acute psychiatric care, but the bill's vague transfer standards create a risk of net-widening beyond the intended population.

We support the goal of ensuring LRPs are safe, effective, and accountable, and that youth in SYTFs have access to community-based programs that meet their needs. However, this bill takes the wrong approach and ultimately undermines the framework established by SB 823.

Establishing standards for LRPs requires the right process. A traditional rulemaking process led by a designated regulatory agency would allow for the development of clear, consistent, and enforceable standards grounded in subject-matter expertise and informed by stakeholder input and public comment.

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