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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair

2025 - 2026 Regular Session

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### **SB 824 (Menjivar) - Secure youth treatment facilities**

**Version:** April 24, 2025

**Urgency:** No

**Hearing Date:** May 5, 2025

**Policy Vote:** PUB. S. 5 - 0

**Mandate:** Yes

**Consultant:** Liah Burnley

**Bill Summary:** SB 824 requires Individualized Rehabilitation Plans (IRP) for youth committed to a Secure Youth Treatment Facility (SYTF) to contain a roadmap for their successful return to their community and requires judges to assess the juvenile's progress at each six-month review hearing.

#### **Fiscal Impact:**

- **Trial Court Costs:** Unknown, potentially significant cost to the state funded trial court system (Trial Court Trust Fund, General Fund) associated with increased workload. The fiscal impact of this bill to the courts will depend on many unknown factors, including the number of cases filed and the factors unique to each case. An eight-hour court day costs approximately \$10,500 in staff in workload. If court days exceed 10, costs to the trial courts could reach hundreds of thousands of dollars. In 2023–24, over 4.8 million cases were filed statewide in the superior courts. Filings increased over the past year, driven mostly by misdemeanors and infractions, and civil limited cases. The increase in filings from the previous year is greater than 5% for civil limited and unlimited, appellate division appeals, juvenile delinquency, misdemeanors and infractions, and probate. While the courts are not funded on a workload basis, an increase in workload could result in delayed court services and would put pressure on the General Fund to fund additional staff and resources and to increase the amount appropriated to backfill for trial court operations. The Governor's 2025-26 budget proposes a \$40 million ongoing increase in discretionary funding from the General Fund to help pay for increased trial court operation costs beginning in 2025-26.
- **Local Costs:** Unknown, potentially significant reimbursable costs (General Fund, Prop 30, local funds) of an unknown amount due to the additional responsibilities for social workers and probation officers related to IRPs, as required by this bill. County social services agencies' costs may be reimbursable to the extent determined by the Commission on State Mandates. County probation costs may be reimbursable due to Proposition 30, which provided that any legislation enacted after September 30, 2012 that has an overall effect of increasing costs already borne by a local agency for programs or levels of service mandated by realignment applies to local agencies only to the extent the state provides annual funding for the cost increase.

**Background:** Existing law authorizes a court to order a youth who is 14 years of age or older to be committed to a SYTF for a period of confinement if they committed a specified offense and meet certain criteria. Within 30 days of making an order of commitment to an SYTF, the court must approve an IRP that that has been submitted

by the probation department. Existing law requires the court to schedule and hold a progress review hearing for the ward not less than once every six months during the term of commitment. The court must also 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.

During the 2022-23 fiscal year, 427 youth were committed to SYTFs including 140 individuals returning to county custody from the state. The SYTF population is largely male, and about half of the SYTF population is 17 or 18 years old. Both Black and Latino youth are overrepresented in the SYTF population compared to state population rates. 100 youths were transferred to a less restrictive program during fiscal year 2022-23.<sup>1</sup>

Advocates report that the current IRP requirements fail to plan for a youth's reintegration into the community over the course of their commitment, including by using tools such as furloughs and less restrictive programs. In practice, this is leading to widespread failure to supportively transition youth from the locked facility to the community in a way that sets them up for stability and success. All of the IRP planning is focused on the time in the SYTF, without a plan to bridge the gap between SYTF confinement and living successfully in the community.

On the other hand, opponents of this bill, including Chief Probation Officers, express concern community safety and the rehabilitation for young adults who are committed to a SYTF by establishing processes that presumptively seek to transition youth to less restrictive programs before they have made substantial progress on their IRP goals. They contend that the changes proposed in this bill require transfer to a less restrictive program in order to meet one's rehabilitation goals which is counter to the realignment framework that requires substantial progress before the court can deem the youth ready to transition to an LRP.

### **Proposed Law:**

- Requires the court to hold a hearing before approving an IRP.
- Requires a court to order the provision of programs, services, and supports that facilitate implementation and fulfillment of the IRP.
- Expands the information required to be included in an IRP, including:
  - A description of how to meet any identified needs that cannot be met by currently available programming, treatment, and education;
  - A description of how the programming, treatment, and education to be provided to the ward is designed to facilitate the ward's potential transition to a less restrictive program during the baseline term or modified baseline term, with a persistent focus on the goal of successfully returning the ward to the community. This description shall include all of the following:

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<sup>1</sup> OYCR, AB 102 Report (May 2024), available at <[https://www.oycr.ca.gov/wp-content/uploads/sites/346/2024/05/OYCR\\_AB-102-Report\\_5.1.24.pdf](https://www.oycr.ca.gov/wp-content/uploads/sites/346/2024/05/OYCR_AB-102-Report_5.1.24.pdf)>.

- Less restrictive programs that may be considered in the future to address the ward's individual needs and goals;
- Specific measures of progress that it is anticipated will qualify the ward for transfer to a less restrictive program;
- Furloughs from secure confinement that would provide opportunities for the ward's reintegration into their family and community, which may include, but is not limited to, temporary releases for work, education, vocational training, family visitation, obtaining identification or licenses, treatment, or attendance at family, community, or religious events;
- How the individual rehabilitation plan will be implemented to facilitate the ward's progress toward transferring to a less restrictive program; and,
- Specific supports, services, and programs that will facilitate the ward's success upon transitioning to a less restrictive program under subdivision or upon discharge to probation supervision;
- Consideration of the ward's individualized needs and goals related to housing, education, vocation, employment and career, family relationships, daily living skills, income and finances, mentorship, transportation, health care, and any other areas relevant to achieving and maintaining the ward's successful rehabilitation in a nonsecure, community-based setting.
- Requires, during six month progress hearings, the court to:
  - Assess the ward's progress toward transferring to a less restrictive program;
  - Make a finding on the record regarding progress made toward transitioning the ward to a less restrictive program and toward a successful return to the community, as described in the IRP;
  - Assess whether the ward has been provided adequate opportunities to make the progress required to transition to a less restrictive program.
- Allows the court, during six-month progress hearings, to make or modify orders for the purpose of improving and prioritizing that progress, which may include orders to require the ward to be granted furloughs.
- Requires, on a motion that the ward be transferred from SYTF to a less restrictive program, the court to make its finding on the record.
- Requires, on a motion that the ward be transferred from SYTF to a less restrictive program, if the court finds that it is reasonably likely that transferring the ward to a less restrictive program will better facilitate fulfillment of the goals in the IRP than would the ward's continued confinement in the SYTF, the court to order the ward to be transferred to the less restrictive program. The court shall make its findings on the record.

**Related Legislation:** SB 552 (Cortese) would require probation to submit individualized case plans for all youth adjudged to be a ward of the court. SB 552 is pending on this Committee's suspense file.

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