



SUMMARY

AB 1376 establishes clear hearing timelines for youth on formal wardship probation supervision in the community, also known as “non-custodial wardship probation.”

This will prevent young people from remaining on probation for longer than necessary, which wastes precious resources and negatively impacts healthy development.

AB 1376 will also codify case law that requires conditions of probation to be individually tailored, developmentally appropriate, proportional, and not excessive.

PROBLEM

The Legislature has long neglected to issue comprehensive guidelines or timelines for youth on non-custodial wardship probation. In contrast, the Legislature established clear timelines for adult probation in 2020 (AB 1950, Kamlager).

As a result, young people are often forced to remain on probation for much of their childhood, even if they are doing well. In 2023, over 10,000 young people were placed on wardship probation in California; 86% were youth of color. On average across the state, youth on non-custodial wardship probation spend almost *two years* on probation, with some counties averaging more than *three years*.

Lengthy probation terms are counterproductive to youth rehabilitation; they increase the risk of probation violations, deepen system involvement, and limit the ability of young people to pursue positive activities like sports, arts, leadership development, work opportunities, and advocacy.

In addition, youth are often required to comply with a long list of burdensome probation conditions – the sheer number of which are nearly impossible for a youth to understand, follow, or even recall – for an indeterminate length of time. These conditions can result in youth being incarcerated for non-law breaking “technical” violations of probation, such as missing an appointment or being late to class.

While the National Council of Juvenile and Family Court Judges recommends that probation conditions should be limited to ideally **four or fewer** conditions, several California counties have more than **30** conditions in their standard form, and Los Angeles County has up to **56**.

SOLUTION

Evidence shows that limiting the length of time on probation and requiring individualized conditions will improve outcomes for youth and reduce costs without compromising public safety.

The adolescent years are critical to development and by establishing regular check-ins with the court, AB 1376 will ensure that youth get the appropriate “dosage” of support and programming that is individually tailored to their needs and strengths.

AB 1376 PROVIDES THE FOLLOWING PROCEDURES:

- Establishes that probation for youth on non-custodial probation will end at twelve-months, unless the court determines by a preponderance of the evidence that extending probation is in the best interest of the youth and community.
- If probation is extended, a check-in with the court is required every six months thereafter to evaluate the youth’s progress and needs.
- Requires probation conditions to be individually tailored, developmentally appropriate, proportional, and not excessive.

If a judge finds that it is ‘more likely than not’ that the youth would benefit from continued supervision, they will extend probation. There is no limit to the number of times probation can be extended; rather, a judge makes an individualized determination in each case.

AB 1376 only applies in cases where a judge has determined that there is not a public safety risk to the youth being supervised by probation in the community. This bill would not impact hearing timelines for youth in out of home placements or in custodial settings such as juvenile halls, camps, ranches, or secure youth treatment facilities.

COST ESTIMATE

A conservative estimate of cost savings for AB 1376 is approximately \$80 million after implementation. Any costs associated with check-in hearings will be more than offset by the reduction in probation caseloads, as each hearing has a chance of removing a youth from the probation caseload. While court hearings come with an initial cost, the cost of keeping youth on probation

unnecessarily is much higher, to both the State and impacted families.

SUPPORT

Alliance for Boys and Men of Color **(Cosponsor)**
California Alliance for Youth and Community Justice **(Cosponsor)**
Communities United for Restorative Youth Justice **(Cosponsor)**
Fresh Lifelines for Youth **(Cosponsor)**
National Center for Youth Law **(Cosponsor)**
Sister Warriors Freedom Coalition **(Cosponsor)**
W. Haywood Burns Institute **(Cosponsor)**
Western Center on Law & Poverty **(Cosponsor)**
ACLU California Action
All of Us or None
Asian Americans Advancing Justice Southern California
Back to the Start
Black Parallel School Board
Black Women for Wellness Action Project
Brown Issues
Building the California Dream Alliance
California Attorneys for Criminal Justice
California Coalition for Youth
California Court Appointed Special Advocate Association
California League of United Latin American Citizens
California Native Vote Project
California Public Defenders Association
California Youth Defender Center
Californians for Safety and Justice
Californians United for a Responsible Budget
Center for Employment Opportunities
Children Now
Children's Defense Fund-California
Coalition for Humane Immigrant Rights
Community Works
Congregations Organized for Prophetic Engagement
Courage California
Debt Free Justice California
Drug Policy Alliance
East Bay Community Law Center
Ella Baker Center for Human Rights
Empowering Women Impacted by Incarceration
Fair Chance Project

Grace Institute-End Child Poverty in CA
Hoops 4 Justice
Human Rights Watch
Indigenous Justice
Initiate Justice
Initiate Justice Action
Justice2Jobs Coalition
Khmer Girls in Action
LA County Public Defenders Union, Local 148
La Defensa
League of Women Voters of California
Legal Services for Prisoner With Children
Mid-City Community Advocacy Network
MILPA Collective
National Institute for Criminal Justice Reform
Peace and Justice Law Center
Pillars of the Community
Rubicon Programs
San Francisco Public Defender
Secure Justice
Silicon Valley De-Bug
Smart Justice California
Starting Over
Starting Over Strong
Urban Peace Institute
Vera Institute of Justice
Youth Alliance
Youth Forward
Youth Law Center

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AB 1376
Additional
Resources

