

ENDING ENDLESS PROBATION FOR ALL YOUTH AB 1886 (ELHAWARY)

SUMMARY

AB 1886 will ensure that all youth on non-custodial wardship probation, regardless of their housing status or placement type, benefit from the clear timelines, individualized conditions, and developmentally appropriate standards established by AB 1376 (2025).

AB 1886 would achieve this by reversing the current exclusion of youth in out-of-home placements (foster youth on probation) and youth transitioning from Secure Youth Treatment Facilities (SYTFs) from AB 1376's safeguards. By doing so, this bill would prevent prolonged, open-ended probation that undermines rehabilitation, disrupts development, and deepens system involvement.

PROBLEM

The exclusion of vulnerable groups from the protections of AB 1376 creates significant equity and policy concerns:

A Two-Tiered System

Under current law, youth who remain at home benefit from AB 1376's clear probation timelines and regular court review.

In contrast, youth in out-of-home placements, whether due to abuse, neglect, family instability, or system involvement, are excluded from these protections. As a result, access to due process safeguards is determined by housing status, not rehabilitation needs or public safety considerations.

Disproportionate Impact on Vulnerable Youth

- Youth of color, girls, and LGBTQ youth are significantly overrepresented in out-of-home placements and are disproportionately harmed by the lack of clear probation timelines.
- Youth in placement often have the greatest service and support needs, yet they are denied safeguards specifically designed to prevent unnecessary system entrenchment and prolonged supervision.

Punishing Youth for Circumstances Beyond Their Control

Placement decisions are frequently driven by factors unrelated to youth behavior, including caregiver availability, housing instability, system failures, or child welfare involvement. Excluding youth in placement effectively penalizes them for circumstances they cannot control, resulting in longer probation terms unrelated to rehabilitation or public safety.

SOLUTION

This bill restores equity and accountability by applying clear, evidence-based standards across all non-custodial probation cases, including youth in out-of-home placements and youth transitioning from SYTFs. **Specifically, this bill would:**

Establish a 12-month maximum baseline probation term for foster youth in out-of-home placements (WIC §727(a)(3)) and youth transitioning from SYTFs, ensuring predictable system exit and preventing unnecessarily prolonged supervision.

Require probation to automatically terminate at 12 months unless the court finds, by a *preponderance of the evidence*, that an extension is in the best interest of the youth and the community, ensuring that probation necessity, not placement status, drives supervision length.

Mandate court review hearings every six months if probation is extended, allowing courts to evaluate youth progress, adjust services, and determine whether continued supervision is warranted.

Codify requirements for individualized probation conditions, mandating that conditions be developmentally appropriate, realistic, proportional, trauma-informed, and focused on rehabilitation, with findings made on the record.

CONCLUSION

By implementing clear timelines and robust review procedures for all youth, this bill restores the principle of individualized judicial review and prevents vulnerable youth from being penalized for circumstances beyond their control.

Research consistently shows that shorter probation terms and tailored conditions improve outcomes, reduce recidivism, and strengthen public safety. This bill will ensure probation provides the appropriate “dosage” of support, serving as a tool for rehabilitation rather than a barrier to successful adulthood.

Youth in out-of-home placements often need these protections most, not least. This bill will ensure that AB 1376 fulfills its original purpose: promoting rehabilitation, equity, and effective use of resources through individualized, developmentally appropriate probation practices.

SUPPORT

Alliance for Boys and Men of Color (**Cosponsor**)
California Alliance for Youth and Community Justice (**Cosponsor**)
Communities United for Restorative Youth Justice (**Cosponsor**)
California Youth Connection (**Cosponsor**)
Fresh Lifelines for Youth (**Cosponsor**)
National Center for Youth Law (**Cosponsor**)
Sister Warriors Freedom Coalition (**Cosponsor**)
W. Haywood Burns Institute (**Cosponsor**)
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