



Assembly Bill No. 1376

CHAPTER 575

An act to amend Sections 729, 729.1, 729.2, 729.6, 729.8, 729.9, 730, and 742.16 of, and to add Section 602.05 to, the Welfare and Institutions Code, relating to juveniles.

[Approved by Governor October 10, 2025. Filed with Secretary of State October 10, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1376, Bonta. Wards: probation.

Existing law subjects a minor between 12 and 17 years of age, inclusive, who violates any federal, state, or local law or ordinance, who persistently or habitually refuses to obey the reasonable and proper orders or directions of the minor's parents, guardian, or custodian, or who is beyond the control of that person, who violates an ordinance establishing a curfew or is truant, and a minor under 12 years of age who is alleged to have committed specified serious offenses, to the jurisdiction of the juvenile court, which may adjudge the minor to be a ward of the court. When a minor is adjudged to be a ward of the court, as previously described, and is placed under the supervision of the probation officer or committed to the care, custody, and control of the probation officer, existing law authorizes the court to make any and all reasonable orders for the conduct of the ward, and to impose and require any and all reasonable conditions that it may determine fitting and proper to the end that justice may be done and the reformation and rehabilitation of the ward enhanced.

This bill would limit to 12 months from the most recent disposition hearing the period of time a ward may remain on probation, except that a court may extend the probation period after a noticed hearing and upon proof by a preponderance of the evidence that it is in the ward's and the public's best interest. The bill would require the probation agency to submit a report to the court detailing the basis for any request to extend probation at the noticed hearing. The bill would require the court to provide the ward and the prosecuting attorney with the opportunity to present relevant evidence, as specified. The bill would require the court to hold noticed hearings for the ward not less frequently than every 6 months for the remainder of the wardship period if the court extends probation. The bill would specify that all of these provisions do not apply to specified wards, including a ward who is serving a custodial commitment to a juvenile hall, juvenile home, ranch, camp, or forestry camp. The bill would

additionally require, among other things, that conditions of probation for a ward be individually tailored, developmentally appropriate, and reasonable.

Existing law authorizes the court, as part of the order adjudging the minor to be a ward of the court, to order the ward to pay restitution, to pay a fine up to \$250 for deposit in the county treasury if the court finds the minor has the financial ability to pay, or to participate in an uncompensated work program.

This bill would remove the authority of the court to order the minor to pay the \$250 fine or participate in an uncompensated work program in lieu of restitution.

Existing law requires the court, for specified offenses, to order certain actions as a condition of a minor's probation, including attending counseling, repairing property, repaying the cost of apprehension to the city or county, and performing community service.

This bill would, in specified instances, no longer require the court to order certain actions as a condition of a minor's probation.

Vote: MAJORITY Appropriation: NO Fiscal Committee: NO Local Program: NO

The people of the State of California do enact as follows:

SECTION 1.

(a) Evidence demonstrates that community safety is best achieved through provision of individualized, comprehensive youth development and health-based approaches to address youth challenges and behaviors, keeping youth in families and communities whenever possible, and prioritizing family connection and reunification.

(b) Research shows that imposing lengthy periods of probation on youth compounds trauma, exacerbates mental health problems, interferes with healthy development, increases recidivism, and is counterproductive as a means of achieving public health and safety. Furthermore, longer probation terms are no more effective than shorter ones in achieving positive outcomes and increase the risk of revocation and deeper system involvement.

(c) Data shows that youth of color, tribal youth, and youth in the child welfare system are overrepresented at every decisionmaking point in the justice system and bear the brunt of the harms of system contact.

(d) It is the intent of the Legislature that all of the following apply:

(1) Counties use evidence-based and promising practices and programs that prioritize non-law enforcement, community-based, and individualized interventions that promote youth development, build on youths' strengths, are culturally rooted, and address trauma.

(2) Interventions be governed by a public health focus and not a correctional model.

(3) The utilization of state intervention and court-ordered supervision occurs in rare circumstances and only when all forms of community-based, developmentally appropriate interventions have been exhausted.

- (4) Youth that come into contact with the delinquency system should not be denied any available protections and benefits under the foster care system and other youth-serving systems.
- (5) The justice system must promote equity and eliminate systemic biases and structural barriers that disparately impact youth and families of color, those impacted by poverty, and other marginalized groups.
- (6) In the limited instances in which probation is used, engagement should be as short and minimally disruptive as possible, aiming to connect youth and their families with resources in their community that can provide consistency and support for the youth without the harms of the justice system.
- (7) Counties should apply best practices to minimize the amount of time youth spend on probation by creating procedures to limit probation to the shortest time necessary to achieve individualized rehabilitative goals, including setting progress reviews and probation termination hearings less than a year after disposition.
- (8) Counties that are currently employing best practices by holding probation reviews and considering termination of probation at six months should continue such practices and assist other counties by setting a standard of excellence guided by youth development models.
- (9) Counties should minimize delays in case processing that could extend the amount of time youth spend on probation.
- (10) Counties should give youth pathways to shorten their time on probation and provide as many opportunities as possible for them to exercise that agency.

SEC. 2.

Section 602.05 is added to the Welfare and Institutions Code, to read:

602.05.

- (a) A minor adjudged to be a ward of the court pursuant to Section 601 or 602 who is subject to an order of probation pursuant to Section 727, with or without supervision of the probation officer, shall not remain on probation for a period that exceeds 12 months from the most recent disposition hearing, except as specified in subdivision (b). Nothing in this section shall preclude the court from holding progress review hearings at any point prior to 12 months from the most recent disposition hearing.
- (b) A court may extend the probation period after a noticed hearing and upon proof by a preponderance of the evidence that it is in the ward's and the public's best interest, consistent with Section 202.
 - (1) At the noticed hearing, the probation agency shall submit a report to the court detailing the basis for any request to extend probation.
 - (2) The court shall provide the ward and the prosecuting attorney with the opportunity to present relevant evidence. The court has discretion to receive evidence by testimony, declaration, and other documentary evidence.
 - (3) In cases in which the court finds by a preponderance of the evidence a basis for extending probation, the court shall state the reasons for the findings orally on the record. The court shall also set forth the

reasons in an order entered upon the minutes if requested by either party or when the proceedings are not being recorded electronically or reported by a court reporter.

(4) If the court finds good cause to continue the noticed hearing, probation shall continue until completion of the noticed hearing, provided that continuance shall be for only as long as necessary.

(c) If the court extends probation at the noticed hearing, the court shall schedule and hold subsequent noticed hearings for the ward pursuant to subdivision (b) not less frequently than every six months for the remainder of the wardship period.

(d) This section does not preclude termination of a ward's probation before the end of a twelve-month period.

(e) Prior to terminating jurisdiction over a youth who is described by subdivision (a) of Section 607.2, the court shall comply with the provisions of Section 607.2.

(f) This section does not apply to any ward whom the court ordered the care, custody, and control of the minor or nonminor to be under the supervision of the probation officer pursuant to paragraph (3) of subdivision (a) of Section 727 for placement except that the requirement to comply with the provisions of Section 607.2 shall not be the sole basis for continuing an order imposing terms and conditions of probation, as referenced in subdivision (b) of Section 730. If the court retains jurisdiction pursuant to this subdivision, the ward shall not be subject to a petition pursuant to Section 777 or a violation of probation.

(g) This section does not apply to a ward while serving a custodial commitment to a juvenile hall, juvenile home, ranch, camp, or forestry camp pursuant to Section 730.

(h) This section does not apply to any ward who is transferred from a secure youth treatment facility to a less restrictive program pursuant to paragraph (2) of subdivision (f) of Section 875 or to any ward who is discharged from a secure youth treatment facility pursuant to a probation discharge hearing described in subdivision (e) of Section 875.

SEC. 3.

Section 729 of the Welfare and Institutions Code is amended to read:

729.

If a minor is found to be a person described in Section 602 by reason of the commission of a battery on school property as described in Penal Code Section 243.5, and the court does not remove the minor from the physical custody of the parent or guardian, the court as a condition of probation, except in any case in which the court makes a finding and states on the record its reasons that the condition would be inappropriate, may require the minor to make restitution to the victim of the battery. If restitution is found to be inappropriate, the court, except in any case in which the court makes a finding and states on the record its reasons that the condition would be inappropriate, may require the minor to perform specified community service. Nothing in this section shall be construed to limit the authority of a juvenile court to provide conditions of probation.

SEC. 4.

Section 729.1 of the Welfare and Institutions Code is amended to read:

729.1.

(a) (1) If a minor is found to be a person described in Section 602 by reason of the commission of a crime which takes place on a public transit vehicle, and the court does not remove the minor from the physical custody of the parent or guardian, the court as a condition of probation, except in any case in which the court makes a finding and states on the record its reasons that the condition would be inappropriate, may require the minor to wash, paint, repair, or replace the damaged or destroyed property, or otherwise make restitution to the property owner. If restitution is found to be inappropriate, the court, except in any case in which the court makes a finding and states on the record its reasons that the condition would be inappropriate, may require the minor to perform specified community service. Nothing in this section shall be construed to limit the authority of a juvenile court to provide conditions of probation.

(2) In lieu of the community service authorized pursuant to paragraph (1), the court may, if a jurisdiction has adopted a graffiti abatement program as defined in subdivision (f) of Section 594 of the Penal Code, order the defendant, and the defendant's parents or guardians, as a condition of probation, to keep a specified property in the community free of graffiti for 90 days. Participation of a parent or guardian is not required under this paragraph if the court deems this participation to be detrimental to the defendant, or if the parent or guardian is a single parent who must care for young children.

(b) As used in subdivision (a), "public transit vehicle" means any motor vehicle, street car, trackless trolley, bus, shuttle, light rail system, rapid transit system, subway, train, taxi cab, or jitney, which transports members of the public for hire.

(c) The court may order any person ordered to perform community service or graffiti removal pursuant to subdivision (a) to undergo counseling.

SEC. 5.

Section 729.2 of the Welfare and Institutions Code is amended to read:

729.2.

If a minor is found to be a person described in Section 601 or 602 and the court does not remove the minor from the physical custody of the parent or guardian, the court as a condition of probation, except in any case in which the court makes a finding and states on the record its reasons that the condition would be inappropriate, may:

(a) Require the minor to attend a school program approved by the probation officer without absence.

(b) Require the parents or guardian of the minor to participate with the minor in a counseling or education program, including, but not limited to, parent education and parenting programs operated by community colleges, school districts, or other appropriate agencies designated by the court or the probation department, unless the minor has been declared a dependent child of the court pursuant to Section 300 or a petition to declare the minor a dependent child of the court pursuant to Section 300 is pending.

(c) Require the minor to be at the minor's legal residence between the hours of 10:00 p.m. and 6:00 a.m. unless the minor is accompanied by the minor's parent or parents, legal guardian or other adult person having the legal care or custody of the minor.

SEC. 6.

Section 729.6 of the Welfare and Institutions Code is amended to read:

729.6.

If a minor is found to be a person described in Section 602 by reason of the commission of an offense described in Section 241.2 or 243.2 of the Penal Code, the court may, in addition to any other fine, sentence, or as a condition of probation, order the minor to attend counseling.

SEC. 7.

Section 729.8 of the Welfare and Institutions Code is amended to read:

729.8.

(a) If a minor is found to be a person described in Section 602 by reason of the unlawful possession, use, sale, or other furnishing of a controlled substance, as defined in Chapter 2 (commencing with Section 11053) of the Health and Safety Code, an imitation controlled substance, as defined in Section 109550 of the Health and Safety Code, or toluene or a toxic, as described in Section 381 of the Penal Code, upon the grounds of any school providing instruction in kindergarten, or any of grades 1 to 12, inclusive, or any church or synagogue, playground, public or private youth center, child day care facility, or public swimming pool, during hours in which these facilities are open for business, classes, or school-related activities or programs, or at any time when minors are using the facility, the court, as a condition of probation, except in any case in which the court makes a finding and states on the record its reasons that the condition would be inappropriate, may require the minor to perform not more than 100 hours of community service.

(b) The definitions contained in subdivision (e) of Section 11353.1 of the Health and Safety Code shall apply to this section.

(c) As used in this section, "community service" means any of the following:

- (1) Picking up litter along public streets or highways.
- (2) Cleaning up graffiti on school grounds or any public property.
- (3) Performing services in a drug rehabilitation center.

SEC. 8.

Section 729.9 of the Welfare and Institutions Code is amended to read:

729.9.

If a minor is found to be a person described in Section 602 by reason of the commission of an offense involving the unlawful possession, use, sale, or other furnishing of a controlled substance, as defined in

Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, and, unless it makes a finding that this condition would not serve the interests of justice, the court, when recommended by the probation officer, may require, as a condition of probation, in addition to any other disposition authorized by law, that the minor shall not use or be under the influence of any controlled substance and shall submit to drug and substance abuse testing as directed by the probation officer.

SEC. 9.

Section 730 of the Welfare and Institutions Code is amended to read:

730.

(a) (1) When a minor is adjudged a ward of the court on the ground that they are a person described by Section 602, the court may order any of the types of treatment referred to in Section 727, and as an additional alternative, may commit the minor to a juvenile home, ranch, camp, or forestry camp. 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. In addition, the court may also make any of the following orders:

(A) Order the ward to make restitution.

(B) Commit the ward to a sheltered-care facility.

(C) Order that the ward and the ward's family or guardian participate in a program of professional counseling as arranged and directed by the probation officer as a condition of continued custody of the ward.

(D) Order placement of the ward at the Pine Grove Youth Conservation Camp if the ward meets the placement criteria, the county has entered into a contract with the Department of Corrections and Rehabilitation, either directly or through another county, the department has found the ward amenable, and there is space and resources available for the placement. The county probation department shall receive approval from the department prior to transporting the ward to the camp. The department shall immediately notify the county probation department if the ward is no longer amenable for continued camp placement and coordinate the immediate return of the ward to the county of jurisdiction.

(2) A court shall not commit a juvenile to any juvenile facility for a period that exceeds the middle term of imprisonment that could be imposed upon an adult convicted of the same offense.

(b) When a ward described in subdivision (a) is placed under the supervision of the probation officer, or committed to the care, custody, and control of the probation officer, or the court orders the youth on unsupervised probation pursuant to paragraph (2) of subdivision (a) of Section 727, the court may make any and all reasonable orders for the conduct of the ward, including conditions of probation that shall meet all of the following requirements:

(1) The conditions are individually tailored, developmentally appropriate, and reasonable.

(2) The burden imposed by the conditions shall be proportional to the legitimate interests served by the conditions.

(3) The conditions are determined by the court to be fitting and proper to the end that justice may be done and the reformation and rehabilitation of the ward enhanced.

(c) When a ward described in subdivision (a) is placed under the supervision of the probation officer or committed to the care, custody, and control of the probation officer, and is required as a condition of probation to participate in community service or graffiti cleanup, the court may impose a condition that if the minor unreasonably fails to attend or unreasonably leaves prior to completing the assigned daily hours of community service or graffiti cleanup, a law enforcement officer may take the minor into custody for the purpose of returning the minor to the site of the community service or graffiti cleanup.

(d) When a minor is adjudged or continued as a ward of the court on the ground that the ward is a person described by Section 602 by reason of the commission of rape, sodomy, oral copulation, or an act of sexual penetration specified in Section 289 of the Penal Code, the court shall order the minor to complete a sex offender treatment program, if the court determines, in consultation with the county probation officer, that suitable programs are available. In determining what type of treatment is appropriate, the court shall consider all of the following: the seriousness and circumstances of the offense, the vulnerability of the victim, the minor's criminal history and prior attempts at rehabilitation, the sophistication of the minor, the threat to public safety, the minor's likelihood of reoffending, and any other relevant information presented. If ordered by the court to complete a sex offender treatment program, the minor shall pay all or a portion of the reasonable costs of the sex offender treatment program after a determination is made of the ability of the minor to pay.

(e) This section shall become operative July 1, 2021.

SEC. 10.

Section 742.16 of the Welfare and Institutions Code is amended to read:

742.16.

(a) If a minor is found to be a person described in Section 602 of this code by reason of the commission of an act prohibited by Section 594, 594.3, 594.4, 640.5, 640.6, or 640.7 of the Penal Code, and the court does not remove the minor from the physical custody of the parent or guardian, the court as a condition of probation, except in any case in which the court makes a finding and states on the record its reasons why that condition would be inappropriate, may require the minor to wash, paint, repair, or replace the property defaced, damaged, or destroyed by the minor or otherwise pay restitution to the probation officer of the county for disbursement to the owner or possessor of the property or both. In any case in which the minor is not granted probation or in which the minor's cleanup, repair, or replacement of the property will not return the property to its condition before it was defaced, damaged, or destroyed, the court shall make a finding of the amount of restitution that would be required to fully compensate the owner and possessor of the property for their damages. The court may order the minor or the minor's estate to pay that restitution to the probation officer of the county for disbursement to the owner or possessor of the property or both, only if the court determines that the minor or the minor's estate has the ability to do so, except in any case in which the court makes a finding and states on the record its reasons why full restitution would be inappropriate. If full restitution is found to be inappropriate, the

court may require the minor to perform specified community service, except in any case in which the court makes a finding and states on the record its reasons why that condition would be inappropriate.

(b) If a minor is found to be a person described in Section 602 of this code by reason of the commission of an act prohibited by Section 594, 594.3, 594.4, 640.5, 640.6, or 640.7 of the Penal Code, and the graffiti or other material inscribed by the minor has been removed, or the property defaced by the minor has been repaired or replaced by a public entity that has elected, pursuant to Section 742.14, to have the probation officer of the county recoup its costs through proceedings in accordance with this section and has made cost findings in accordance with subdivision (c) or (d) of Section 742.14, the court shall determine the total cost incurred by the public entity for said removal, repair, or replacement, using, if applicable, the cost findings most recently adopted by the public entity pursuant to subdivision (c) or (d) of Section 742.14. The court may order the minor or the minor's estate to pay those costs to the probation officer of the county only if the court determines that the minor or the minor's estate has the ability to do so.

(c) If the minor is found to be a person described in Section 602 of this code by reason of the commission of an act prohibited by Section 594, 594.3, 594.4, 640.5, 640.6, or 640.7 of the Penal Code, and the minor was identified or apprehended by the law enforcement agency of a city or county that has elected, pursuant to Section 742.14, to have the probation officer of the county recoup its costs through proceedings in accordance with this section, the court shall determine the cost of identifying or apprehending the minor, or both, using, if applicable, the cost findings adopted by the city or county pursuant to subdivision (b) of Section 742.14. The court may order the minor or the minor's estate to pay those costs to the probation officer of the county only if the court determines that the minor or the minor's estate has the ability to do so.

(d) If the court determines that the minor or the minor's estate is unable to pay in full the costs and damages determined pursuant to subdivisions (a), (b), and (c), and if the minor's parent or parents have been cited into court pursuant to Section 742.18, the court shall hold a hearing to determine the liability of the minor's parent or parents pursuant to Section 1714.1 of the Civil Code for those costs and damages. Except when the court makes a finding setting forth unusual circumstances in which parental liability would not serve the interests of justice, the court may order the minor's parent or parents to pay those costs and damages to the probation officer of the county only if the court determines that the parent or parents have the ability to pay, if the minor was in the custody or control of the parent or parents at the time the minor committed the act that forms the basis for the finding that the minor is a person described in Section 602. In evaluating the parent's or parents' ability to pay, the court shall take into consideration the family income, the necessary obligations of the family, and the number of persons dependent upon this income.

(e) The hearing described in subdivision (d) may be held immediately following the disposition hearing or at a later date, at the option of the court.

(f) If the amount of costs and damages sought to be recovered in the hearing pursuant to subdivision (d) is five thousand dollars (\$5,000) or less, the parent or parents may not be represented by counsel and the probation officer of the county shall be represented by a nonattorney designee. The court shall conduct that hearing in accordance with Sections 116.510 and 116.520 of the Code of Civil Procedure. Notwithstanding the foregoing, if the court determines that a parent cannot properly present their

defense, the court may, in its discretion, allow another individual to assist that parent. In addition, a spouse may appear and participate in the hearing on behalf of their spouse if the representative's spouse has given consent and the court determines that the interest of justice would be served thereby.

(g) If the amount of costs and damages sought to be recovered in the hearing pursuant to subdivision (d) exceeds five thousand dollars (\$5,000), the parent or parents may be represented by counsel of their own choosing, and the probation officer of the county shall be represented by the district attorney or an attorney or nonattorney designee of the probation officer. The parent or parents shall not be entitled to court-appointed counsel or to counsel compensated at public expense.

(h) At the hearing conducted pursuant to subdivision (d), there shall be a presumption affecting the burden of proof that the findings of the court made pursuant to subdivisions (a), (b), and (c) represent the actual damages and costs attributable to the act of the minor that forms the basis of the finding that the minor is a person described in Section 602.

(i) If the parent or parents, after having been cited to appear pursuant to Section 742.18, fail to appear as ordered, the court shall order the parent or parents to pay the full amount of the costs and damages determined by the court pursuant to subdivisions (a), (b), and (c).

(j) Execution may be issued on an order issued by the court pursuant to this section in the same manner as on a judgment in a civil action, including any balance unpaid at the termination of the court's jurisdiction over the minor.

(k) At any time prior to the satisfaction of a judgment entered pursuant to this section, a person against whom the judgment was entered may petition the rendering court to modify or vacate the judgment on the showing of a change in circumstances relating to the person's ability to pay the judgment.

(l) For purposes of a hearing conducted pursuant to subdivision (d), the judge of the juvenile court shall have the jurisdiction of a judge of the superior court in a limited civil case, and if the amount of the demand is within the jurisdictional limits stated in Sections 116.220 and 116.221 of the Code of Civil Procedure, the judge of the juvenile court shall have the powers of a judge presiding over the small claims court.

(m) Nothing in this section shall be construed to limit the authority of a juvenile court to provide conditions of probation.

(n) The options available to the court pursuant to subdivisions (a), (b), (c), (d), and (k), to order payment by the minor and the minor's parent or parents of less than the full costs described in subdivisions (a), (b), and (c), on grounds of financial inability or for reasons of justice, shall not be available to a superior court in an ordinary civil proceeding pursuant to subdivision (b) of Section 1714.1 of the Civil Code, except that in any proceeding pursuant to either subdivision (b) of Section 1714.1 of the Civil Code or this section, the maximum amount that a parent or a minor may be ordered to pay shall not exceed twenty thousand dollars (\$20,000) for each tort of the minor.