

5-15-1978

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Recommended Citation

Richard E. Boehm *Legislative Response to In re Ronald S.: Cal. A.B. 958*, 5 Pepp. L. Rev. 3 (1978)
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Legislative Response to *In re Ronald S.*: Cal. A.B. 958

In 1976 the California legislature extensively amended the state's juvenile justice laws.¹ While these amendments affected the entire juvenile justice system, some of the most extensive changes were to the laws relating to the "status offender."

In the context of juvenile law, "status offender" refers to a juvenile who is deemed within the juvenile court's jurisdiction due to his violation of laws exclusively applicable to minors, i.e. curfew, truancy, etc.² Since many of these laws are in terms of the minor's condition or status, for example, "beyond the control of his parents," the term "status offender" is used.

Prior to 1976, Welfare and Institution Code Section 601 provided that a minor could be brought within the juvenile court's jurisdiction for:

- (1) Refusing to obey the reasonable orders of his parents, guardian, custodian, or school authorities;
- (2) Being beyond the control of his parents, guardian, custodian, or school authorities;
- (3) Habitual truancy from school;
- (4) Being in danger of leading an idle, dissolute, lewd, or immoral life.³

Once within the juvenile court's jurisdiction for any of these "offenses" the juvenile became a "ward of the court."⁴ Wards of the court under Section 601 were often referred to as "601's" or "incorrigibles." An incorrigible was subject to essentially the same disposition as a juvenile who was held within the juvenile court's jurisdiction under Section 602 of the Welfare and Institutions Code.⁵ Section 602 grants the juvenile courts jurisdiction

1. 1976 Cal. Stats. ch. 1071 at 4514.

2. See Arthur, *Status Offenders Need Help Too*, 26 JUV. JUST. 3 (1975).

3. CAL. WELF. & INST. CODE § 601 (West 1972).

4. *Id.*

5. CAL. WELF. & INST. CODE § 730 (West 1972) provided that a 601 could be treated as a dependent child (i.e., one who's parents failed to provide for him) or "as an additional alternative [the juvenile court] may commit the minor to a juvenile home, ranch, camp, or forestry camp." CAL. WELF. & INST. CODE § 731

over minors who violate any law or ordinance of the state or its political subdivision.⁶

California was not alone in treating incorrigibles essentially as juvenile criminals. Today, in the majority of jurisdictions in the United States, no attempt is made to distinguish the junior felon from the chronic runaway. Most states simply include "status offender" as another basis for finding the minor to be delinquent.⁷ In 1961, California became the first state to recognize a distinction between the non-criminal misbehavior of a status offender and the criminal conduct of a delinquent. Prior to 1961 the juvenile courts of California had jurisdiction under Section 700 of the old Welfare and Institutions Code, which had been enacted in 1937.⁸

Under the 1937 law a general grant of jurisdiction over minors was conferred for a vast, diversified group of situations, including:

- (1) Begging in the streets;
- (2) Being without adequate parental care;
- (3) Destitution;
- (4) Unfit home by reason of neglect, cruelty, or depravity of either parent;
- (5) Vagrancy or being in the company of criminals, vagrants, prostitutes, or persons so reputed;
- (6) Habitual visitation, without parental consent, to a public billiard room, poolroom, or saloon;
- (7) Habitual use of intoxicating liquors, cigarettes, opium, cocaine, morphine, or other similar drugs;
- (8) Persistent or habitual refusal to obey the reasonable and proper orders or directions of his parents, guardians, or custodians; or who is beyond the control of such person;
- (9) Habitual truancy;
- (10) Danger of leading an idle, lewd, or immoral life;
- (11) Insanity;
- (12) Violation of the laws of the state or its political subdivisions.⁹

Obviously, the legislature did not intend that each of these situations should be considered analogous, but from the scheme of the 1937 law, it is clear the legislature intended the juvenile

allows these same alternatives to wards of the court under Section 602. Section 731 additionally provided for commitment of 602's to the California Youth Authority, which is essentially the agency responsible for maintaining California's most secure juvenile facilities.

The essential difference between the juvenile court's dispositional alternatives in handling 601's and 602's was the requirement of an additional hearing under CAL. WELF. & INST. CODE § 777 (West 1972) before a 601 could be committed to the Youth Authority; the 602 always being subject to placement with the Youth Authority without the additional hearing.

6. CAL. WELF. & INST. CODE § 602 (West 1972).

7. Gough, *Standards Relating to Noncriminal Misbehavior*, A. B. A. JUV. JUST. STANDARDS PROJECT 3 (1977) [hereinafter cited as ABA STANDARDS].

8. See 1937 Cal. Stats. ch. 369 at 1030 § 700.

9. *Id.* at 1030 § 700(a)-(k).

courts handle a variety of noncriminal, yet anti-social juvenile behavior. The general grant of jurisdiction was followed by a general dispositive scheme which essentially allowed the court to use any facility or service regardless of the basis upon which it acquired jurisdiction; the court's jurisdiction being the only limitation,¹⁰ as well as the only basis, for differentiating the non-criminal from the criminal.

With the 1961 amendments California began statutory differentiation between the incorrigible and the delinquent. The distinction was in label alone; the law essentially allowed the court to treat the incorrigible in the same manner as it treated the criminal delinquent. Thus, the only benefit the 1961 changes could realistically hope to produce was a lessening of the stigma which attached to a non-criminal juvenile when he was adjudged to be a ward of the court under a general delinquency scheme such as that promulgated under the 1937 law.¹¹

The 1976 amendments made the distinction between the incorrigible of Section 601 and the delinquent of Section 602 much greater than that of labeling. Section 601 as amended provides only three bases for finding a juvenile to be a ward of the court:

- (1) Persistent or habitual refusal to obey the reasonable and proper orders or directions of his parents, guardians, or custodian, or
- (2) Being beyond the control of parents, guardians, or custodian, or
- (3) Violation of a curfew applicable only to minors.¹²

Conspicuously absent from the new law was the old provision allowing the court to take jurisdiction when the minor was in "danger of leading an idle, dissolute, lewd or immoral life." Truancy could also be a basis for 601 jurisdiction, but only in limited situations.¹³

More dramatic than the narrowing of 601 jurisdiction was the statute's flat prohibition on placing a ward of the court under Section 601 in any secured facility,¹⁴ the first such prohibition in

10. See Article 7 of the 1937 law, [1937] Cal. Stats. ch. 369 at 1033.

11. Some commentators argue that even this minor benefit was not achieved by the dual classification scheme. See Stiller & Elder, *PINS: A Concept in Need of Supervision*, 12 AM. CRIM. L. REV. 33 (1974).

12. CAL. WELF. & INST. CODE § 601(a) (West Supp. 1977). The curfew violation had formerly been a basis upon which the minor could be held delinquent under Section 602.

13. CAL. WELF. & INST. CODE §§ 601(b) and 601.5 (West Supp. 1977).

14. The initial amendments to the juvenile laws placed the prohibition on secured placement in Welfare & Institutions Code § 507 (see [1976] Cal. Stats. ch.

the country. This prohibition produced *In re Ronald S.*¹⁵ Thirteen year old Ronald was adjudged to be a ward of the juvenile court under the new Section 601. He was sent to a non-secure crisis center under a court order to remain. He left the day he arrived.

Ronald's conduct was not atypical. Since "the overwhelming number of 601's are runaways,"¹⁶ the fact they tend to flee the non-secured facilities to which they are sent should surprise no one. Hence, Justice Gardner wrote:

An immediate result of the 1976 amendment was that while the authorities were doing the preliminary paperwork at the front door of a non-secure home for a runaway, the runaway was simply running away again out the back door. Placing a runaway in a non-secure environment is something of an exercise in futility.¹⁷

One aspect of Ronald's case was unusual. He had been placed in the crisis center by Orange County's Juvenile Court Judge Raymond Vincent. Judge Vincent, aware of the infirmities of the new law, not only ordered 601's into the crisis centers, but also ordered them to remain there. When the 601 did not remain, a petition was filed alleging violation of Penal Code Section 166, contempt of court.¹⁸ Thus, the 601 was transformed into a 602, now subject to placement in a secured facility. Consequently, when Ronald fled the non-secured crisis center, a contempt petition was filed and found to be true. He was ordered to be detained in the secure juvenile hall. By writ of habeas corpus, he contested the juvenile court's finding him within its jurisdiction under Section 602.

Justice Gardner sympathized with the plight of Judge Vincent, but held the new law was designed to avoid the very type of bootstrapping in which the Judge had engaged.¹⁹ One of the most frequent complaints about the pre-1976 law was the ease "with which a 601 could become a 602 and conceivably end up in

1071 at 4519). The cleanup bill which followed the amendments now calls for the placement of the prohibition in Welfare & Institutions Code § 207(b). (See [1977] Cal. Stats. ch. 910 at 2697). Section 207(b) will read: "[N]o minor shall be detained in any jail, lockup juvenile hall, or other secure facility, who is taken into custody solely upon the ground that he is a person described in Section 601 or adjudged to be such or made a ward of the juvenile court solely upon that ground. If any such minor is detained, he shall be detained in a sheltered care facility or crisis resolution home as provided for in Section 654, or in a non-secured facility provided for in subdivision (a), (b), (c), or (d) of Section 727."

15. 69 Cal. App. 3d 866, 138 Cal. Rptr. 387 (1976).

16. *Id.* at 872, 138 Cal. Rptr. at 391.

17. *Id.*

18. CAL. PENAL CODE § 166 (West 1972).

19. 69 Cal. App. 3d at 874, 138 Cal. Rptr. at 392.

the CYA [California Youth Authority]."²⁰ Continuing, Justice Gardner wrote:

The procedure went something like this: All dispositions available for a 602 were available for a 601 except one—commitment to the Youth Authority. This was reserved for the 602's. However, it was quite simple for a 601 to become a 602 because one of the grounds for becoming a 602 was that after having been declared a 601 the juvenile failed to obey a lawful order of the juvenile court. Thus, without breaking any law, a 601 could, by simply walking out of a foster home, become a 602, and eventually be well on his way to the CYA [California Youth Authority].²¹

The 1976 deletion from Section 602 of the proviso which allowed the juvenile court to elevate a 601 to a 602 when he violated a court order was clear evidence of a legislative intent not to allow the contempt type bootstrapping Judge Vincent employed.²² In granting the writ of habeas corpus Justice Gardner stated:

While it may seem ridiculous to place a runaway in a non-secure setting, nevertheless, that is what the Legislature has ordered. The Legislature has determined that 601's shall not be detained in or committed to secure institutions even if this makes juvenile court judges look ridiculous. The procedures established by Judge Vincent clearly are an inappropriate basis for a Section 602 petition. If they were, a deletion of language in Section 602 would become meaningless and we would simply revert to the bootstrapping operation again. The court would be doing by indirection that which cannot be done directly. As the law now stands, the Legislature has said that if a 601 wants to run, let him run. While this may be maddening, baffling and annoying to the juvenile court judge, ours is not to question the wisdom of the Legislature.²³

20. *Id.* at 870-71, 138 Cal. Rptr. at 390.

21. *Id.* at 871, 138 Cal. Rptr. at 390.

As noted in note 5 *supra*, it was possible, under limited circumstances, for a 601 to be committed to the Youth Authority without elevation to a 602 status. Hence, the statement that Youth Authority commitment was exclusive to 602's is not entirely correct.

In 1975 the California Youth Authority, believing placement of non-criminal status offenders together with criminal delinquents was counter productive, refused to accept non-criminal offenders into its facilities. Thus, discussion of the status offender's exposure to Youth Authority commitment is valid only in terms of "possibilities under the law." In reality, such dispositions were barred in 1975. See DEPT. OF THE YOUTH AUTHORITY, REPORT TO THE INSTITUTE FOR JUVENILE COURT JUDGES AND REFEREES (March 1976).

22. Prior to 1976, Section 601 set two basis upon which a minor could come within the court's jurisdiction: (1) violations of law defining a crime; (2) failure to obey an order of the juvenile court.

The 1976 amendment makes only the first of these violations of law, a basis for finding jurisdiction under CAL. WELF. & INST. CODE § 602 (West Supp. 1977).

23. 69 Cal. App. 3d at 873-74, 138 Cal. Rptr. at 392.

While the Justice was unwilling to question the wisdom of the Legislature, he felt a "responsibility to address [himself] to the subject of possible legislative reaction." He stated:

It appears to us that the Legislature must make a clear-cut decision in this field. We have no suggestions as to just what that decision should be but point out that the field apparently is limited to three alternatives.

First, the Legislature *can decide that 601's are no business of the state and step out of the field entirely*. This could be done on the basis that parent and child relationships are no concern of the state and in the case of an alleged incorrigible, parent and child are simply going to have to work out their problem without state help or intervention. A necessary corollary to this would be that if a youngster wants to run away from home, that is his business.

Second, the Legislature can decide that state intervention is desirable in these matters, *remove the section 601 problem from the courts and place it in some other governmental agency which does not have the coercive power of a court*. Thus, *the state could provide facilities to which runaways would come voluntarily—where shelter, food, medical care, advice and counsel could be obtained*. In other words, *the state would maintain youth hostels with counseling services*. However, once the state determines to do this, the juvenile court should be out of the picture because, as we will explain, it is intolerable to expect a court to administer such a program.

Third, if the Legislature determines that 601's are to remain under the protection of the juvenile court, *section 507 must be amended to provide that in the proper case, a runaway may be detained in a secure setting*. This could be done without the old procedure by which the minor could leapfrog into section 602 status. It could also be done without placing the minor in contact with 602's, *simply by providing that in some instances a sheltered-care facility or crisis center be a secure establishment*. *If the juvenile court is to be saddled with the responsibility for 601's, it must also be afforded the tools and authorities to handle those cases*. Courts must have coercive authority or they cease being courts. A judge does not suggest to a defendant that he go to prison, he sentences him to prison. A judge does not ask a parent to support his child, he orders him to do so. When a judge gives a money judgment, or other relief to a litigant, procedures exist for the enforcement of that judgment. *It is simply not fair to a juvenile court judge to whom the community looks for help to so restrict him that he cannot put his orders or decisions into effect*. Certainly not all 601's need to be placed in secure facilities. However, some do and in these cases the juvenile court judge must have the authority to detain in a secure facility—if 601's are to remain in the juvenile court.²⁴ (emphasis added).

At the present time the Legislature has not reacted; however, Assembly Bill 958 is now in committee as a proposed solution to the problems raised by *In re Ronald S.*²⁵

Assembly Bill 958 would amend Section 207 of the Welfare and Institutions Code. In particular the Bill would:

- (1) Permit secured detention for twelve hours to determine if there are any outstanding warrants against the juvenile;
- (2) Allow twenty-four hour detention to locate parents or guardian

24. *Id.* at 874-75, 138 Cal. Rptr. at 392-93.

25. Cal. A.B. 958 (1977). Text of the Bill is in Appendix 1.

(forty-eight hours if parents reside in another county than that where the minor was taken into custody);

(3) Provide for secured detention until a hearing if the juvenile has failed to appear at a hearing after having received notice;

(4) Allow secured detention when the minor has fled a non-secure facility when he was sent under court order;

(5) Permit a probation officer to detain the minor if he has reasonable cause to believe the minor is a substantial danger to himself because of drug or alcohol related problems, medical problems, or is potentially suicidal.²⁶

The Bill would also prohibit any contact between minors held under its provisions and minors taken into custody under Section 602.²⁷

The amendment does provide a remedy for situations similar to Ronald's. The real question is whether the remedy provided is a solution to both the practical problems of the juvenile court judge as well as the more esoteric problems which the Legislature attempted to address with the 1976 amendments. On both of these issues the amendment falls short.

In terms of the practical problems of the juvenile court, the judge, at least initially, is still in the position of "suggesting to a defendant that he go to prison." Only when its orders are defied can the court use its coercive power. Justice Gardner commented that: "Courts must have coercive authority or they cease being courts."²⁸ If this is true, the amendment effectively requires the juvenile court to act in a "non-court" capacity in its initial meeting with the 601 offender. "It is widely conceded that unruly child cases are usually the most intractable and difficult matters with which the juvenile court has to deal; perhaps this is in part so precisely because the court is not the place to deal with them."²⁹ It is difficult to believe that the conversion of the juvenile court into a "non-court" by the denial of coercive powers will make them any more effective in dealing with the incorrigible.

Consequently, the amendment will still make the juvenile court judge initially appear ridiculous without any benefit to the juvenile. To avoid this result, the amendment should be changed. Two possible solutions are suggested.

26. Cal. A.B. 958 § 207(c) (1)-(5) (1977).

27. Cal. A.B. 958 § 207(d) (1977).

28. 69 Cal. App. 3d at 875, 138 Cal. Rptr. at 393.

29. ABA STANDARDS, *supra* note 7, at 4.

First, the Legislature could grant the court the right to consider all relevant factors in the juvenile's background and then decide whether to place the juvenile in a secured facility at the initial hearing. Similar "risk" decisions are made daily in the criminal courts when a defendant moves for release on his own recognizance. The obvious risk of such a system is the probable conservatism the court would use in granting non-secured dispositions.

In the alternative, the legislature could decide that coercive courts are indeed not the place to initially treat the incorrigible. Rather than file a petition with an emasculated juvenile court, a petition on referral to an appropriate social agency would be the initial state involvement with the incorrigible. Only when this failed should the court become involved. A similar solution was proposed by the United States Department of Justice's Advisory Committee on Standards for the Administration of Juvenile Justice.³⁰ Such a proposal has much to offer. It would free a great deal of judicial time and facilities. While exact figures are unavailable, it has been estimated that twenty-five to thirty percent of the cases filed in juvenile court are based on status offenses. Over half of these status offenders now spend time in secured facilities and twenty-five percent of those adjudicated are sent to juvenile institutions.³¹ This savings of time and facilities would result in some cost savings; however, the increased cost of social service would probably negate any real economic savings.

The proposal would also restore the stature of the juvenile court. When brought before the court, the juvenile would face the full coercive power of the state after it had been determined non-coercive methods were not helpful. In this position, the court can compel the respect of the juvenile.

Finally, the proposal would help the juvenile. Traditional methods of status offense jurisdiction simply do not work. The California Assembly Interim Committee on Criminal Procedure found no evidence to suggest that status offense jurisdiction has been effective in either controlling the incorrigible or affecting his behavior as an adult.³²

30. See REPORT OF THE ADVISORY COMMITTEE TO THE ADMINISTRATOR ON STANDARDS FOR THE ADMINISTRATION OF JUVENILE JUSTICE U.S. DEPT. OF JUSTICE, LAW ENFORCEMENT ASSISTANCE ADM. 10 (1975) wherein it was recommended, "The Family Court should not exercise its jurisdiction over non-criminal misbehavior unless all available and appropriate noncoercive alternatives to assist the juvenile and his or her family have been exhausted."

31. *Id.* at 11.

32. See A COMPARATIVE ANALYSIS OF STANDARDS AND STATE PRACTICES

When faced with these findings it seems irresponsible to adopt legislation which would revive or prolong the unworkable situation which has existed and continues to exist today. If the state has the right to involve itself with non-criminal misbehavior of the juvenile, both the public and the juvenile have a right to expect such involvement will be effective.

California began "low profile" judicial involvement with status offenders in 1976. *In re Ronald S.* opens the door to graceful judicial withdrawal from the initial care of status offenders.

RICHARD E. BOEHM

APPENDIX I
CAL. A.B. 958

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

SECTION 1. Section 207 of the Welfare and Institutions Code is amended to read:

207. (a) No court, judge, referee, or peace officer shall knowingly detain in any jail or lockup any person under the age of 18 years, unless a judge of the juvenile court shall determine that there are no other proper and adequate facilities for the care and detention of such person, or unless such person has been transferred by the juvenile court to another court for proceedings not under the juvenile court law and has been charged with or convicted of a felony. If any person under the age of 18 years is transferred by the juvenile court to another court and is charged with or convicted of a felony as herein provided and is not released pending hearing, such person may be committed to the care and custody of a sheriff, constable, or other peace officer who shall keep such person in the juvenile hall or in such other suitable place as such latter court may direct, provided that no such person shall be detained in or committed to any hospital except for medical or other remedial care and treatment or observation.

(b) Notwithstanding the provisions of subdivision (a), no minor shall be detained in any jail, lockup, juvenile hall, or other secure facility who is taken into custody solely upon the ground that he is a person described in Section 601 or adjudged to be such or made a ward of the juvenile court solely upon that ground, except as provided in subdivision (c). If any such minor, other than a minor described in subdivision (c), is detained, he shall be detained in a sheltered-care facility or crisis resolution home as provided for in Section 654, or in a nonsecure facility provided for in subdivision (a), (b), (c), or (d) of Section 727.

(c) A minor taken into custody upon the ground that he is a person described in Section 601, or adjudged to be a ward of the juvenile court solely upon that ground, may be held in a secure ~~facility~~ facility, other than a facility in which adults are held in secure custody, in any of the following circumstances:

(1) For up to 12 hours after having been taken into custody for the purpose of determining if there are any outstanding wants, warrants, or hold against the minor.

(2) For up to 24 hours after having been taken into custody, excluding weekends and court holidays, in order to locate the minor's parent or guardian as soon as possible and to arrange the return of the minor to his parent or guardian, whose parent or guardian is a resident of the county wherein the minor was taken into custody.

(3) For up to 48 hours after having been taken into custody, excluding weekends and court holidays, in order to locate the minor's parent or guardian as soon as possible and to arrange the return of the minor to his parent or guardian, whose parent or guardian is a resident outside of the county wherein the minor was taken into custody.

(4) Until a detention hearing on a petition alleging that such a minor is a person described in Section 601, and who is not presently a ward of the court under Section 601, if the minor has failed to appear for any hearing on the petition after having received notice thereof.

(5) Until the minor is otherwise placed pursuant to a court order, if there is reasonable cause to believe that the minor has fled a sheltered-care facility, crisis resolution home, or nonsecure facility in violation of a court order.

The matter shall be continued to a specific future date not more than 15 days after the date of the order detaining the minor in a secure facility. The continued hearing shall be placed on the appearance calendar and the probation officer shall file a supplemental report as to his efforts to place the minor in a nonsecure facility. If the minor has not been placed in a nonsecure facility within 15 days of the order detaining him in a secure facility, the matter shall be placed on the appearance calendar every 15 days thereafter until the minor is placed in a nonsecure facility. No minor shall be detained under this provision for more than 45 days after the date of the order of disposition of such minor.

(6) Until a detention hearing, if the probation officer has reasonable cause to believe that the minor is a substantial danger to himself because of drug or alcohol related problems, medical problems, or is potentially suicidal. A detention pursuant to this paragraph shall be at an appropriate medical or mental health facility when available.

~~(7) Notwithstanding any other provision of this chapter, if the court determines by a preponderance of evidence that a minor described in paragraph (6) is a danger to himself due to one or more of the reasons stated therein and such secure detention shall be for the purpose of treating the condition which resulted in the minor being placed in secure detention at a medical or mental health facility for such purpose.~~

(7) If, at the detention hearing, the court determines by a preponderance of the evidence that a minor described in paragraph (6) is a substantial danger to himself due to one or more of the reasons stated therein, the minor may be detained in an appropriate medical or mental health facility for the purposes of treating the minor's condition.

The matter shall be continued to a specific future date not more than 30 days after the date of the order adjudging the minor to be a ward of the court under Section 601. Upon a showing of good cause, the matter may be continued for no more than 30 days after the initial 30-day period has expired. The probation officer shall make an investigation, file a supplemental report, and make his recommendation for disposition and state the necessity for continued secure detention. Unless the minor has been released from secure detention, the continued hearing shall be placed on the appearance calendar. ~~During the time the minor is detained in a secure facility, the probation officer shall file a nonappearance progress report with the court every 20 days calendar.~~

The court shall advise all persons present at the disposition hearing of the date of the future hearing and of their right to be present, to be represented by counsel and to show cause, if they have cause, why the ~~jurisdiction of the court over the minor should be terminated.~~ Notice of hearing shall be mailed by the probation officer to the same persons as in an original proceeding and to counsel of record by certified mail addressed to the last known address of the person to be notified, or shall be personally served on such persons, not earlier than 20 days preceding the date to which the hearing was continued. ~~minor should not be released from secure detention.~~

(d) Any minor detained in a secure facility juvenile hall pursuant to subdivision (c) may not be permitted to come or remain in contact with any person detained in such secure facility on the basis that he has been taken into custody upon the ground that he is a person described in Section 602 or adjudged to be such or made a ward of the juvenile court upon that ground.

Minors detained in juvenile hall pursuant to Sections 601 and 602 may be held in the same facility provided they are not permitted to come or remain in contact within that facility.

(e) Every county shall keep a record of each minor detained under subdivision (c), the place and length of time of such detention, and the reasons why such detention was necessary. Every county shall report, on a monthly basis, this information to the Department of the Youth Authority, on forms to be provided by that agency.

The Youth Authority shall not disclose the name of the detainee, or any personally identifying information contained in reports sent to the Youth Authority under this subdivision.

SEC. 2. Section 507 of the Welfare and Institutions Code is repealed.

SEC. 3. The sum of — — — — dollars (\$— — — —) *eight million seven hundred thousand dollars (\$8,700,000)* is hereby appropriated from the General Fund to the State Controller for allocation and disbursement to local agencies pursuant to Section 2231 of the Revenue and Taxation Code to reimburse such agencies for costs incurred by them pursuant to this act.

No allocation or disbursement, or both, may be made for capital expenditures incurred under subdivision (d) of Section 207 of the Welfare and Institutions Code until the necessity for such expenditure is approved by the Department of the Youth Authority. The Department of the Youth Authority shall review all requests from counties for modification of existing facilities, the construction of new facilities, and the need for additional beds, pursuant to subdivision (d) of Section 207 of the Welfare and Institutions Code for purposes of determining the number of additional beds, if any, necessary to comply with this section; and the reasonably necessary costs, if any, for modification or construction of such facilities. A county shall have the final authority with regard to the location of such modification or new facilities. In the event the county disagrees with the final decision of the Department of the Youth Authority, the county may request review by the Board of Corrections, and the Board of Corrections shall have final authority in such review.

SEC. 4. By adding paragraphs (4) to (7), inclusive, to subdivision (c) of Section 207 of the Welfare and Institutions Code at the 1977-78 Regular Session of the Legislature, the Legislature intends to establish the statutory jurisdictional basis, separate and apart from Section 601 of such code, for the secure detention of minors under the limited circumstances set forth therein. The purpose of such statutory jurisdictional basis for detention is to provide the court and other authorities with alternatives for responding to circumstances created by the actions of a minor that are, to the extent appropriate, comparable to alternatives for responding to like circumstances created by the actions of an adult.

~~SEC. 4~~ SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to clarify the extensive changes made in the juvenile court law at the 1976 Regular Session of the Legislature, it is imperative that this act go into immediate effect.