

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM
3.37
(ID # 4145)

MEETING DATE:

Tuesday, May 2, 2017

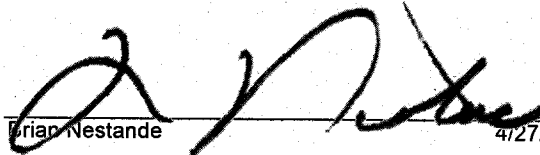
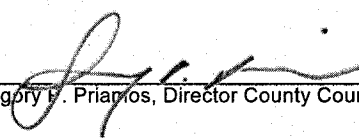
FROM : EXECUTIVE OFFICE AND COUNTY COUNSEL, DPSS :

SUBJECT: EXECUTIVE OFFICE: A.B. 1401 (Maienschein) - Juveniles: Protective Custody
Warrant: Support, All Districts. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Support A.B. 1401 (Maienschein) - Juveniles: Protective Custody Warrant

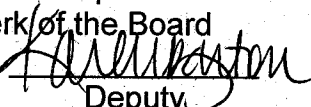
ACTION: Policy


Brian Nestande 4/27/2017 
Gregory P. Priamos, Director County Counsel 4/27/2017

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, seconded by Supervisor Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington and Ashley
Nays: None
Absent: None
Date: May 2, 2017
xc: EO, Co.Co., DPSS

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: N/A			Budget Adjustment: N/A	
			For Fiscal Year: N/A	

C.E.O. RECOMMENDATION: APPROVE

BACKGROUND:

Summary

A.B. 1401, sponsored by San Diego County, would authorize the court to issue a protective custody warrant, without filing a petition in the juvenile court, alleging that the minor comes within the jurisdiction of the juvenile court as a dependent, if there is probable cause to believe there is a substantial danger to the safety or physical health of the child and there are no reasonable means to protect the child's safety or physical health without removal.

Specifically, A.B. 1401:

- 1) Allows a protective custody warrant to be issued without filing a petition under WIC Section 300 if the court finds probable cause to support all of the following:
 - a) The child is a person described in WIC Section 300.
 - b) There is a substantial danger to the safety or physical health of the child.
 - c) There are no reasonable means to protect the child's safety or physical health without removal.

- 2) Requires that any child taken into protective custody pursuant to a protective custody warrant shall immediately be delivered to the social worker who shall investigate the facts and circumstances of the child and the facts surrounding the child being taken into custody and attempt to maintain the child with the child's family through the provision of services, as required by WIC Section 309.

- 3) Clarifies that the new authority to issue a protective custody warrant is not intended to limit any other circumstance permitting a magistrate to issue a warrant for a person.

Under existing law, the juvenile court is allowed to order the removal of a child from his or her home when a petition is filed simultaneously or if the social workers investigating child abuse and neglect find that there is imminent danger or bodily harm.

Ambiguity in the existing law regarding the issue of obtaining warrants without the filing of a petition comes as a result of several courts that will issue warrants without a petition, because

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

they believe that the authority is inherent in their judicial powers to protect the interests of a minor. However, in some counties, judges will not do so without a petition.

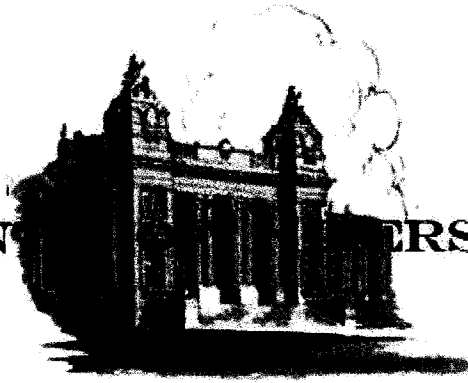
AB 1401 would clarify this ambiguity by allowing social workers, under certain circumstances and with the assistance of the County Counsel's Office, to seek a court order to remove a child without filing a petition while still retaining the judge's discretion as to whether a warrant is appropriate or needed as a precondition.

Impact on Residents and Businesses

The approval of A.B. 1401 would positively affect the residents of Riverside County by providing an additional tool for social workers to help and protect vulnerable children throughout the county and the state.

ATTACHMENT A. A.B. 1401 - Juveniles: Protective Custody Warrant

COUNTY OF RIVERSIDE



Board of Supervisors

District 1	Kevin Jeffries 951-955-1010
District 2 Chairman	John F. Tavaglione 951-955-1020
District 3	Chuck Washington 951-955-1030
District 4	Vacant 951-955-1040
District 5	Marion Ashley 951-955-1050

May 3, 2017

The Honorable Brian Maienschein
California State Assembly
State Capitol, Room 4139
Sacramento, CA 95814

**RE: AB 1401 (Maienschein): Juveniles: Protective Custody Warrant
As Amended April 19, 2017
County of Riverside: SUPPORT – Per Board Action**

Dear Assembly Member Maienschein:

On behalf of the Riverside County Board of Supervisors, I write to express our support for your legislation, AB 1401. The measure would clarify that a court may issue a protective custody warrant for the protection of a child under specified circumstances when the child is not already the subject of a dependency petition.

Under existing law, the juvenile court is allowed to order removal of a child from his or her home when a petition is filed simultaneously or if social workers investigating child abuse and neglect find that there is imminent danger or bodily harm. There is some ambiguity in existing law regarding the issue of obtaining warrants without the filing of a petition. Some courts will issue warrants without a petition, because they believe that authority is inherent in their judicial powers to protect the interests of a minor. However, in some counties, judges will not do so without a warrant.

AB 1401 would clarify this ambiguity by allowing social workers, under certain circumstances, to seek a court order to remove a child without filing a petition while still retaining the judge's discretion as to whether a warrant is appropriate or needed as a precondition. This bill would provide an additional tool for social workers and help to protect vulnerable children.

For this reason, the County of Riverside supports AB 1401. If you have any questions about the County's position, please do not hesitate to contact our Deputy County Executive Officer, Brian Nestande at (951) 955-1110, bnestande@rceo.org.

Sincerely,


John Tavaglione
Chairman, Riverside County Board of Supervisors

cc: County of Riverside Delegation

AMENDED IN ASSEMBLY APRIL 19, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 1401

Introduced by Assembly Member Maienschein

February 17, 2017

An act to amend Section 340 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1401, as amended, Maienschein. Juveniles: protective custody warrant.

Existing law establishes the jurisdiction of the juvenile court, which is permitted to adjudge certain children to be dependents of the court under certain circumstances, including when the child is abused, a parent or guardian fails to adequately supervise or protect the child, as specified, or a parent or guardian fails to provide the child with adequate food, clothing, shelter, or medical treatment. Existing law requires a proceeding in the juvenile court to declare a child to be a dependent child of the court to be commenced by the filing with the court, by the social worker, of a petition in conformity with specified requirements. Existing law authorizes the court to issue a protective custody warrant for a minor under certain circumstances, including when a petition has been filed in the juvenile court alleging that the minor comes within the jurisdiction of the juvenile court as a dependent or when a dependent minor has run away from his or her court-ordered placement.

This bill would authorize the court to issue a protective custody warrant, without filing a petition in the juvenile court alleging that the minor comes within the jurisdiction of the juvenile court as a dependent, if there is probable cause to believe the minor comes within the

jurisdiction of the juvenile court as a dependent, there is a substantial danger to the ~~physical or emotional health, or both,~~ *safety or physical health* of the child, and there are no reasonable means to protect the ~~child~~ *child's safety or physical health* without removal. *The bill would require any child taken into protective custody under these provisions to immediately be delivered to the social worker who shall investigate the facts and circumstances of the child and the facts surrounding the child being taken into custody and attempt to maintain the child with the child's family through the provision of services. By imposing additional duties on county social workers, this bill would impose a state-mandated local program.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

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

1 SECTION 1. Section 340 of the Welfare and Institutions Code
2 is amended to read:

3 340. (a) Whenever a petition has been filed in the juvenile
4 court alleging that a minor comes within Section 300 and praying
5 for a hearing on that petition, or whenever any subsequent petition
6 has been filed praying for a hearing in the matter of the minor and
7 it appears to the court that the circumstances of his or her home
8 environment may endanger the health, person, or welfare of the
9 minor, or whenever a dependent minor has run away from his or
10 her court-ordered placement, a protective custody warrant may be
11 issued immediately for the minor.

12 (b) A protective custody warrant may be issued without filing
13 a petition under Section 300 if the court finds probable cause to
14 support all of the following:

15 (1) The child is a person described in Section 300.

16 (2) There is a substantial danger to the ~~physical or emotional~~
17 ~~health, or both,~~ *safety or physical health* of the child.

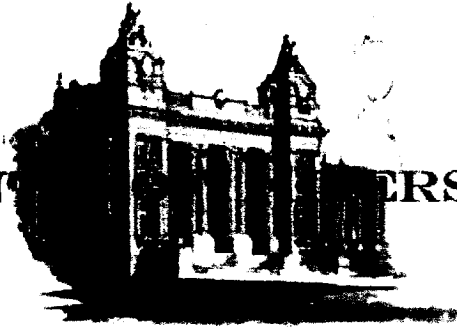
1 (3) There are no reasonable means to protect the ~~child~~ child's
2 safety or physical health without removal.

3 (c) Any child taken into protective custody pursuant to this
4 section shall immediately be delivered to the social worker who
5 shall investigate, pursuant to Section 309, the facts and
6 circumstances of the child and the facts surrounding the child
7 being taken into custody and attempt to maintain the child with
8 the child's family through the provision of services.

9 (d) Nothing in this section is intended to limit any other
10 circumstance permitting a magistrate to issue a warrant for a
11 person.

12 SEC. 2. To the extent that this act has an overall effect of
13 increasing the costs already borne by a local agency for programs
14 or levels of service mandated by the 2011 Realignment Legislation
15 within the meaning of Section 36 of Article XIII of the California
16 Constitution, it shall apply to local agencies only to the extent that
17 the state provides annual funding for the cost increase. Any new
18 program or higher level of service provided by a local agency
19 pursuant to this act above the level for which funding has been
20 provided shall not require a subvention of funds by the state or
21 otherwise be subject to Section 6 of Article XIII B of the California
22 Constitution.

COUNTY OF RIVERSIDE



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District 4	V. Manuel Perez 951-955-1040
District 5	Marion Ashley 951-955-1050

June 6, 2017

The Honorable Scott Wiener
Chair, Senate Human Services Committee
State Capitol, Room 4066
Sacramento, CA 95814

**RE: AB 1401 (Maienschein): Juveniles: Protective Custody Warrant
As Amended April 19, 2017
Set for Hearing June 13, 2017 in Senate Human Services Committee
County of Riverside: SUPPORT – Per Board Action**

Dear Senator Wiener:

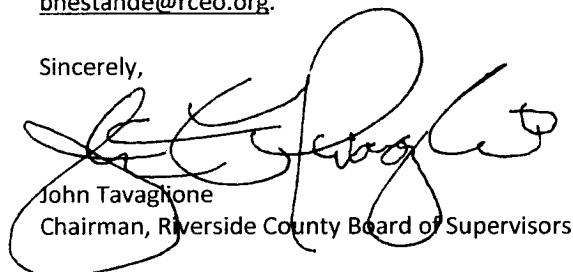
On behalf of the Riverside County Board of Supervisors, I write to express our support for AB 1401 by Assembly Member Maienschein. The measure would clarify that a court may issue a protective custody warrant for the protection of a child under specified circumstances when the child is not already the subject of a dependency petition.

Under existing law, the juvenile court is allowed to order removal of a child from his or her home when a petition is filed simultaneously or if social workers investigating child abuse and neglect find that there is imminent danger or bodily harm. There is some ambiguity in existing law regarding the issue of obtaining warrants without the filing of a petition. Some courts will issue warrants without a petition, because they believe that authority is inherent in their judicial powers to protect the interests of a minor. However, in some counties, judges will not do so without a warrant.

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For this reason, the County of Riverside supports AB 1401. If you have any questions about the County's position, please do not hesitate to contact our Deputy County Executive Officer, Brian Nestande at (951) 955-1110, bnestande@rceo.org.

Sincerely,

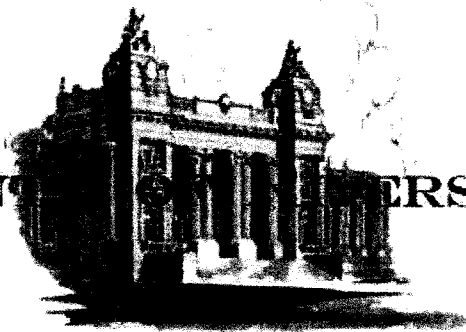


John Tavaglione
Chairman, Riverside County Board of Supervisors

cc: The Honorable Brian Maienschein, Member, California State Assembly
County of Riverside Delegation
Members, Senate Human Services Committee
Mareva Brown, Consultant, senate Human Services Committee
Joe Parra, Consultant, Senate Republican Caucus

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COUNTY OF RIVERSIDE



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June 30, 2017

The Honorable Hannah-Beth Jackson
Chair, Senate Judiciary Committee
State Capitol, Room 2032
Sacramento, CA 95814

**RE: AB 1401 (Maienschein): Juveniles: Protective Custody Warrant
As Amended April 19, 2017
Set for Hearing: July 11, 2017 – Senate Judiciary Committee
County of Riverside: SUPPORT – Per Board Action**

Dear Senator Jackson:

On behalf of the Riverside County Board of Supervisors, I write to express our support for AB 1401 by Assembly Member Maienschein. The measure would clarify that a court may issue a protective custody warrant for the protection of a child under specified circumstances when the child is not already the subject of a dependency petition.

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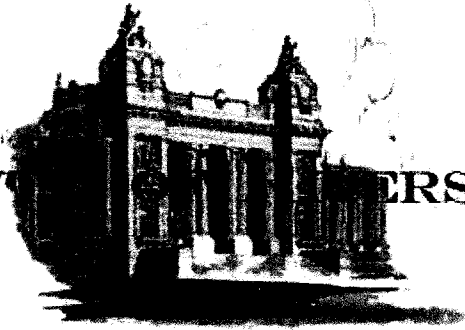
Sincerely,


John Tavaglione
Chairman, Riverside County Board of Supervisors

cc: The Honorable Brian Maienschein, Member, California State Assembly
County of Riverside Delegation
Members, Senate Judiciary Committee
Marisa Shea, Counsel, Senate Judiciary Committee
Mike Petersen, Consultant, Senate Republican Caucus

3.37 5/2/17

COUNTY OF RIVERSIDE



Board of Supervisors

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July 20, 2017

The Honorable Ricardo Lara
Chair, Senate Appropriations Committee
State Capitol, Room 5050
Sacramento, CA 95814

**RE: AB 1401 (Maienschein): Juveniles: Protective Custody Warrant
As Amended April 19, 2017
Awaiting Hearing in Senate Appropriations Committee
County of Riverside – SUPPORT: Per Board Action**

Dear Senator Lara:

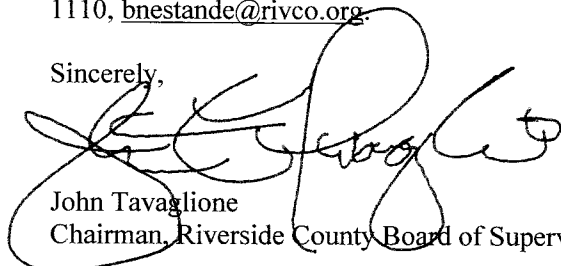
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John Tavaglione
Chairman, Riverside County Board of Supervisors

cc: The Honorable Brian Maienschein, Member, California State Assembly
County of Riverside Delegation
Members, Senate Appropriations Committee
Debra Cooper, Consultant, Senate Appropriations Committee
Anthony Archie, Consultant, Senate Republican Caucus

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