

THE LAW OF YOUTH PROBATION

KEY GUIDEPOSTS FOR REFORM:

- ✦ Probation supervision can be ordered by the court as part of the case disposition, after the court finds that the delinquency charges against the youth are true. There are other types of supervision done by the Probation Department that are not addressed in this tool.
- ✦ At disposition, the court must decide whether or not to make the youth a “ward of the court,” which determines how much custodial control the court takes over the youth.
- ✦ If the youth is not made a ward of the court, the probation supervision is limited to a 6-month term. A youth on non-wardship probation cannot be removed from his or her home or committed to a juvenile facility. But, the court can later make the youth a ward of the court if he or she fails to comply with the conditions of the probation.
- ✦ If the youth is made a ward of the court, the court can order wardship probation, either with or without the supervision of the Probation Department. Wardship probation with supervision by the Probation Department is the most common juvenile court disposition.
- ✦ For a youth on wardship probation, the court can make any and all reasonable orders for his or her conduct and can also direct orders to the youth’s parents/guardians.
- ✦ Widespread use of wardship probation in California conflicts with current research indicating that probation supervision can actually be harmful for youth who are at low risk for re-offending. While the law allows for expansive use of wardship probation, it also allows courts and Probation Departments to tailor probation more narrowly and to apply it to a much smaller population.
- ✦ There is no time limit for the length of wardship probation, unless a specific term is set by the court. When the court does not set a specific term, wardship probation can be indefinite. This means that the probation continues until the court makes an order terminating probation, with the only definitive ending being the age limit on the juvenile court’s jurisdiction (age 21 in most cases).



- ✦ While the court is not required to set a specific time period for probation, it has the discretion to do so. Current research published by the Annie E. Casey Foundation supports setting an individualized probation term of no more than 6-9 months, with opportunities to shorten the term and with an absolute cap at 12 months.
- ✦ When the court orders wardship probation, it generally has wide discretion in setting probation conditions. However, there is a small set of conditions that the court must impose by law.
- ✦ When a youth violates a probation condition, the law allows, but does not require, the youth to be arrested and delivered to Probation's custody. Recent research shows that each year thousands of youth in California are confined in juvenile facilities for violating a probation condition, not committing a new offense.
- ✦ A probation violation can have extreme consequences for a young person, including removal from home and placement in foster care or commitment to a juvenile facility.
- ✦ Both the District Attorney's office and the Probation Department have the power to bring a young person to court based on an alleged probation violation. When a youth is charged with violating probation, and not a new law violation, he or she has fewer procedural protections in court.
- ✦ Current research supports eliminating probation conditions and replacing the existing surveillance-punishment model of probation supervision with a strengths-based framework. A strengths-based probation framework fits with the science of adolescent brain development and is recommended by the National Council of Juvenile and Family Court Judges.

For more information:
ylc.org/navigate-juvenile-justice-law

