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AB-2417 Juveniles: Youth Bill of Rights. (2021-2022)

As Amends the Law Today

SECTION 1. Section 224.70 of the Welfare and Institutions Code is amended to read:

224.70. For the purposes of this article:

~~(a) "Committed" means placed in a facility of the Division of Juvenile Facilities pursuant to a court order, independent of, or in connection with, other sentencing alternatives.~~

~~(b) "Detained" means held in secure confinement in a juvenile facility of the Division of Juvenile Facilities.~~

~~(c)~~ (a) "Extended family member" means any adult related to the youth by blood, adoption, or marriage, and any adult who has an established familial or mentoring relationship with the youth, including, but not limited to, godparents, clergy, teachers, neighbors, and family friends.

~~(d) (b) "Facility of the Division of Juvenile Facilities"~~ "Juvenile facility" means a place of confinement that is operated by, or contracted for, the ~~Department of Corrections and Rehabilitation,~~ county probation department or juvenile court for the purpose of the ~~detention or commitment~~ confinement of youth who are taken into custody and alleged to be within the description of Section 601 or 602 ~~or~~ who are adjudged to be a ward of the court.

~~(e) (c)~~ "Youth" means any person detained in a ~~facility of the Division of Juvenile Facilities;~~ juvenile facility.

SEC. 2. Section 224.71 of the Welfare and Institutions Code is amended to read:

224.71. It is the policy of the state that all youth confined in a ~~facility of the Division of Juvenile Facilities shall have the following rights:~~ juvenile facility shall have the following rights, which are established by existing law and regulation:

(a) To live in a safe, healthy, and clean environment conducive to ~~treatment and rehabilitation~~ treatment, positive youth development, and healing and where they are treated with dignity and respect.

(b) To be free from physical, sexual, emotional, or other abuse, or corporal punishment.

(c) To receive adequate and healthy ~~food and water,~~ meals and snacks, clean water at any time, timely access to toilets, access to daily showers, sufficient personal hygiene items, clean bedding, and ~~clothing that is adequate and clean:~~ clean clothing in good repair, including clean undergarments on a daily basis, and new underwear that fits. Clothing, grooming, and hygiene products shall be adequate and respect the child's culture, ethnicity, and gender identity and expression.

(d) To receive ~~adequate~~ adequate, appropriate, and ~~appropriate~~ timely medical, reproductive, dental, vision, and mental health ~~services:~~ services provided by qualified professionals and consistent with current professional standards of care.

(e) To refuse the administration of psychotropic and other medications consistent with applicable law or unless immediately necessary for the preservation of life or the prevention of serious bodily harm.

(f) To not be searched for the purpose of harassment or ~~humiliation or as~~ humiliation, a form of discipline or ~~punishment:~~ punishment, or to verify the youth's gender. To searches that preserve the privacy and dignity of

the person and to have access to a written search policy at any time, including the policy on who may perform searches.

(g) To maintain frequent and continuing contact with parents, guardians, siblings, children, and extended family members, through visits, telephone calls, and mail. *Youth may be provided with access to computer technology and the internet for maintaining relationships with family as an alternative, but not as a replacement for, in-person visiting.*

(h) To make and receive confidential telephone calls, send and receive confidential mail, and have confidential visits with attorneys and their authorized representatives, ~~ombudspersons and~~ *ombudspersons, including the Division of the Ombudsperson of the Office of Youth and Community Restoration, and* other advocates, holders of public office, state and federal court personnel, and legal service organizations.

(i) To have fair and equal access to all available services, ~~placement;~~ *housing,* care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ~~ethnic group identification;~~ *ethnicity,* ancestry, national origin, *language,* color, religion, sex, sexual orientation, gender identity, *gender expression,* mental or physical disability, *immigration status,* or HIV status.

(j) To have ~~regular opportunity~~ *daily opportunities* for age-appropriate physical exercise and recreation, including time spent ~~outdoors;~~ *outdoors and access to leisure reading, letter writing, and entertainment.*

(k) To contact attorneys, ~~ombudspersons and~~ *ombudspersons, including the Division of the Ombudsperson of the Office of Youth and Community Restoration, and* other advocates, and representatives of state or local agencies, regarding conditions of confinement or violations of rights, and to be free from retaliation for making these contacts or complaints.

(l) To ~~participate in~~ *exercise the religious or spiritual practice of their choice and to participate in or refuse to participate in* religious services and ~~activities of their choice;~~ *activities.*

(m) To not be deprived of any of the following as a disciplinary measure: food, contact with parents, guardians, *family,* or attorneys, sleep, exercise, education, bedding, *clothing,* access to religious services, a daily shower, ~~a drinking fountain, a toilet;~~ *clean water, a toilet, hygiene products,* medical services, reading material, or the right to send and receive ~~mail;~~ *mail; to not be subject to room confinement as a disciplinary measure; to access written disciplinary policies, including the right to be informed of accusations against them, have an opportunity to be heard, present evidence and testimony, and their right to appeal disciplinary decisions.*

(n) To receive a *rigorous,* quality education that complies with state law, ~~to attend age-appropriate and the abilities of students and prepares them for high school graduation, career entry, and postsecondary education;~~ *to attend appropriate level* school classes and vocational ~~training, and to~~ *training; to have access to postsecondary academic and career technical education courses and programs; to have access to computer technology and the internet for the purposes of education and to* continue to receive educational services while on disciplinary or medical ~~status;~~ *status; and to have access to information about the educational options available to youth.*

(o) To information about their rights as parents, including available parental support, reunification advocacy, and opportunities to maintain or develop a connection with their children; to access educational information or programming about pregnancy, infant care, parenting, and breast-feeding, and childhood development; to proper prenatal care, diet, vitamins, nutrition, and medical treatment; to counseling for pregnant and post partum youth; to not be restrained by the use of leg irons, waist chains, or handcuffs behind the body while pregnant or in recovery after delivery; to not be restrained during a medical emergency, labor, delivery, or recovery unless deemed necessary for their safety and security, and to have restraints removed when a medical professional determines removal is medically necessary; and to access written policies about pregnant, post partum, and lactating youth.

~~(p)~~ *(p)* To attend all court hearings pertaining to them.

~~(q)~~ *(q)* To have counsel and a prompt probable cause hearing when detained on probation ~~or parole~~ violations.

~~(r)~~ *(r)* To make at least two free telephone calls within an hour after initially being placed in a ~~facility of the Division of Juvenile Facilities;~~ *juvenile facility* following an arrest.

SEC. 3. Section 224.72 of the Welfare and Institutions Code is amended to read:

224.72. (a) Every ~~facility of the Division of Juvenile Facilities~~ *juvenile facility* shall provide each youth who is placed in the facility with an age and developmentally appropriate orientation that includes an explanation and a copy of the rights *and responsibilities* of the youth, as specified in Section 224.71, and that addresses the youth's questions and concerns.

(b) Each ~~facility of the Division of Juvenile Facilities~~ *juvenile facility* shall post a listing of the rights provided by Section 224.71 in a conspicuous ~~location. The Office of the Ombudspersons of the Division of Juvenile Facilities shall design posters and provide the posters to each Division of Juvenile Facilities facility subject to this subdivision. These posters shall include the toll-free telephone number of the Office of the Ombudspersons of the Division of Juvenile Facilities.~~ *location, including classrooms and living units.*

~~(c) Consistent with Chapter 17.5 (commencing with Section 7290) of Division 7 of Title 1 of the Government Code, on or before July 1, 2010, the division shall ensure the listing of rights and posters described in this section are translated into Spanish and other languages as determined necessary by the division.~~

~~(d)~~ (c) A copy of the rights of the youth shall be included in orientation packets provided to parents or guardians of wards. Copies of the rights of youth in English, Spanish, and other languages shall also be made available in the visiting areas of ~~division~~ *juvenile justice* facilities and, upon request, to parents or guardians.

SEC. 4. Section 224.73 of the Welfare and Institutions Code is amended to read:

224.73. All ~~facilities of the Division of Juvenile Facilities~~ *juvenile facilities* shall ensure the safety and dignity of all youth in their care and shall ~~provide care, placement, and services to youth without discriminating~~ *not discriminate against any youth* on the basis of actual or perceived race, ~~ethnic group identification,~~ *ethnicity*, ancestry, national origin, color, religion, ~~sex,~~ *gender*, sexual orientation, gender identity, *gender expression*, mental or physical disability, *immigration status*, or HIV status.

SEC. 5. Section 224.74 of the Welfare and Institutions Code is amended to read:

224.74. ~~(a) The Office of the Ombudspersons of the Division of Juvenile Facilities shall do all of the following:~~

~~(1) Disseminate information on the rights of children and youth in the custody of the Division of Juvenile Facilities, as provided in Section 224.71, and the services provided by the office.~~

~~(2) Investigate and attempt to resolve complaints made by or on behalf of youth in the custody of the Division of Juvenile Facilities, related to their care, placement, or services, or in the alternative, refer appropriate complaints to another agency for investigation.~~

~~(3) Notify the complainant in writing of the intention to investigate or the decision to refer the complaint to another agency within 15 days of receiving the complaint. If the office declines to investigate a complaint, the office shall notify the complainant of the reason for this decision.~~

~~(4) Update the complainant on the progress of the investigation and notify the complainant in writing of the final outcome, steps taken during the investigation, basis for the decision, and any action to be taken as a result of the complaint.~~

~~(5) Document the number, source, origin, location, and nature of complaints.~~

~~(6) Provide a toll-free telephone number for the Office of the Ombudspersons of the Division of Juvenile Facilities.~~

~~(7) Compile and make available to the Legislature and the public all data collected over the course of the year, including, but not limited to, the number of contacts to the toll-free telephone number, the number of complaints made, the number of investigations performed by the office, the number of referrals made, the issues complained about, the number of sustained complaints, the actions taken as a result of sustained complaints, and the number of unresolved complaints, including the reasons the complaints could not be resolved.~~

(b) ~~(1)~~ The Office of ~~the Ombudspersons of the Division of Juvenile Facilities,~~ *Youth and Community Restoration*, in consultation with *youth*, youth advocate and support groups, and groups representing children, families, children's facilities, and other interested parties, shall develop, no later than July 1, ~~2008;~~ *2023*, standardized information explaining the rights specified in Section 224.71. The information developed shall be age-appropriate.

~~(2) The Office of the Ombudspersons of the Division of Juvenile Facilities and other interested parties may use the information developed in paragraph (1) in carrying out their responsibilities to inform youth of their rights provided under Section 224.71.~~

SEC. 6. Section 2200 of the Welfare and Institutions Code is amended to read:

2200. (a) Commencing July 1, 2021, there is in the California Health and Human Services Agency the Office of Youth and Community Restoration.

(b) The office's mission is to promote trauma responsive, culturally informed services for youth involved in the juvenile justice system that support the youths' successful transition into adulthood and help them become responsible, thriving, and engaged members of their communities.

(c) The office shall have the following responsibility and authority:

(1) Once data becomes available as a result of the plan developed to Section 13015 of the Penal Code, develop a report on youth outcomes in the juvenile justice system.

(2) Identify policy recommendations for improved outcomes and integrated programs and services to best support delinquent youth.

(3) Identify and disseminate best practices to help inform rehabilitative and restorative youth practices, including education, diversion, re-entry, religious and victims' services.

(4) Provide technical assistance as requested to develop and expand local youth diversion opportunities to meet the varied needs of the delinquent youth population, including but not limited to sex offender, substance abuse, and mental health treatment.

(5) Report annually on the work of the Office of Youth and Community Restoration.

(d) The office shall have an ombudsperson that has the authority to do all of the following:

(1) Investigate complaints from youth.

(2) Decide, in its discretion, whether to investigate complaints from youth who are detained in the, or committed to, juvenile facilities, families, staff, and others about harmful conditions or practices, violations of laws and regulations governing facilities, and circumstances presenting an emergency situation, or refer complaints to another body for investigation.

(3) Publish and provide regular reports to the Legislature about complaints received and subsequent findings and actions taken, pursuant to Section 2200.5.

(4) Have access to, and review copies of, any record of a local agency, and contractors with local agencies, except personnel records legally required to be kept confidential. Access to records shall be in accordance with existing law and rules of court governing juvenile confidentiality and all other applicable laws. The ombudsperson shall be granted access to records during business hours with advance notice of a minimum of 48 hours to the agency in direct control of the records of the facility.

(5) Meet or communicate privately with any youth in a juvenile facility and premises within the control of a county or local agency, or a contractor with a county or local agency. The ombudsperson shall provide forty-eight hour advance notice to the agency in direct control of the facility to meet with a youth. Access shall be in accordance with existing law and rules of court governing juvenile confidentiality and all other applicable laws.

(6) Disseminate information and provide training and technical assistance to youth who are involved in the juvenile justice system, social workers, probation officers, tribal child welfare agencies, child welfare organizations, children's and youth advocacy groups, consumer and service provider organizations, and other interested parties on the rights of youth involved in the juvenile justice system and the services provided by the ombudsperson. The rights shall include rights set forth in federal and state law and regulations for youth detained in or committed to juvenile justice facilities. The information shall include methods of contacting the ombudsperson and notification that conversations with the office may be disclosed to other persons, as necessary to adequately investigate and resolve a complaint.

(7) Access, visit, and observe juvenile facilities and premises within the control of a county, or local agency, or a contractor with a county, or local agency, serving youth involved in the juvenile justice system. The

ombudsperson shall be granted access to the facilities during business hours with advance notice of a minimum of 48 hours to the agency in direct control of the facility.

(e) The Division of the Ombudsperson of the Office of Youth and Community Restoration shall design posters and provide the posters to each juvenile facility operator subject to Section 224.72. These posters shall include the toll-free telephone number of the Ombudsperson of the Office of Youth and Community Restoration.

(f) Consistent with Chapter 17.5 (commencing with Section 7290) of Division 7 of Title 1 of the Government Code, on or before July 1, 2023, the Office of Youth and Community Restoration shall ensure the listing of rights and posters described in this section are translated into Spanish and other languages as determined necessary and distribute to each juvenile facility operator.

~~(e)~~ (g) The Office of Youth and Community Restoration shall evaluate the efficacy of local programs being utilized for realigned youth. No later than July 1, 2025, the office shall report its findings to the Governor and the Legislature.

~~(f)~~ (h) Juvenile grants shall not be awarded by the Board of State and Community Corrections without the concurrence of the office. All juvenile justice grant administration functions in the Board of State and Community Corrections shall be moved to the office no later than January 1, 2025.

SEC. 6.1. Section 2200 of the Welfare and Institutions Code is amended to read:

2200. (a) Commencing July 1, 2021, there is in the California Health and Human Services Agency the Office of Youth and Community Restoration.

(b) The office's mission is to promote trauma responsive, culturally informed services for youth involved in the juvenile justice system that support the youths' successful transition into adulthood and help them become responsible, thriving, and engaged members of their communities.

(c) The office shall have the following responsibility and authority:

(1) Once data becomes available as a result of the plan developed to Section 13015 of the Penal Code, develop a report on youth outcomes in the juvenile justice system.

(2) Identify policy recommendations for improved outcomes and integrated programs and services to best support delinquent youth.

(3) Identify and disseminate best practices to help inform rehabilitative and restorative youth practices, including education, diversion, re-entry, religious and victims' services.

(4) Provide technical assistance as requested to develop and expand local youth diversion opportunities to meet the varied needs of the delinquent youth population, including but not limited to sex offender, substance abuse, and mental health treatment.

(5) Report annually on the work of the Office of Youth and Community Restoration.

(d) The office shall have an ombudsperson that has the authority to do all of the following:

(1) Investigate complaints from youth.

(2) Decide, in its discretion, whether to investigate complaints from youth who are detained in the, or committed to, juvenile facilities, families, staff, and others about harmful conditions or practices, violations of laws and regulations governing facilities, and circumstances presenting an emergency situation, or refer complaints to another body for investigation.

(3) Publish and provide regular reports to the Legislature about complaints received and subsequent findings and actions taken, pursuant to Section 2200.5.

(4) Have access to, and review copies of, any record of a local agency, and contractors with local agencies, except personnel records legally required to be kept confidential. Access to records shall be in accordance with existing law and rules of court governing juvenile confidentiality and all other applicable laws. The ombudsperson shall be granted access to records during business hours with advance notice of a minimum of 48 hours to the agency in direct control of the records of the facility.

(5) Meet or communicate privately with any youth in a juvenile facility and premises within the control of a county or local agency, or a contractor with a county or local agency. The ombudsperson shall provide forty-eight hour advance notice to the agency in direct control of the facility to meet with a youth. Access shall be in accordance with existing law and rules of court governing juvenile confidentiality and all other applicable laws.

(6) Disseminate information and provide training and technical assistance to youth who are involved in the juvenile justice system, social workers, probation officers, tribal child welfare agencies, child welfare organizations, children's and youth advocacy groups, consumer and service provider organizations, and other interested parties on the rights of youth involved in the juvenile justice system and the services provided by the ombudsperson. The rights shall include rights set forth in federal and state law and regulations for youth detained in or committed to juvenile justice facilities. The information shall include methods of contacting the ombudsperson and notification that conversations with the office may be disclosed to other persons, as necessary to adequately investigate and resolve a complaint.

(7) Access, visit, and observe juvenile facilities and premises within the control of a county, or local agency, or a contractor with a county, or local agency, serving youth involved in the juvenile justice system. The ombudsperson shall be granted access to the facilities during business hours with advance notice of a minimum of 48 hours to the agency in direct control of the facility.

(e) The Division of the Ombudsperson of the Office of Youth and Community Restoration shall design posters and provide the posters to each juvenile facility operator subject to Section 224.72. These posters shall include the toll-free telephone number of the Ombudsperson of the Office of Youth and Community Restoration.

(f) Consistent with Chapter 17.5 (commencing with Section 7290) of Division 7 of Title 1 of the Government Code, on or before July 1, 2023, the Office of Youth and Community Restoration shall ensure the listing of rights and posters described in this section are translated into Spanish and other languages as determined necessary and distribute to each juvenile facility operator.

~~(e)~~ (g) The Office of Youth and Community Restoration shall evaluate the efficacy of local programs being utilized for realigned youth. No later than July 1, 2025, the office shall report its findings to the Governor and the Legislature.

~~(f)~~ (h) Juvenile grants shall not be awarded by the Board of State and Community Corrections without the concurrence of the office. All juvenile justice grant administration functions in the Board of State and Community Corrections shall be moved to the office no later than January 1, 2025.

(i) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the Office of Youth and Community Restoration may establish grantmaking programs with the funding designated in the Budget Act of 2021 and with other funding available for that purpose by means of information notices or other similar instructions, without taking further regulatory action.

(j) The Office of Youth and Community Restoration may enter into exclusive or nonexclusive contracts, or amend existing contracts, on a bid or negotiated basis for purposes of implementing those activities funded by the Budget Act of 2021 and other funding available for these purposes. Contracts entered into or amended pursuant to this section are exempt from Chapter 6 (commencing with Section 14825) of Part 5.5 of Division 3 of Title 2 of the Government Code, Section 19130 of the Government Code, Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code, the State Administrative Manual, and the State Contracting Manual, and are exempt from the review or approval of any division of the Department of General Services.

(k) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.

SEC. 6.2. *Section 2200 is added to the Welfare and Institutions Code, to read:*

2200. *(a) Commencing July 1, 2021, there is in the California Health and Human Services Agency the Office of Youth and Community Restoration.*

(b) The office's mission is to promote trauma-responsive, culturally informed services for youth involved in the juvenile justice system that support the youths' successful transition into adulthood and help them become responsible, thriving, and engaged members of their communities.

(c) The office shall have the following responsibility and authority:

(1) Once data becomes available as a result of the plan developed to Section 13015 of the Penal Code, develop a report on youth outcomes in the juvenile justice system.

(2) Identify policy recommendations for improved outcomes and integrated programs and services to best support delinquent youth.

(3) Identify and disseminate best practices to help inform rehabilitative and restorative youth practices, including education, diversion, re-entry, religious and victims' services.

(4) Provide technical assistance as requested to develop and expand local youth diversion opportunities to meet the varied needs of the delinquent youth population, including but not limited to sex offender, substance abuse, and mental health treatment.

(5) Report annually on the work of the Office of Youth and Community Restoration.

(d) The office shall have an ombudsperson that has the authority to do all of the following:

(1) Investigate complaints from youth.

(2) Decide, in its discretion, whether to investigate complaints from youth who are detained in the, or committed to, juvenile facilities, families, staff, and others about harmful conditions or practices, violations of laws and regulations governing facilities, and circumstances presenting an emergency situation, or refer complaints to another body for investigation.

(3) Publish and provide regular reports to the Legislature about complaints received and subsequent findings and actions taken, pursuant to Section 2200.5.

(4) Have access to, and review copies of, any record of a local agency, and contractors with local agencies, except personnel records legally required to be kept confidential. Access to records shall be in accordance with existing law and rules of court governing juvenile confidentiality and all other applicable laws. The ombudsperson shall be granted access to records during business hours with advance notice of a minimum of 48 hours to the agency in direct control of the records of the facility.

(5) Meet or communicate privately with any youth in a juvenile facility and premises within the control of a county or local agency, or a contractor with a county or local agency. The ombudsperson shall provide forty-eight hour advance notice to the agency in direct control of the facility to meet with a youth. Access shall be in accordance with existing law and rules of court governing juvenile confidentiality and all other applicable laws.

(6) Disseminate information and provide training and technical assistance to youth who are involved in the juvenile justice system, social workers, probation officers, tribal child welfare agencies, child welfare organizations, children's and youth advocacy groups, consumer and service provider organizations, and other interested parties on the rights of youth involved in the juvenile justice system and the services provided by the ombudsperson. The rights shall include rights set forth in federal and state law and regulations for youth detained in or committed to juvenile justice facilities. The information shall include methods of contacting the ombudsperson and notification that conversations with the office may be disclosed to other persons, as necessary to adequately investigate and resolve a complaint.

(7) Access, visit, and observe juvenile facilities and premises within the control of a county, or local agency, or a contractor with a county, or local agency, serving youth involved in the juvenile justice system. The ombudsperson shall be granted access to the facilities during business hours with advance notice of a minimum of 48 hours to the agency in direct control of the facility.

(e) The Division of the Ombudsperson of the Office of Youth and Community Restoration shall design posters and provide the posters to each juvenile facility operator subject to Section 224.72. These posters shall include the toll-free telephone number of the Ombudsperson of the Office of Youth and Community Restoration.

(f) Consistent with Chapter 17.5 (commencing with Section 7290) of Division 7 of Title 1 of the Government Code, on or before July 1, 2023, the Office of Youth and Community Restoration shall ensure the listing of rights and posters described in this section are translated into Spanish and other languages as determined necessary and distribute to each juvenile facility operator.

(g) The Office of Youth and Community Restoration shall evaluate the efficacy of local programs being utilized for realigned youth. No later than July 1, 2025, the office shall report its findings to the Governor and the Legislature.

(h) Juvenile grants shall not be awarded by the Board of State and Community Corrections without the concurrence of the office. All juvenile justice grant administration functions in the Board of State and Community

Corrections shall be moved to the office no later than January 1, 2025.

(i) This section shall become operative on January 1, 2028.

SEC. 7. Section 2200.2 of the Welfare and Institutions Code is amended to read:

2200.2. (a) If the office of the ombudsperson decides to investigate a complaint, or refer a complaint to another body for investigation, pursuant to paragraph (1) of subdivision (d) of Section 2200, the ~~ombudsman~~ *ombudsperson* shall notify the complainant *in writing* of the intention to investigate or refer the complaint. If the ombudsperson declines to investigate a complaint or continue an investigation, the ombudsperson shall notify the complainant *in writing* of the reason.

(b) The ombudsperson shall update the complainant on the progress of the investigation and the attempts to resolve the complaint, and notify the complainant *in writing* of the final outcome. If appropriate, the office may also share the outcome of any investigation performed by the office with the youth's counsel.

(c) Except when there is a safety concern, the ombudsperson shall also notify the head of the agency against which a complaint was filed when it refers the matter for an investigation.

(d) The ombudsperson may resolve complaints, when possible, collaborating with facility administrators and staff to develop resolutions that may include training.

(e) ~~(1) Information~~ *(1) Information* obtained by the office from a complaint, regardless of whether it is investigated by the office, referred to another entity for investigation, or determined not to be the proper subject of an investigation, shall remain confidential under relevant state and federal confidentiality laws. Disclosure of information that is not confidential under state and federal confidentiality laws shall occur only as necessary to carry out the mission of the office, including as necessary to provide explanation and support for the office's recommendations for improving the youth and community restoration system to the Legislature and state and local agencies that provide services and supports to youth placed in delinquency settings.

(2) The ombudsperson shall maintain confidentiality with respect to the identities of the complainants or witnesses coming before them, except insofar as disclosure may be necessary to enable the ombudsperson to carry out the duties of the office set forth in subdivisions (a) to (c), inclusive. The ombudsperson may not disclose a record that is confidential under relevant state and federal confidentiality laws.

(f) In order to encourage candor during the ombudsperson's investigation of complaints made by, or on behalf of, detained youths and to facilitate the ombudsperson's ability to resolve complaints, both of the following shall apply:

(1) The ombudsperson and their staff shall not be compelled to testify or be deposed in a judicial or administrative proceeding regarding matters coming to their attention in the exercise of their official duties, except as necessary to enforce or implement this chapter.

(2) The records of the ombudsperson and their staff, including notes, drafts, and records obtained from an individual or agency during the intake, review, or investigation of a complaint, and any reports not released to the public shall not be subject to disclosure or production in response to a subpoena or discovery in a judicial or administrative proceeding, except as necessary to enforce or implement the provisions of this chapter.

SEC. 8. Section 2200.5 of the Welfare and Institutions Code is amended to read:

2200.5. (a) The ombudsperson shall publish and provide regular reports to the Legislature about all data collected over the course of the year, including, but not limited to, contacts to the office, complaints received, including the type and source of those complaints, investigations performed by the ombudsperson, the time to investigate and resolve complaints, the number and types of complaints referred to other agencies, the trends and issues that arose in the course of investigating complaints, pending complaints, and subsequent findings and actions taken, and a summary of the data received by the ombudsperson. *Data shall be disaggregated by gender, sexual orientation, race, and ethnicity of the complainants to the extent this information is available.*

(b) The compiled data shall be posted so that it is available to the public on the office's existing internet website.

(c) The report shall comply with all confidentiality laws.

(d) Nothing shall preclude the ombudsperson from issuing data, findings, or reports other than the annual compilation of data described in this section or Section 2200.

SEC. 9. Sections 6.1 and 6.2 of this bill incorporate amendments to Section 2200 of the Welfare and Institutions Code proposed by this bill and either Assembly Bill 207 or Senate Bill 124. Those sections shall only become operative if (1) both this bill and either Assembly Bill 207 or Senate Bill 124 are enacted and become effective on or before January 1, 2023, (2) both this bill and either Assembly Bill 207 or Senate Bill 124 amends Section 2200 of the Welfare and Institutions Code, and (3) this bill is enacted after either Assembly Bill 207 or Senate Bill 124, in which case Section 2200 of the Welfare and Institutions Code, as amended and added by Assembly Bill 207 or Senate Bill 124, shall remain operative only until the operative date of this bill, at which time Sections 6.1 and 6.2 of this bill shall become operative, and Section 6 of this bill shall not become operative.

SEC. 10. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.