

JUVENILE JUSTICE REALIGNMENT - 2021

A General Overview

By

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Introduction

In 2020, the Legislature passed “juvenile justice realignment” legislation through [Senate Bill No. 823](#).² Senate Bill No. 823 overhauled juvenile wardship law by closing the Division of Juvenile Justice (DJJ) and transferring jurisdiction over youthful offenders to counties, with the stated purpose of ensuring minors are closer to their families and communities and receive age-appropriate treatment. (Welf. & Inst. Code, § 736.5; Sen. Bill No. 823; Stats. 2020, ch. 337, § 1.) The following discussion highlights principal changes and timelines.³

The new laws directed the gradual closure of the Department of Juvenile Justice (DJJ) and transferred the management, supervision, and care of juveniles to county jurisdictions. They provided resources to counties to undertake this new responsibility. The newly created Office of Youth Community and Restoration (OYCR) oversaw the gradual transition from state to local custody. The new laws created a separate dispositional track for higher-need youth, adjusted the age requirement for court jurisdiction over a minor, and modified the provisions governing the detention of minors in adult facilities. To gather relevant information, the new laws required establishment of a modern database and reporting system for tracking realigned juveniles.

Reformation is premised on “[e]vidence . . . demonstrat[ing] that justice system-involved youth are more successful when they remain connected to their families and communities” and that “[j]ustice system-involved youth who remain in their

¹ Updated October 2025 by William Melcher, Staff Attorney; original article written April 2021.

² Sen. Bill No. 823 (2019-2020 Reg. Sess.); Stats. 2020, ch. 337

³ This article is intended to be a general overview only. Not all changes are reflected. The reader is encouraged to carefully review Senate Bill No. 823 and the corresponding statutes.

communities have lower recidivism rates and are more prepared for their transition back into the community.” (Sen. Bill No. 823, § 1(a).)

To meet the needs of youth and achieve successful outcomes, local counties are now tasked with employing “evidence-based and promising practices and programs” which:

- “improve the outcomes of youth and public safety,”
- “reduce the transfer of youth into the adult criminal justice system,”
- “ensure that dispositions are in the least restrictive appropriate environment,”
- “reduce and then eliminate racial and ethnic disparities, and”
- “reduce the use of confinement in the juvenile justice system by utilizing community-based responses and interventions.” (Sen. Bill No. 823, § 1(e).)

DJJ closure and court commitments

The Legislature mandated that JCC close on June 30, 2023. (Welf. & Inst. Code, § 736.5, subd. (e).) To that end, intake of new wards into DJJ ended on June 30, 2021, unless the minor qualified under stringent criteria.⁴ (Welf. & Inst. Code, § 736.5, subd. (b)-(c).)

Hence, commencing July 1, 2021, the juvenile court no longer committed minors adjudged a ward of the court to the DJJ (Sen. Bill No. 823, §§ 29, 30; Welf. & Inst. Code, §§ 733.1, subd. (a), 736.5, subd. (b)) except for a small group of eligible youth. Pending final closure of DJJ, minors who could be committed to DJJ were those in whose case a motion to transfer from juvenile court to criminal court was filed and granted and whose case involves a Welfare and Institutions Code section 707, subdivision (b)/Penal Code section 290.008 offense. (Sen. Bill No. 823, §§ 29, 30; Welf. & Inst. Code, §§ 733.1, subd. (b), 736.5, subd. (c); see also Sen. Bill No. 823, § 43; Welf. & Inst. Code, § 1731.5, subd. (a) [court commitment to DJJ after certification to the Governor based on specified criteria of youth convicted of a Welf. & Inst. Code, § 707, subd. (b) (§ 707(b)) serious or violent felony offense or Pen. Code, § 290.008 sex offense and was under 21 years of age at time of apprehension] & subd. (c) [youth under 18 years of age not committed to the DJJ may be transferred by the Department of Corrections and Rehabilitation to DJJ]; Sen

⁴ The Department of Corrections and Rehabilitation (CDCR) has a realignment portal for information for families and staff: <https://www.cdcr.ca.gov/juvenile-justice/djj-realignment-portal/>. CDCR reports that all DJJ facilities have closed effective July 1, 2023.

Bill No. 823, § 48; Welf. & Inst. Code, § 1955.2 [notwithstanding Welf. & Inst. Code, § 1731.5, when a youth under 18 years of age is convicted of an offense in superior court on or after July 1, 2021, and sentenced to state prison, that person is to remain in a county juvenile facility until the age of 18 at which time that person may be transferred to state prison].)

Shifting of responsibility and OYCR

Responsibility for all youth adjudged a ward of the court transferred to county governments on July 1, 2021, with annual funding for county governments provided to fulfill this new responsibility. (Sen. Bill No. 823, § 30; Welf. & Inst. Code, § 736.5, subd. (a); see also Sen. Bill No. 823, § 49; Welf. & Inst. Code, § 1990, et seq.; Sen. Bill No. 823, § 51; Welf. & Inst. Code, § 2250.)

OYCR is tasked with providing oversight of and accountability within the new juvenile system, commencing July 1, 2021. (Sen. Bill No. 823, § 50, Ch. 4; Welf. & Inst. Code, § 2200, subds. (a), (c)-(e).) “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.” (Sen. Bill No. 823, § 50, Ch. 4; Welf. & Inst. Code, § 2200, subd. (b), as amended by Assem. Bill No. 2176 (2023-2024 Reg. Sess.); Stats. 2024, Ch. 50, Sec. 16.)

Youths committed prior to July 1, 2021 and those otherwise DJJ eligible

All wards committed to DJJ prior to July 1, 2021, or pursuant to section 736.5, subdivision (c) [ward who is otherwise eligible to be committed under existing law and a motion to transfer the minor to criminal court was filed and granted], remain in DJJ until discharged, released or otherwise moved pursuant to law. (Sen. Bill No. 823, § 30; Welf. & Inst. Code, § 736.5, subd. (d).)

For those minors who are realigned from DJJ or who were eligible for DJJ commitment before final DJJ closure, the bill establishes “The Juvenile Justice Realignment Block Grant” program to provide for their transition to local custody, care, and supervision. (Sen. Bill No. 823, § 49; Welf. & Inst. Code, § 1990, subd. (a).) This pertained to youth who were eligible for DJJ commitment prior to its closure and youth who are adjudicated to be a ward based on a § 707(b) offense or Penal Code section 290.008 sex offense. (Sen. Bill No. 823, § 49; Welf. & Inst. Code, § 1990, subd. (b).)

Higher-need youth

Senate Bill No. 823 also set forth the Legislature's intent to establish a separate dispositional track for higher-need youth by March 1, 2021. (Sen. Bill No. 823, § 30; Welf. & Inst. Code, former § 736.5, subd. (e).⁵) Commencing July 1, 2021, the framework provided for an available disposition to a "Secure Youth Treatment Facility." (Welf. & Inst. Code, § 875.) The criteria are:

- (1) a § 707(b) offense was committed when the juvenile was 14 years of age or older;
- (2) the adjudication of that offense is the most recent offense for which the juvenile has been adjudicated; and
- (3) a less restrictive, alternative disposition for the ward is determined by the court to be unsuitable based on specified criteria.

The framework also sets forth various other requirements some of which include an individual treatment plan; the baseline term in custody necessary to meet the developmental and treatment needs of the ward and to prepare the ward for safe discharge to a period of probation supervision; progress review hearings; and the maximum time of confinement. (Welf. & Inst. Code, § 875, subds. (b)-(e).)

Age requirement for court jurisdiction over a minor

The juvenile court continues to retain jurisdiction over a ward until age 21. (Sen. Bill No. 823, § 24; Welf. & Inst. Code, § 607, subd. (a) [as amended by Sen. Bill 135 (2022-2023 Reg. Sess.); Stats. 2023, Ch. 190, Sec. 12].) Where the offense is a § 707(b) offense, the court retains jurisdiction until age 23, or two years from the date of commitment to a secure youth treatment facility pursuant to Section 875, whichever occurs later (Welf. & Inst. Code, § 607, subd. (b)) and to age 25 or two years from the date of commitment to a secure youth treatment facility pursuant to Section 875, whichever occurs later, if the ward would have faced an aggregate sentence of seven years or more in criminal court (Welf. & Inst. Code, § 607, subd. (c)). If the ward was committed to a state hospital or other mental health facility, jurisdiction continues until age 25, unless the court finds sanity was restored. (Welf. & Inst. Code, § 607, subd. (f).)

⁵ Senate Bill No. 92 (2021-2022 Reg. Sess.) (Sen. Bill No. 92) amended Welfare & Institutions Code, section 736.5, subdivision (e) by replacing the expressed intent with the date of DJJ closure. (Sen. Bill No. 92, § 10; Welf. & Inst. Code, § 736.5, subd. (e).)

Provisions governing the detention of minors in adult facilities

A youth whose case originated in juvenile court and who is detained in a secure juvenile facility may remain in that facility until age 25. (Sen. Bill No. 92, § 3; Welf. & Inst. Code, § 208.5, subd. (a) [no time line is specified].) At age 19, the probation department may petition the court to move the youth to an adult facility, which is followed by a hearing and findings on specified criteria. (Sen. Bill No. 92, § 3; Welf. & Inst. Code, § 208.5, subd. (b) & (c).)

Modern database and reporting system for tracking realigned juveniles

The Department of Justice is required to submit a plan for replacement of the Juvenile Court and Probation Statistical System with a modern database and reporting system by January 1, 2023. (Sen. Bill No. 823, § 15; Pen. Code, § 13015, subd. (a).) The plan is to be devised by a working group of experts and advocates with experience in collecting, analyzing, and utilizing juvenile justice data in California, including people directly impacted by the justice system. Minimum requirements of the plan are enumerated.