

3/14/60

Memorandum No. 27 (1960)

Subject: Study No. 48 - Juvenile Court Proceedings

Exhibit I is a proposed statute to carry out the Commission's recommendation in regard to the right of juveniles to counsel. Exhibit II is a proposed statute to carry out the Commission's recommendation in regard to the designation of non-delinquent minors as wards.

We have received from the Governor's Special Study Commission on Juvenile Justice a tentative draft of a statute which will completely rewrite the Juvenile Court Law. If enacted, the statute will make the proposed statutes attached to this memo obsolete. The tentative draft contains the following proposals in regard to the right to counsel in juvenile court proceedings:

(1) The notice of filing of a petition that is sent to a juvenile's parent or guardian must contain a statement that the minor, his parent or guardian is entitled to have his attorney present at the hearing on the petition and that the clerk of the juvenile court should be promptly notified if the parent or guardian cannot afford an attorney.

(2) When a minor is taken into temporary custody and a hearing is held to determine whether such detention should continue, the minor and his parent or guardian if present must be advised of the reason for the detention, the nature of juvenile court proceedings, the right of the minor and his parent or guardian

to be represented by counsel at every stage of the proceedings, and if the minor or parent or guardian is indigent and cannot employ counsel that the court will appoint counsel.

(3) Any minor subject to a juvenile court proceeding and any person entitled to be given notice of such a proceeding has the right to be represented by counsel of his own choice.

(4) At the beginning of a hearing on a petition, the judge must read the petition, explain the proceeding and its consequences, ascertain whether the minor is represented by counsel, advise the minor and his parent or guardian, if present, of his right to counsel, and appoint counsel if the parent or guardian is indigent and desires to have the minor represented by counsel. The court is empowered to continue the hearing for up to seven days to appoint counsel or to enable counsel to become familiar with the case.

(5) No finding that a minor is within the jurisdiction of the court may be based upon an uncorroborated extra-judicial admission or confession unless the minor is represented by counsel.

(6) Appointed counsel are to be compensated in the manner provided for the payment of counsel appointed to represent indigent defendants in superior court.

The tentative draft uses the term "ward" indiscriminately. If the statute attached to this memo as Exhibit II is approved, it will be necessary to go through the Special Commission's statute, if it is adopted, to revise it in the same manner that the existing Juvenile Court Law is revised in Exhibit II.

In regard to these drafts, the statute in Exhibit I has been renumbered. Section 732.3 is the former proposed Sections 732.3 and 732.4. As this section has been rewritten, it does not contain strike out and underscore. Section 732.4 as contained in this draft is former proposed Section 732.2. In Exhibit II, the recommendation of the Commission is principally contained in proposed Section 735 and Section 743 of the Welfare and Institutions Code. The remainder of the amendments are merely the substitution of "ward or dependent child" for the term "ward."

Respectfully submitted,

Joseph B. Harvey  
Assistant Executive Secretary

Exhibit I

The Commission's recommendation would be effectuated by the enactment of the following measure:

An act to add Sections 732.1, 732.2, 732.3 and 732.4 to the Welfare and Institutions Code, relating to juvenile courts.

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

SECTION 1. Section 732.1 is added to the Welfare and Institutions Code, to read:

[732] 732.1. [When-a-petition-is-filed-alleging-that-a-person-comes within-the-provisions-of-Section-700.1,-Section-700.2,-or-Section 700.3-such-person-shall-have-the-right-to-be-represented-by-counsel in-all-proceedings-thereunder. A person within the jurisdiction of the juvenile court or alleged to be within the jurisdiction of the juvenile court has the right to be represented by counsel in all proceedings of the juvenile court under this chapter, including but not limited to proceedings to determine whether a person comes within the provisions of Section 700, proceedings to determine the reasons for the necessity of the detention of such person under Section 729.5, and proceedings to change, modify, or set aside an order of the court under Section 745. Such counsel shall have all of the ordinary rights of an attorney representing a client, including but not limited to the right to discuss the case privately with

his client, to object to the qualifications of witnesses and to questions propounded to them, and to cross-examine witnesses.

SEC. 2. Section 732.2 is added to the Welfare and Institutions Code, to read:

[732.1] 732.2. When a person named in a petition alleging that he ~~comes within the provisions of Section 700.1~~ is within the jurisdiction of the juvenile court under subdivision (f), (g), (h), (i), (j), (k) or (m) of Section 700 is brought before the court, the court shall inform him and, if present, his parents, guardian or custodian of the substance of the allegations in the petition, of the nature of the proceedings and that he has the right to the aid of counsel. The court shall ask ~~The~~ person named in the petition and, if present, his parent, guardian or custodian ~~[shall be asked]~~ if it is desired that the person named in the petition have the aid of counsel. If any of them answers in the affirmative the court must allow a reasonable time to obtain counsel. The court may appoint counsel for the person named in the petition on its own motion if it believes such appointment to be in the interest of justice.

~~The rights given to parents, guardians and custodians by this section are subject to the provisions of Section 732.4.~~

SEC. 3. Section 732.3 is added to the Welfare and Institutions Code to read:

New 732.3. (1) Except when the court determines that the interest of the parent, guardian or custodian of a person named in a petition alleging that he is within the jurisdiction of the juvenile court is adverse to that of the person named in the petition, if such parent, guardian or custodian desires that the person named in the petition have the aid of counsel, the person named in the petition shall be represented by counsel selected by his parent, guardian or custodian without regard to his own wish not to be represented by counsel or to select different counsel to represent him.

(2) When the court determines that the interest of the parent, guardian or custodian is adverse to the interest of a person alleged to be within the jurisdiction of the juvenile court, such person may be represented by counsel of his own choosing. If such person is unwilling or unable to select counsel, the court may appoint counsel for such person if it believes such appointment to be in the interest of justice.

SEC. 4. Section 732.4 is added to the Welfare and Institutions Code, to read:

~~[732.2]~~ 732.4. (1) (The text is former proposed Section 732.2.)

~~When a petition is filed alleging that a person comes within the~~

~~provisions of Section 700.1, -- Section 700.2 or Section 700.3 --~~ The parent, guardian or custodian of such a person within the jurisdiction of the juvenile court or alleged to be within the jurisdiction of the juvenile court <sup>[shall have]</sup> ~~has~~ the right to be represented by <sup>[thereunder]</sup> counsel in all proceedings of the juvenile court under this chapter. Such counsel shall have all of the ordinary rights and powers of an attorney representing a client, including but not limited to the right to discuss the case privately with his client, to object to the qualifications of witnesses and to questions propounded to them, and to cross-examine witnesses.

(2) When ~~the~~ a person named in the a petition alleging that he is within the jurisdiction of the juvenile court is brought before the court, the court shall inform his parent, guardian or custodian, if present, of the substance of the allegations in the petition, of the nature of the proceeding, and that such parent, guardian or custodian has the right to the aid of counsel. If the parent, guardian or custodian indicates that he desires the aid of counsel, the court must allow a reasonable time to obtain counsel.

Exhibit II

DESIGNATION OF JUVENILES AS WARDS

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

SECTION 1. Section 551 of the Welfare and Institutions Code is amended to read:

551. This chapter shall be liberally construed, to the end that the care, custody, and discipline of a ward or dependent child of the juvenile court, as defined in this chapter, shall approximate as nearly as possible that which should be given by his parents. In all cases where it can be properly done, the ward or dependent child of the juvenile court shall be placed in an approved family, with people of the same religious belief, and shall become a member of the family.

SEC. 2. Section 580 of the Welfare and Institutions Code is amended to read:

580. A judgment or decree of a juvenile court assuming jurisdiction and declaring any person to be a ward or dependent child of the juvenile court or a person free from the custody and control of his parents may be appealed from in the same manner as any final judgment, and any subsequent order may be appealed from as from an order after judgment; but no such order or judgment shall be stayed by such appeal, unless suitable provision is made for the maintenance, care, and custody of such person pending the appeal, and unless such provision is approved by an order of the juvenile court. Such appeal shall have precedence over all other cases in the court to which the appeal is taken.



SEC. 3. Section 603 of the Welfare and Institutions Code is amended to read:

603. At any time the juvenile court, or the judge thereof, may, and upon request of the county board of supervisors shall, require the probation committee or the probation officer to examine into and report to the court upon the qualifications and management of any society, association, or corporation, other than a state institution, which applies for or receives custody of any ward or dependent child of the juvenile court. No probation officer or probation committee, however, shall, under authority of this section, enter any institution without its consent. If such consent is refused, commitments to that institution shall not be made.

SEC. 4. Section 605 of the Welfare and Institutions Code is amended to read:

605. The probation committee, when so directed by the court, shall exercise a friendly supervision and visitation over the wards and dependent children of the juvenile court. It shall furnish the court information and assistance whenever required, upon the request of the court; and from time to time it shall advise and recommend to the court such change or modification of the order made in the case of a ward or dependent child of the juvenile court as may be for the best interests of such person. Upon request of the judge, any member of the probation committee shall investigate the case of an alleged ward or dependent child of the juvenile court, and render a report thereon to the judge.

SEC. 5. Section 640 of the Welfare and Institutions Code is amended to read:

640. The probation officer shall be present in court to represent the

interests of each such person when his case is heard, and shall furnish to the court such information and assistance as the court may require and shall make his report thereon at that time. If so ordered, he shall take charge of such person before and after the hearing. At any time the probation officer may bring any [such] ward or dependent child committed to his care before the court with written report and recommendation for such further order or other action as the court deems proper. Before any such ward or dependent child is recommitted, the probation officer shall inquire into the reasons assigned for such action and shall be present in court to represent the interests of [such] the ward or dependent child.

SEC. 6. Section 641.1 of the Welfare and Institutions Code is amended to read:

641.1. The probation officer is authorized to receive money, give his receipt therefor, immediately deposit such money in the county treasury, and direct the disbursement thereof in the same manner that county trust money is disbursed, in any of the following instances:

1. . . . .

2. Money payable to or on behalf of a ward or dependent child of the juvenile court or a person concerning whom a petition has been filed in the juvenile court.

\* \* \*

SEC. 7. Section 643 of the Welfare and Institutions Code is amended to read:

643. Every probation officer, within 90 days after the thirty-first day

of December, of each year, shall make in writing and file as a public document a report to the judge of the juvenile court of the county in which such probation officer is appointed, and shall furnish to the board of supervisors of such county and to the Youth Authority a copy thereof. Such report, without giving names, shall show the exact number of wards and dependent children of such juvenile court that remain under the care and supervision of the court on such thirty-first day of December, segregating such wards and dependent children as to sex, the subdivision of Section 700 under which they were adjudged wards or dependent children, and the commitment or disposition order as such existed on said thirty-first day of December.

SEC. 8. Section 660 of the Welfare and Institutions Code is amended to read:

660. The board of supervisors in every county shall provide and maintain, at the expense of the county, in a location approved by the judge of the juvenile court, a suitable house or place for the detention of wards and dependent children of the juvenile court and of persons alleged to come under the provisions of Section 700. Such house or place shall be known as the "juvenile hall" of the county. Wherever in any provision of law reference is made to detention homes for juveniles, such reference shall be deemed and construed to refer to the juvenile halls provided for in this article.

SEC. 9. Section 673 of the Welfare and Institutions Code is amended to read:

673. Any county may join with one or more other counties to establish and maintain a suitable house or place for the detention of wards and dependent children of the juvenile court of such counties, to be known as the "joint

detention home" of such counties. Any county maintaining such a home jointly with one or more other counties need not maintain a separate detention home.

SEC. 10. Section 720 of the Welfare and Institutions Code is amended to read:

720. A person subject to its jurisdiction may be brought before the juvenile court by any of the following means:

(a) A petition praying that such person be declared a ward of the juvenile court or a dependent child of the juvenile court, and be dealt with according to the provisions of this chapter.

\* \* \*

SEC. 11. Section 724 of the Welfare and Institutions Code is amended to read:

724. There shall be no fee for filing such petition nor shall any fees be charged by any officer for his services in filing or serving papers, or for the performance of any duty enjoined upon him by this chapter, except where the sheriff transports a person to a State institution. If the judge of the juvenile court orders that [~~the~~] a ward or dependent child go to a State institution without being accompanied by an officer or that [~~the~~] a ward or dependent child be taken to an institution by the probation officer of the county or parole officer of the institution or by some other suitable person, all expenses necessarily incurred therefor shall be allowed and paid in the same manner and from the same funds as would be allowed and paid were such transportation effected by the sheriff.

SEC. 12. Section 735 of the Welfare and Institutions Code is amended to read:

735. (1) When any person under the age of 21 years, alleged to come within the provisions of subdivisions (f), (g), (h), (i), (j), (k) or (m) of Section 700, is found by the court or judge to come within the said provisions, the court shall adjudge the person to be a ward of the juvenile court and shall in its judgment make a finding of the facts upon which the court exercises its jurisdiction over such person as a ward of the juvenile court. When any person under the age of 21 years, alleged to come within the provisions of subdivisions (a), (b), (c), (d), (e), (l) or (n) of Section 700, is found by the court or judge to come within the said provisions, the court shall adjudge the person to be a dependent child of the juvenile court and shall in its judgment make a finding of the facts upon which the court exercises its jurisdiction over such person as a dependent child of the juvenile court. The court shall thereupon make such order or orders, in accordance with such findings, as may be necessary for the care of such ward or dependent child of the juvenile court. All commitment and recommitment orders shall be in writing, and shall be signed by the judge of the juvenile court.

(2) Any person under the jurisdiction of the juvenile court under the provisions of subdivisions (a), (b), (c), (d), (e), (l) or (n) of Section 700 on September 15, 1961, is a "dependent child of the juvenile court", and such person is not a "ward of the juvenile court" unless such person is also under the jurisdiction of the juvenile court under the provisions of subdivisions (f), (g), (h), (i), (j), (k) or (m) of Section 700.

SEC. 13. Section 738 of the Welfare and Institutions Code is amended to read:

738. In a case where the residence of a ward or a dependent child of the juvenile court is out of the State and in another state, or in a case where the ward or dependent child is a resident of this State but his parents, relatives, guardian or person charged with his custody is in another state, the court may order the ward or dependent child sent to his parents, relatives, or guardian or to the person charged with his custody, and in such case may order transportation and accommodation furnished, with or without an attendant, as the court deems necessary. If the court deems an attendant necessary the court may order the probation officer or other suitable person to serve as such attendant and may order the necessary expenses of the ward or dependent child and of the attendant paid out of the appropriate funds of the county. In counties in which the probation officer is appointed by the board of supervisors, such expenses shall be authorized by the probation officer and claims therefor shall be audited, allowed and paid in the same manner as other county claims.

SEC. 14. Section 739 of the Welfare and Institutions Code is amended to read:

739. In all cases the court may determine whether or not the parents or guardian shall exercise any control of a ward or dependent child of the juvenile court or of any other minor person concerning whom a petition has been filed in accordance with the provisions of Sections 721 and 722, and may define the extent of control permitted; but no ward or dependent child of the juvenile court shall be taken from the custody of his parent or legal guardian without the consent of the parent or guardian, unless the court finds one of the following facts:

(a) That the parent or guardian is incapable of providing or has failed or neglected to provide proper maintenance, training, and education for the person.

\* \* \*

SEC. 15. Section 740 of the Welfare and Institutions Code is amended to read:

740. When any person alleged to come within the provisions of Section 700 is adjudged by the court or judge to come within the said provisions, and adjudged to be a ward or dependent child of the juvenile court or both, the court may make such order with respect to custody and placement of the ward or dependent child as the court deems to be in the best interest of the ward or dependent child and the community. The court may call upon the services of any public or private agency in making placement and providing supervision and may commit such person for such time as the court deems fit, but not beyond the time during which the court retains jurisdiction as prescribed by the

provisions of Section 750 of this code, to the care of any of the following persons, associations, corporations, or institutions, as herein prescribed:

\* \* \*

(b) To the care of some association, society, or corporation embracing within its objects the purpose of caring for or obtaining homes for such persons, and willing and able to receive and care for such ward or dependent child.

(c) To the care of the probation officer, to be boarded out or placed in some suitable family home, in case provision is made by voluntary contribution, or otherwise, for the payment of the board of the ward or dependent child until suitable provision may be made for him in a home without such payment, the ward or dependent child to be subject to the supervision of the probation officer and the further order of the court; but no ward or dependent child of the juvenile court under the age of 16 years shall be boarded out in any boarding place other than a boarding place licensed by the Department of Social Welfare.

(d) In the case of a ward, to [Te] the care of the probation officer, on probation, the ward to remain in the home of the ward, or in any other fit home in which the court may order the probation officer to place him, subject to the visitation of the probation officer, to report to the probation officer as often as may be required, and to be subject to be returned to the court for further proceedings whenever such action may appear necessary or desirable. In all cases of probation the court may require as a condition of probation that the ward go to work and earn money for the support of his dependents or to effect reparation and in either case that he keep an account of his earnings and report the same



to the probation officer and apply such earnings as directed by the court. The court may impose and require any and all reasonable conditions that it may determine fitting and proper to the end that justice may be done and that amends may be made to society for the breach of the law, for any injury done to any person resulting from such breach, and specifically for the reformation and rehabilitation of the ward.

(e) To the care of the probation officer, the ward or dependent child to remain in the home of the ward or dependent child, or in any other home in which the court may order the probation officer to place him, subject to the visitation of the probation officer, to be subject to be returned to the court for further proceedings whenever such action may appear necessary or desirable.

~~(e)~~ (f) To the Youth Authority.

\* \* \*

~~(f)~~ (g) To the detention home or if [said] a ward is of the age of 18 years or over and the court finds it necessary and advisable to the county jail.

~~(g)~~ (h) . . . .

\* \* \*

Whenever a person has been adjudged a ward or dependent child of the juvenile court and has been committed or otherwise disposed of as provided in this chapter for the care of wards and dependent children of the juvenile court, the court may order that [said] the ward or dependent child be detained in the detention home, or if [said] a ward is of the age of 18 years or more, in the county jail, or otherwise, as to the court seems fit, until the execution of the order of commitment or of other disposition.

SEC. 16. Section 740.5 of the Welfare and Institutions Code is amended to read:

740.5. Whenever any person has been adjudged to be a ward or dependent child of the juvenile court, or whenever . . . .

[The remainder of the section provides procedures for the disposition of persons with mental disability that come before the juvenile court.]

SEC. 17. Section 743 of the Welfare and Institutions Code is amended to read:

743. No dependent child of the juvenile court shall be committed to the Youth Authority unless such dependent child is adjudged a ward of the juvenile court. No ward of the juvenile court shall be committed to the Youth Authority unless the judge of the court is fully satisfied that the mental and physical condition and qualifications of the ward are such as to render it probable that he will be benefitted by the reformatory educational discipline or other treatment provided by the Youth Authority.

SEC. 18. Section 746 of the Welfare and Institutions Code is amended to read:

746. No order of court or modification thereof in any juvenile court proceeding concerning any ward or dependent child of the juvenile court shall be made either in chambers, or otherwise, unless notice of the application therefor has first been given by the judge or the clerk of the court to the probation officer.

SEC. 19. Section 750 of the Welfare and Institutions Code is amended to read:

750. The court shall retain the jurisdiction of any person who is ~~[found]~~ adjudged to be a ward or dependent child of the juvenile court until such ward or dependent child attains the age of 21 years (unless, if the ward or dependent child is a girl, she is married with the consent of the court entered upon the minutes of the court), or, in the case of a ward, until the court is satisfied that the ward has fully reformed or that further direction and supervision under the provisions of this chapter are unnecessary or inadvisable for such reformation; but if the ward has attained the age of 19 years or more at the time of commitment the court shall retain jurisdiction for two years from and after the date of commitment.

SEC. 20. Section 751 of the Welfare and Institutions Code is amended to read:

751. After five years from the date on which the jurisdiction of the juvenile court over a ward or dependent child of the court is terminated, the judge or clerk of the juvenile court, or the probation officer, may destroy all records, papers, and exhibits in the proceedings concerning the ward or dependent child. For the purposes of this section "destroy" means destroy or dispose of for the purpose of destruction.

The juvenile court record, any minute book entries, dockets, and judgment dockets shall not be destroyed and shall constitute for all purposes the record in lieu of the records, papers, and exhibits destroyed.

SEC. 21. Section 753 of the Welfare and Institutions Code is amended to read:

753. Any person desiring the custody of a child who is a ward or dependent child of the juvenile court, or the child himself through a properly appointed guardian, may petition the court in the same action in which the child was found to be a ward or dependent child of the juvenile court for a hearing to change, modify or set aside any order of court previously made or to terminate the jurisdiction of the court. The petition shall be verified and, if made by a person other than the child or guardian, shall state the petitioner's relationship to or interest in the child and the reasons for the proposed change of order or termination of jurisdiction.

If it appears that the best interests of the child may be promoted by the proposed change of order or termination of jurisdiction, the court shall order that a hearing be held and shall prescribe how and to whom notice of said hearing shall be given.

SEC. 22. Section 860 of the Welfare and Institutions Code is amended to read:

860. If it is necessary that provision be made for the expense of support and maintenance of a ward or dependent child of the juvenile court or of a minor person concerning whom a petition has been filed in accordance with the provisions of Sections 721 and 722 of this code, the order providing for the care and custody of such [~~ward-ex~~] person shall direct that the whole expense of support and maintenance of such [~~ward-ex~~] person, up to the amount of twenty dollars (\$20) per month be paid from the county treasury, and may direct that an amount up to any maximum amount per month established by the board of supervisors of the county be so paid. The board of supervisors of each county is hereby authorized to establish, either generally or for individual wards

or dependent children according to classes or groups of wards or dependent children, a maximum amount which the court may order the county to pay for such support and maintenance. All orders made pursuant to the provisions of this section shall state the amounts to be so paid from the county treasury, and such amounts shall constitute legal charges against the county.

SEC. 23. Section 861 of the Welfare and Institutions Code is amended to read:

861. No order for payment shall be made in a sum in excess of the actual cost of supporting and maintaining [sueh] the ward, dependent child or other minor person.

SEC. 24. Section 862 of the Welfare and Institutions Code is amended to read:

862. If it is found that the maximum amount established by the board of supervisors of the county is insufficient to pay the whole expense of support and maintenance of [sueh] a ward, dependent child or other minor person, the court may order and direct that such additional amount as is necessary shall be paid out of the earnings, property, or estate of such ward, dependent child or [sueh] other minor person, or by the parents or guardian of such ward, dependent child or [sueh] other minor person, or by any other person liable for his support and maintenance, to the probation officer, who shall in turn pay it to the person, association, or institution that under court order is caring for and maintaining such ward, dependent child or other minor person.

SEC. 25. Section 867 of the Welfare and Institutions Code is amended to read:

867. Where the juvenile court has ordered payment of money to be made [ , ] for the cost of care, support or maintenance in any county institution or as reimbursement to the county for the expense of support and maintenance of any ward, dependent child or other minor person as provided in this article or as additional payment for the expense of support and maintenance of such ward, dependent child or other minor person to the person, association, or institution that under court order is caring for and maintaining such ward, dependent child or other minor person, either from the earnings, property, or estate of such ward, dependent child or other minor person, or by his parents or guardian, or by any other person liable for his support, upon affidavit of the probation officer that any payment is due and has not been made, execution may issue for such payment upon the order and at the discretion of the court.

SEC. 26. Section 868.10 of the Welfare and Institutions Code is amended to read:

868.10. In any case where a county has expended money for the support and maintenance of any ward, dependent child or other minor person, or has furnished support and maintenance, and the court has not made an order of reimbursement to the county, in whole or in part, as provided in this article, or the court has made and subsequently revoked such an order, if the ward, dependent child or other minor person or parent, guardian or other person liable for the support of the ward, dependent child or other minor person acquires property, money or estate subsequent to the date the juvenile court assumed jurisdiction over the ward, dependent child or other minor person or subsequent to the date the order of reimbursement was revoked, the county shall have a claim against the ward, dependent child or other minor person. or parent, guardian or other person

liable for the support of the ward, dependent child or other minor person to the amount of a reasonable charge for money so expended, or other expense of support and maintenance. Such claim shall be enforced by action of the district attorney on request of the board of supervisors.

SEC. 27. Section 869 of the Welfare and Institutions Code is amended to read:

869. No order for payment from the county treasury of the expense of support and maintenance of a ward or dependent child of the juvenile court shall be effective for more than 12 months, and no order for payment from the county treasury of the expense of support and maintenance of a minor person concerning whom a verified petition has been filed in accordance with the provisions of Sections 721 and 722 of this code, other than a ward or dependent child of the court, shall be effective for more than one month. Upon all hearings of the case of any ward or dependent child of the juvenile court the case shall be continued on the calendar, but in no instance to exceed 12 months.

When any ward of the juvenile court is, with the consent of the juvenile court of the county committing him and the officer in charge of the state school to which he was committed or in which he is confined, placed in a boarding home, foster home or work home, but continues to be under the supervision of such state school, the county may reimburse the boarding home, foster home or work home in an amount adequate for the maintenance of the ward, but not to exceed twenty-five dollars (\$25) per month.

SEC. 28. Section 870 of the Welfare and Institutions Code is amended to read:

870. When any person has been adjudged to be a ward or dependent child of the juvenile court, and the court has made an order committing such person to the care of any association, society, or corporation, embracing within its objects the purpose of caring for or obtaining homes for such persons, the county in which such person has been committed may contract with such custodian, for the supervision, investigation, and rehabilitation of such person by such custodian, and may, pursuant to such contract, pay to it, an amount, determined by mutual agreement, not to exceed the cost to such custodian of such service.

SEC. 29. Section 871 of the Welfare and Institutions Code is amended to read:

871. As used in this article "expense for support and maintenance" includes the reasonable value of any medical services furnished to the ward or dependent child at the county hospital or at any other county institution, or at any private hospital or by any private physician with the approval of the juvenile court of the county concerned, and the reasonable value of the [ward's] support of the ward or dependent child at any place of detention established pursuant to the provisions of Article 5 of this chapter or at any forestry camp, juvenile home, ranch or camp established within or without the county pursuant to the provisions of Article 12 or Article 13 of this chapter.

SEC. 30. Section 880 of the Welfare and Institutions Code is amended to read:

880. Whenever a petition is filed in the juvenile court of a county other than the residence of the person named in the petition, or whenever, subsequent to the filing of a petition in the juvenile court of the county where such person



resides, the residence of such person is changed to another county, the entire case may be transferred to the juvenile court of the county wherein such person then resides after the court has made a finding of the facts upon which it has exercised its jurisdiction over such person and has adjudged such person to be a ward or dependent child of the juvenile court, and the juvenile court of the county wherein such person then resides shall take jurisdiction of the case upon the filing with it of such finding of the facts and order adjudging such person to be a ward or dependent child of the court and of an order transferring the case.

SEC. 31. Section 884.5 of the Welfare and Institutions Code is amended to read:

884.5. Whenever a ward or dependent child of the juvenile court is placed by order of the court within the care and custody or under the supervision of the probation office of the county in which the ward or dependent child resides, and it appears to the court that there is no parent, guardian, or person standing in loco parentis capable or willing to authorize remedial care or treatment for the ward or dependent child, the court may, after due notice to the parent, guardian, or person standing in loco parentis, if any, order that the probation officer may authorize such medical, surgical or dental care for the ward or dependent child, by licensed practitioners, as may from time to time appear necessary. Nothing heretofore stated in this section shall be construed as limiting the right of a parent, guardian, or person standing in loco parentis, who has not been deprived of custody and control by order of the court, in providing any medical or other remedial treatment recognized or permitted under the laws of this State. If the written report of a duly licensed physician

indicates that immediate emergency medical or surgical care is required, the juvenile court may make an order authorizing the necessary medical or surgical care without notice to the parent, guardian, or person standing in loco parentis.

SEC. 32. Section 886 of the Welfare and Institutions Code is amended to read:

886. Any person adjudged to be a ward or dependent child of the juvenile court may be permitted by order of the court to reside in a county other than the county of his residence and the court shall retain jurisdiction over such person.

Whenever a ward or dependent child of the juvenile court is permitted to reside in a county other than the county of his residence, he may be placed under the supervision of the probation officer of such county, with the consent of the probation officer. The ward or dependent child shall comply with the instructions of the probation officer and upon failure to do so shall be returned to the county of his residence for further hearing and order of the court.