

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: JUVENILE PROBATION -- JUV

Dept. Code: JUV

Type of Request: Initial Modification of an existing PSC (PSC # _____)

Type of Approval: Expedited Regular Annual Continuing (Omit Posting)

Type of Service: Transitional Housing and Supportive Services for Juveniles

Funding Source: General Fund

PSC Amount: \$300,000

PSC Est. Start Date: 03/01/2024

PSC Est. End Date 11/30/2028

1. Description of Work

A. Scope of Work/Services to be Contracted Out:

The department wishes to contract with organizations that specialize in transitional housing programs and supportive services for young people, ages 18-25, re-entering the community from a secure commitment term in San Francisco's Juvenile Justice Center.

Supportive services provided by transitional housing programs shall include:

- a. Case management,
- b. Mental Health services or linkage to mental health services,
- c. Linkage to vocational services such as vocational support, job readiness skills, etc.,
- d. Ability to promote family reunification,
- e. Independent living skills,
- f. Financial education, including money management, how to pay bills, etc.,
- g. Basic needs support,
- h. Regular check-ins and ability to support young person to meet court mandates and orders,
--including stay away orders from people and locations, no weapons clauses, no substance use clauses, etc.,
- i. Confidentiality for young person to ensure safety and successful return to community, and
- j. Ability to support reentry and transition goals.

B. Explain why this service is necessary and the consequence of denial:

These services are court-mandated on a case-by-case basis depending on the needs of the young person exiting a Secure Commitment setting at the Juvenile Justice Center. The department must be ready to quickly refer a qualifying young person to a transitional housing program if the court requires it, without delays. The department is committed to providing a continuum of reentry housing and programmatic options that best support each individual young person as they step down from their commitment and reenter the community. Upon release, these young people are often not eligible for transitional housing for youth in extended foster care, as they were not considered foster youth on their 18th birthday, and so we are looking to identify a list of qualified providers who can provide that same kind and level of services for this population.

C. Has this service been provided in the past? If so, how? If the service was provided under a previous PSC, attach copy of the most recently approved PSC.
The department does not and has not provided this service through a contract in the past.

D. Will the contract(s) be renewed?

The resulting contract(s) may be renewed if business needs demand it.

E. If this is a request for a new PSC in excess of five years, or if your request is to extend (modify) an existing PSC by another five years, please explain why.
not applicable

2. Reason(s) for the Request

A. Indicate all that apply (be specific and attach any relevant supporting documents):

Services required on an as-needed, intermittent, or periodic basis (e.g., peaks in workload).

B. Explain the qualifying circumstances:

These services are court-mandated on a case-by-case basis depending on the needs of the young person exiting a Secure Commitment setting at Juvenile Hall. The department must be ready to quickly refer a qualifying young person to a transitional housing program if the court requires it, without delays.

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise: Contractor(s) must have an established transitional housing program including supportive services, with a proven track record of providing both to justice-involved young persons.

B. Which, if any, civil service class(es) normally perform(s) this work? none

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If so, explain: Yes - the contractor(s) will provide housing units and supportive services for qualifying young persons referred by the department.

4. If applicable, what efforts has the department made to obtain these services through available resources within the City?

These specialized housing needs and supportive services for young people exiting secure commitment at the Juvenile Justice Center are not provided by City employees.

5. Why Civil Service Employees Cannot Perform the Services to be Contracted Out

A. Explain why civil service classes are not applicable.

These specialized housing needs and supportive services for young people exiting secure commitment at the Juvenile Justice Center are not provided by City employees nor by the department. This request is targeting a more specified service that requires specific expertise, skills, and program infrastructure to meet demand in a timely fashion, on an as-needed basis.

B. If there is no civil service class that could perform the work, would it be practical and/or feasible to adopt a new civil service class to perform this work? Explain. No. These specialized housing needs and supportive services are not provided by City employees nor by the department. This request is targeting a more specified service that requires specific expertise, skills, and program infrastructure to meet demand in a timely fashion, on an as-needed basis.

6. Additional Information

A. Will the contractor directly supervise City and County employee? If so, please include an explanation.
No.

B. Will the contractor train City and County employees and/or is there a transfer of knowledge component that will be included in the contract? If so, please explain what that will entail; if not, explain why not.
No. Training will not be provided.

C. Are there legal mandates requiring the use of contractual services?
Yes. Through the passage of Senate Bills 823 and 92, California enacted historic reforms to the administration of justice for young people with sustained charges for the most serious offenses, shifting numerous responsibilities from the state to the counties. This realignment of responsibilities and funding, "DJJ Realignment," includes: a) As of July 2021, juvenile courts can no longer commit youth to the Division of Juvenile Justice (DJJ)—the state's youth prison system. b) Responsibility and funding have been shifted to the counties for the custody, care, and supervision of youth who would have otherwise been eligible for DJJ. The DJJ Realignment target population includes young people, age 14 to 25, adjudicated to be a ward of the juvenile court based on an offense described in subdivision (b) of Section 707 of the Welfare & Institutions Code, 4 or on an offense described in Section 290.008 of the Penal Code. Commencing July 1, 2021, the court may order eligible youth to be committed to a "Secure Youth Treatment Facility" (SYTF), defined as a secure facility that is operated, utilized, or accessed by the county of commitment to provide appropriate programming, treatment, and education. As a result of DJJ Realignment, JPD now operates two secure commitment units in the Juvenile Justice Center that house young people with serious offenses who the court has ordered to serve long term secure commitments. These terms may last anywhere from 2 to 7 years, with all young people ultimately returning to the community, under the supervision of the Juvenile Probation Department. San Francisco is committed to providing a continuum of reentry housing and programmatic options that best supports each individual young person as they step down from their commitment and reenter the community. Upon release, these young people are often not eligible for extended foster care transitional housing as they were not considered foster youth on their 18th birthday, however the court still requires that they have a safe and stable place to live upon release, so we are looking to identify providers who can provide that same kind and level of services for this population.

D. Are there federal or state grant requirements regarding the use of contractual services? If so, please explain and include an excerpt or copy of any such applicable requirement.
No.

E. Has a board or commission determined that contracting is the most effective way to provide this service? If so, please explain and include a copy of the board or commission action.
No.

F. Will the proposed work be completed by a contractor that has a current PSC contract with your department? If so, please explain.
No.

7. **Union Notification:** On 02/01/2024, the Department notified the following employee organizations of this PSC/RFP request:
all unions were notified

I CERTIFY ON BEHALF OF THE DEPARTMENT THAT THE INFORMATION CONTAINED IN AND ATTACHED TO THIS FORM IS COMPLETE AND ACCURATE:

Name: Elisa Baeza Phone: 4157537526 Email: elisa.baeza@sfgov.org

Address: 375 Woodside Avenue San Francisco, CA 94127

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 44510 - 23/24

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required
DHR Approved for 05/06/2024

Receipt of Union Notification(s)

From: dhr-psccordinator@sfgov.org on behalf of elisa.baeza@sfgov.org
To: [RECEIPT for Union Notification for PSC 44510 - 23/24 more than \\$100k](mailto:Baeza, Elisa (JUV); jnuti@ifpte21.org; jnuti@ifpte21.org; jegy.sering@seiu1021.org; joshv@smw104.org; oumar.fall@seiu1021.org; oumar.fall@seiu1021.org; sportillo@ifpte21.org; sportillo@ifpte21.org; matthew.torres@seiu1021.org; matthew.torres@seiu1021.org; cade.crowell@seiu1021.org; jduritz@uapd.com; kdavis@ifpte21.org; kdavis@ifpte21.org; jharding@ifpte21.org; mweirick@ifpte21.org; mweirick@ifpte21.org; agarza@ifpte21.org; dho@ifpte21.org; dho@ifpte21.org; dvickers@iam1414.org; SF-DHR-Info@seiu1021.org; SF-DHR-Info@seiu1021.org; sbalaria@cirseiu.org; andrea@sfmea.com; camaguey@sfmea.com (contact); camaguey@sfmea.com (contact); cpark@local39.org; cpark@local39.org; khughes@ibew6.org; ewallace@ifpte21.org; ewallace@ifpte21.org; plangrooferslocal40@gmail.com; rooferslocal40@gmail.com; Stan Eichenberger; dtuttle@oe3.org; dtuttle@oe3.org; pkim@ifpte21.org; Najuwanda Daniels; Pierre King - UAPD; President; max.porter@seiu1021.org; kennethlomba@gmail.com; snaranjo@cirseiu.org; mdennis@twusf.org; roger.marengo; pwilson@twusf.org; cmoyer@nccrc.org; Frigault, Noah (HRC); sfdpoa@icloud.com; mjayne@iam1414.org; Emanuel, Rachel (DEM); laborers261@gmail.com; Laxamana, Junko (DBI); jennifer.esteen@seiu1021.org; emathurin@cirseiu.org; abush@cirseiu.org; sbalaria@cirseiu.org; anthony@dc16.us; mlobre@sfpoa.org; @sfpoa.org; Tracy McCray; mleach; rooferslocal40@gmail.com; sal@local16.org; Criss@sfmea.com; Meyers, Julie (HSA); Stan Eichenberger; Jason Klumb; camaguey@sfmea.com (contact); ablood@cirseiu.org; kcartermartinez@cirseiu.org; ecassidy@ifpte21.com; WendyWong26@yahoo.com; wendywong26@yahoo.com; sarah.wilson@seiu1021.org; kschumacher@ifpte21.org; kpage@ifpte21.org; tjenkins@uapd.com; eerbach@ifpte21.org; tmathews@ifpte21.org; amakayan@ifpte21.org; jb@local16.org; Ricardo.lopez@sfgov.org; Kbasconillo@sfwater.org; Sandeep.lal@seiu1021.me; pcamarillo_seiu@sbcglobal.net; MRainsford@local39.org; Wendy Frigillana; pscreview@seiu1021.org; pkim@ifpte21.org; agonzalez@iam1414.org; ted.zarzecki@seiu1021.net; leah.berlanga@seiu1021.org; gail@sfflocal798.org; cityworker@sfcwu.org; davidmkersten@gmail.com; djohnson@opcmialocal300.org; Ramon.Hernandez; ablood@cirseiu.org; pkarinen@nccrc.org; tony@dc16.us; stevek@bac3-ca.org; XiuMin Li; Sin.Yee.Poon@sfgov.org; Sean McGarry; rmtchell@twusf.org; grojo@local39.org; iduritz@uapd.com; staff@sfmea.com; mike@dc16.us; khughes@ibew6.org; l21pscreview@ifpte21.org; sfsmsa@gmail.com; bart@dc16.us; David Canham; jtaner940@aol.com; Osha Ashworth; l21pscreview@ifpte21.org; laborers261@gmail.com; local200twu@sbcglobal.net; speedy4864@aol.com; christina@sfmea.com; ecdemvoter@aol.com; Thomas Vitale; Baeza, Elisa (JUV); DHR-PSCCoordinator, DHR (HRD)
Subject: Receipt of Notice for new PCS over $100K PSC # 44510 - 23/24
Date: Tuesday, January 16, 2024 12:42:17 PM</p><hr/></div><div data-bbox=)

The JUVENILE PROBATION -- JUV has submitted a request for a Personal Services Contract (PSC) 44510 - 23/24 for \$300,000 for Initial Request services for the period 03/01/2024 – 11/30/2028. Notification of 30 days (60 days for SEIU) is required.

After logging into the system please select link below, view the information and verify receipt:

<http://apps.sfgov.org/dhrdrupal/node/21939> For union notification, please see the TO: field of the email to verify receipt. If you do not see all the unions you intended to contact, the PSC Coordinator must change the state back to NOT

READY, make sure the classes and unions you want to notify are selected and SAVE. Then VIEW the record and verify the list of unions and emails. EDIT the document again, change the state back START UNION NOTIFICATION and SAVE. You should receive the email with all unions to the TO: field as intended

Additional Attachment(s)



CDSS

WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

September 11, 2012

ALL COUNTY LETTER NO. 12-44

TO: ALL COUNTY WELFARE DIRECTORS
 ALL COUNTY WELFARE FISCAL OFFICERS
 ALL CHIEF PROBATION OFFICERS
 ALL INDEPENDENT LIVING PROGRAM MANAGERS
 ALL INDEPENDENT LIVING PROGRAM COORDINATORS
 ALL COUNTY TRANSITIONAL HOUSING COORDINATORS

SUBJECT: TRANSITIONAL HOUSING PLACEMENT-PLUS-FOSTER CARE
 AND CHANGES TO TRANSITIONAL HOUSING PLACEMENT
 PROGRAM AND TRANSITIONAL HOUSING PROGRAM-PLUS

REFERENCE: ALL COUNTY INFORMATION NOTICE NO. I-40-11; ALL COUNTY
 LETTERS NOS. 11-21, 11-53, 11-61, 11-69, AND 11-77;
 WELFARE AND INSTITUTIONS CODE SECTIONS 308,
 11400, 11403, 11403.2, 16504.5, 16522.1, 16522.2, AND 16522.5;
 HEALTH AND SAFETY CODE SECTIONS 1502.7 AND
 1559.110-1559.115; MANUAL OF POLICIES AND PROCEDURES
 SECTIONS 30-912-30-920; PUBLIC LAW 110-351, THE
 FOSTERING CONNECTIONS TO SUCCESS AND INCREASING
 ADOPTIONS ACT OF 2008.

The primary purpose of this All County Letter (ACL) is to provide information about the Transitional Housing Placement-Plus-Foster Care (THP+FC) program, a type of Supervised Independent Living Setting (SILS) that is one of the new placement options for Non-Minor Dependents (NMDs). Changes to the Transitional Housing Placement Program (THPP) and the Transitional Housing Program-Plus (THP-Plus) will also be discussed.

As originally created by Assembly Bill (AB) 12 (Chapter 559, Statutes of 2010), the California Fostering Connections to Success Act, the THP+FC program was to be approved by counties. This placement option is now required to be offered by a licensed transitional housing placement provider to serve NMDs from age 18 up to 21

as expanded by Senate Bill (SB) 1013 (Chapter 35, Statutes of 2012). The THP+FC is added to the current transitional housing placement options of THPP for minor dependents and wards, and THP-Plus for emancipated youth. These placement options provide transitional housing and supportive services based on a Transitional Independent Living Plan (TILP) (Welfare and Institutions Code (W&IC) sections 11403.2(a)(1) and 11403.2(a)(2).)

The AB 12, AB 212 (Chapter 459, Statutes of 2011), and SB 1013 are California's enacted laws that implement the option for Extended Foster Care (EFC) authorized by the federal Public Law (P.L.) 110-351, the Fostering Connections to Success and Increasing Adoptions Act of 2008. The AB 1712 is making further changes, reflected in this ACL, and is still pending before the Legislature.

This ACL partially supersedes and clarifies ACL No. 11-53 as it relates to THP+FC. Originally, as explained in ACL No. 11-53, providers were to be approved by counties for operation, and every county was to submit a THP+FC plan to the California Department of Social Services (CDSS). However, this has been changed by SB 1013. The county is no longer required to submit a plan for THP+FC to CDSS. Instead, under SB 1013, the provider serving NMDs in THP+FC must be licensed by CDSS' Community Care Licensing (CCL) Division as a transitional housing placement provider. Consistent with existing THPP licensing regulations, the program must be certified by the applicable county where its administrative or sub-administrative office is located, or a primary placing county, in order to serve NMDs ages 18 to 21. This county certification must be submitted by the provider to CDSS as part of the licensure application process and as part of the provider's THP+FC rate application.

This ACL provides instructions on the following procedures for becoming a licensed transitional housing placement provider to serve NMDs:

- Process for county certification of THP+FC program;
- Process for applying for a license as a transitional housing placement provider to include serving NMDs for both currently licensed transitional housing placement providers and new providers;
- Process for applying for a THP+FC rate, and information on applicable rates; and
- Process for providers to certify living units (Certificate of Compliance).

This ACL also includes information on applicable rates for THP+FC (Attachment 1). The counties are reminded that the base rate for THPP for minors remains \$2,100 (refer to ACL No. 11-03). For information about claiming for THPP for minors, please refer to ACL No. 09-73 and County Fiscal Letter No. 04/05-54.

The THP+FC participants are NMDs, as described in ACL No. 11-77, and therefore all applicable eligibility requirements for EFC apply. For more detailed information on eligibility requirements for NMDs, please refer to ACL Nos. 11-53, 11-61, and 11-69.

BACKGROUND

Federal Background

On October 7, 2008, P.L. 110-351 amended Title IV-B and Title IV-E of the Social Security Act to improve outcomes for children in foster care, provide for tribal foster care and adoption access, and support relative caregivers. The Fostering Connections to Success and Increasing Adoptions Act of 2008 added, among various provisions, a new definition of “child” for the foster care program that includes youth up to 21 when states are approved to provide care up to age 21. On July 9, 2010, the United States Department of Health and Human Services, the Administration for Children and Families, issued implementing guidance in Public Instruction Log No. ACYF-CB-PI-10-11. The federal guidance states: “...agency has the discretion to develop a range of supervised independent living settings which can be reasonably interpreted as consistent with the law, including whether or not such settings need to be licensed and any safety protocols that may be needed. For example, a title IV-E agency may determine that when paired with a supervising agency or supervising worker, host homes, college dormitories, shared housing, semi-supervised apartments, supervised apartments or another housing arrangement meet the supervised setting requirement....”

This guidance recognizes that a SILS can include a wide range of placement types to meet an “*older child’s need for supervision and support as he/she moves toward independence.*” The Aid to Families with Dependent Children-Foster Care (AFDC-FC) funded, state-licensed THP+FC SILS assists the NMD in working toward becoming better prepared for successful transition into independent adulthood and self-sufficiency. The NMD transitions to independent adulthood through education and employment training opportunities while maintaining a safety net of support and experiencing independence in a secure and supervised living environment (Health and Safety Code (H&S Code) section 1559.110(d)(2)(B)). This SILS is further defined in W&IC section 11400(x).

In California, there are now two types of SILS as placement options for NMDs (W&IC section 11400(x)):

1. A Supervised Independent Living Placement (SILP) (as described in ACL No. 11-77) is a foster care placement approved and supervised by the

county social worker or probation officer for that NMD only and in which the NMD is living independently, can be their own payee, and is not receiving provider-based supportive services. A SILP is the least restrictive placement option and pays only the basic AFDC-FC rate with no specialized care increment (W&IC section 11400(w)).

2. The THP+FC program for NMDs, which is offered by a licensed transitional housing placement provider, is a provider-based, supervised housing and supportive services program that includes regular contact with a provider case manager. Through THP+FC, NMDs are able to gain a level of independence in a supervised setting. This type of SILS placement is more restricted and has a higher rate structure than a SILP (W&IC section 11400(x)).

Overview of Transitional Housing in California

There are three transitional housing placement options—THPP¹, THP+FC, and THP-Plus. The THPP and THP+FC are for current foster youth, while THP-Plus is for former foster youth. The THPP serves minor dependents or wards ages 16 and 17, and THP+FC serves NMDs ages 18 and up to 21. A licensed transitional housing placement provider may offer either THPP or THP+FC, or it may offer both options.

Transitional Housing Placement Program¹ (THPP)

The THPP is a foster care program offered by a licensed transitional housing placement provider to provide a safe living environment for 16- and 17-year old minor wards or dependents, so the minors can practice the skills needed to live independently upon exiting the foster care system. In addition to supervised transitional housing, the program provides supportive services based on a minor's TILP and the Needs and Services plan as developed by the provider. The TILP is developed with the youth and other supportive persons that details goals and objectives to achieve while working toward self-sufficiency.

Counties that have not submitted a THPP plan for minors but intend to start providing this placement option must submit a county plan to CDSS, as described in ACL No. 11-53.

¹ The Community Care Facility Act originally designated this facility category as a "transitional housing placement facility" (H&S code section 1502) serving foster youth ages 16 and up to 19 (if still in high school), and CCL regulations were titled "transitional housing placement program" regulations. The SB 1013 renamed the CCL licensee as the "transitional housing placement provider" and retained the term Transitional Housing Placement Program (THPP) for the county-certified program for minors. In this ACL, the acronym THPP refers to the program for minors and the licensee is referred to as a "transitional housing placement provider" without an acronym.

Transitional Housing Placement-Plus-Foster Care (THP+FC)

The THP+FC program is a foster care placement option effective July 1, 2012, for NMDs. This new option is available to NMDs age 18 and up to age 21. Foster youth who have reached 18 years of age must meet the educational or employment eligibility criteria to receive EFC benefits. Although attending high school is not a specific requirement, it may be used to satisfy the eligibility criteria.

The THP+FC is a program offered by a licensed transitional housing placement provider to provide safe housing for NMDs and assistance in developing the skills needed for transitioning to independent living. The program provides supportive services based on the NMD's TILP and Needs and Services plan as developed by the provider. To serve this older population, a currently licensed transitional housing placement provider must expand its Plan of Operation to indicate it will serve NMDs ages 18 to 21, obtain county certification, update its license, and obtain a THP+FC rate. Similarly, a prospective transitional housing placement provider must obtain a THP+FC county certification indicating it will serve NMDs ages 18 to 21, state licensure as a transitional housing placement provider, and a THP+FC rate. These processes are explained below. *The SB 1013 eliminated the requirement for counties to submit a county plan to CDSS for the THP+FC program.*

The THP+FC providers are licensed as transitional housing placement providers and, as such, will be subject to CCL regulations, which are contained in the California Code of Regulations (CCR), Title 22, sections 80000–80095, as applicable, and sections 86000–86088, as well as sections 86100–86187 of the AB 12 Interim Licensing Standards, which may be found at ccl.d.ca.gov/PG2802.htm.

Transitional Housing Program-Plus (THP-Plus)

The THP-Plus is an optional, county-certified, provider-based transitional housing placement option for former foster youth, including those formerly supervised by probation, ages 18 to 24 who exited foster care at or after age 18. Former foster youth in this program are not eligible for AFDC-FC funds. The program's goal is to provide a safe living environment, for up to 24 months, while assisting the youth in developing the life skills necessary to be successful living independently. The program provides supervised transitional living housing and supportive services based on a TILP, which is developed by the young adult, the county Aftercare ILP coordinator or delegate, and other supportive persons. The TILP details the goals and objectives he/she will achieve while working toward self-sufficiency. *The SB 1013 eliminated the requirement for counties to submit a county plan to CDSS for their THP-Plus program and eliminated county requirements to dedicate 70 percent of its realigned THP-Plus funding to the*

THP+FC program. However, if a county intends to eliminate or significantly reduce the level of its THP-Plus program by 10 percent in any one year or by a cumulative 25 percent over the previous three years, the decision must be affirmed in open session by a vote of its local Board of Supervisors pursuant to Government Code section 30026.5(f), as adopted in SB 1020 (Chapter 40, Statutes of 2012.)

PROCESS TO EXPAND CURRENT THPP TO INCLUDE THP+FC

Outlined below are procedures for *currently licensed* transitional housing placement providers serving foster youth ages 16 to 18 seeking to expand services to include NMDs.

A licensed transitional housing placement provider must first submit a revised Plan of Operation to the applicable county, along with its request for a THP+FC certification. The provider must then submit the county certification, the revised Plan of Operation, and a new license application (LIC 200) to the appropriate CCL Regional Office. Revisions to the Plan of Operation must incorporate NMDs.

A provider that is not licensed as a transitional housing placement provider will need to follow the process for new providers, beginning on page ten, to obtain this type of license before it can serve the NMD population. Additionally, in order to receive Title IV-E funding, it is necessary to apply for and receive a THP+FC rate from CDSS.

A. County Certification

The current county certification process as described in W&IC section 16522.1(b) for a transitional housing placement provider to serve minors in THPP is NOT used for a transitional housing placement provider to serve NMDs in THP+FC. The above certification process to provide THP+FC is a streamlined process. The applicable county is encouraged to consult and coordinate with other counties in which the provider plans to operate the THP+FC Program so that the certification represents a consensus of the placing counties that the provider meets the certification standards.

A licensed transitional housing placement provider needs a certification from ONE county for the THP+FC Program.

Provider Responsibilities

Currently licensed transitional housing placement providers:

- a. Update the Plan of Operation, in accordance with CCR, Title 22, section 86022 and section 86122 of the AB 12 Interim Licensing Standards to reflect service provisions for NMDs.
- b. Submit updated Plan of Operation to the child welfare director of the applicable county for certification.
- c. Should disclose in writing any revocation or disciplinary action pending or finalized (with the result of the final action) in any CCL programs.

NOTE: Transitional housing placement providers that have previously submitted updated Plans of Operation in accordance with CCR, Title 22, section 86022 and section 86122 of the AB 12 Interim Licensing Standards to reflect provisions for NMDs will need to update their Plans of Operation again in order to reflect that their THPP program will now serve minor foster youth who are dependents or wards 16-17 years of age and that they are opening a new program to serve NMDs age 18 and up to 21 as a THP+FC program. This revision to their Plans of Operation should be amended for THP+FC to include that the Program Staffing Ratio for case manager to client does not exceed one to twelve for each full-time case manager.

Applicable County Responsibilities

1. County reviews Plan of Operation for THP+FC for NMDs and other relevant information for the requesting provider prior to certification. A description of the elements of the Plan of Operation may be found in CCR, Title 22, section 86022. Additionally, the provider should describe the type of housing models to be offered to NMDs.
2. County certifies the following (per W&IC section 16522.1(c)):
 - a. That the program is needed by the county.
 - b. That the provider is capable of effectively and efficiently operating the program.
 - c. That the provider is willing and able to accept the AFDC-FC eligible NMDs for placement by the placing agency who need the level of care and services that will be provided by the program.
 - d. That the Plan of Operation is suitable to meet the needs of the identified population.
 - e. That, additionally, the Plan of Operation has a Program Staffing Ratio for case manager to client not to exceed one to twelve.

3. County issues certification to provider in the form of a letter on county letterhead, a certificate, or other appropriate document determined by the county signed by the Child Welfare Director (or designee).

B. Licensing Application

Provider Responsibilities

1. Provider submits a new application for a Community Care Facility License (LIC 200) to the appropriate CCL Regional Office, indicating it will serve NMDs.

NOTE: A provider that has already submitted a revised LIC 200 to serve NMDs in its THPP and may already have been approved by CCL should attach that copy to its new revised Plan of Operation and to its county certification when submitting the information to CCL for the licensing application.

The LIC 200 is available through the CCL website at <http://www.dss.cahwnet.gov/cdssweb/entres/forms/English/LIC200.pdf>.

A list of CCL licensing offices is available through the CCL website at http://ccl.ca.gov/res/pdf/childres_rolist.pdf.

2. Provider attaches its Plan of Operation and county certification (or indicates the certification is in process and will be submitted subsequently), along with other relevant information, to the application for licensure to serve NMDs.

It may take approximately 90 days before a license is issued, or longer if additional information must be acquired and reviewed. In order for a county to verify that the provider's license has been updated, the county must contact either the provider or CCL.

CCL Responsibilities

The CCL will include a notation in the comment section of the license indicating the transitional housing placement provider has a THP+FC program that has been certified by the applicable county to serve NMDs. The comment will appear on the license automatically when the provider seeks to update its license as a result of caring for the NMD population.

C. Rate Application

A licensed transitional housing placement provider will receive a different rate for THP+FC for NMDs than it does for THPP minors, due to their differing needs and services.

Provider Responsibilities

1. A currently licensed transitional housing placement provider wishing to serve NMDs must complete an application for a THP+FC rate. A copy of the THP+FC rate application is located at:
<http://www.cdss.ca.gov/cdssweb/entres/forms/English/SOC179.pdf>
2. The THP+FC rate application can be initiated by the provider while updating its existing licensure. The rate application needs to specify the type of housing model the provider plans to operate, as the host family model has a separate rate.
3. A rate will not be approved until all required documents are received by CDSS.
4. Subsequent to the initial rate application being submitted to and approved by CDSS, a rate letter will be issued to the provider and counties. The rate application includes a list of county placement agencies using this program. The rate letter is effective for two years. Information will be forthcoming regarding biennial rate applications.
5. Enclose the following documents with the SOC 179 (rate application):
 - Transitional housing placement provider license, or application for a license, to serve NMDs
 - County Certification of THP+FC program
 - Articles of Incorporation (Secretary of State)
 - Internal Revenue Service Tax Exempt Letter
 - Job Titles/Descriptions
 - Organization Chart
 - List of Board members
 - Non-Profit declaration signed by the Board of Directors: requires that the organization will operate during the fiscal year in the public interest for scientific, education, service or charitable purposes; is not organized for profit making purposes; and uses its net proceeds to maintain, improve, or expand its operations.
 - Lease Agreement(s) in effect at the time of the application: must be submitted with biennial rate applications for ongoing programs, as well as with rate applications for new THP+FC programs.

- Statement of Information 100 (SI 100)
- A case manager is required for the single site and remote site models to guide and support participants. The provider is required to submit the following case manager information as part of the rate application process:
1) list of case manager names; 2) type of case manager degrees.

Submit the rate package to:

California Department of Social Services
Foster Care Audits and Rates Branch
Rates Unit
744 P Street, M.S. 9-6-74
Sacramento, CA 95814

For additional information regarding THP+FC rates please refer to Attachment 1.

PROCESS TO BECOME A NEW TRANSITIONAL HOUSING PLACEMENT PROVIDER TO OPERATE A THP+FC PROGRAM

Outlined below are procedures for *new providers* that are seeking a license as a transitional housing placement provider in order to operate a THP+FC for NMDs. These procedures also apply to current providers that are licensed to operate another facility (such as Foster Family Agencies, Group Homes, or unlicensed programs such as THP-Plus) but would like to become a new transitional housing placement provider to include THP+FC.

To offer services to an NMD, a provider must obtain certification from the applicable county and be licensed by CCL.

A. County Certification

New Providers

A transitional housing placement provider needs a certification from ONE county for the THP+FC Program.

1. Provider requests certification of its THP+FC program from the child welfare director of the applicable county. If the provider plans to operate in more than one county, only one certification is needed. Please visit

<http://www.cwda.org/about/membership.php> for a list of county welfare directors that oversee the child welfare program.

2. Provider creates a Plan of Operation, in accordance with CCR, Title 22, section 86022 and section 86122 of the AB 12 Interim Licensing Standards. "Provider Plan of Operation" means a current, written, definitive Plan of Operation including but not limited to the following: a comprehensive program statement, staff training plan, procedures to respond to complaints, written contract, and program policies, as well as the type of housing models to be offered. (If the Plan of Operation includes a program to provide the NMD a portion of the AFDC-FC rate for money management purposes, this may be described but is not required to be provided.)
3. Provider should disclose to the applicable county in writing any revocation or disciplinary action in any CCL program.
4. Provider submits a request to the applicable county for certification including a completed Plan of Operation and other relevant information, as required by the applicable county.

Applicable County Responsibilities

1. County reviews Plan of Operation and other relevant information for each provider prior to certification. A description of the elements of the Plan of Operation may be found in CCR, Title 22, section 86022. Additionally, each provider should describe the type of housing models to be offered to NMDs.
2. County certifies the following (per W&IC section 16522.1(c)):
 - a. That the program is needed by the county.
 - b. That the provider is capable of effectively and efficiently operating the program.
 - c. That the provider is willing and able to accept the AFDC-FC eligible NMDs for placement by the placing agency who need the level of care and services that will be provided by the program.
 - d. That the Plan of Operation is suitable to meet the needs of the identified population.
 - e. That, additionally, the Plan of Operation has a Program Staffing Ratio for case manager to client not to exceed one to twelve.
3. County issues certification to provider in the form of a letter on county letterhead, a certificate, or other appropriate document determined by the county signed by the Child Welfare Director (or designee). The applicable county is encouraged to consult and coordinate with other counties in which the provider plans to operate the THP+FC program so that the certification represents a consensus of the placing counties that the provider meets the certification standards.

B. Licensing Application

Provider Responsibilities

1. Provider submits a new Application for a Community Care Facility License (LIC 200) to the appropriate CCL Regional Office, indicating it will serve NMDs. The LIC 200 is available through the CCL website at <http://www.dss.cahwnet.gov/cdssweb/entres/forms/English/LIC200.pdf>. A list of CCL licensing offices is available through the CCL website at http://ccl.ca.gov/res/pdf/childres_rolist.pdf.
2. Provider attaches its Plan of Operation and county certification, along with other relevant information, to the application for licensure to serve NMDs.

It may take approximately 90 days before a license is issued, or longer if additional information must be acquired and reviewed. In order for a county to verify the provider's license has been updated, the county must contact either the provider or CCL.

CCL Responsibilities

The CCL will include a notation in the comment section of the license indicating the transitional housing placement provider has a THP+FC program that has been certified by the applicable county to serve NMDs. The comment will appear on the license automatically when the provider seeks to update its license as a result of caring for the NMD population.

C. Rate Application

A licensed transitional housing placement provider wishing to serve NMDs will receive a different rate for THP+FC for NMDs than it does for THPP for minors, due to their differing needs and services.

The rate application process for new providers is the same as for currently licensed transitional housing placement providers. For the rate application procedures, please refer to the Rate Application section under the process for currently licensed transitional housing placement providers (page nine).

TYPES OF THP+FC HOUSING SITES

There are three types of housing sites for NMDs placed with a transitional housing placement provider:

1. Host Family: A placement where the NMD lives with a caring adult who has been selected and approved by the transitional housing placement provider serving NMDs in THP+FC. The NMD receives provider-based supportive services, and it is expected the host family will provide basic board and care for the NMD. See also CCR, Title 22, section 86001(h)(3).
2. Single Site: A placement where an NMD lives in an apartment, single family dwelling, or condominium rented or leased by the transitional housing placement provider serving NMDs in THP+FC, in which one or more adult employees of the provider reside and provide supervision.
3. Remote Site: A single housing unit where the NMD lives independently and where provider's staff does not live in the same building. This may include apartments, single family dwellings, or condominiums rented or leased by the transitional housing placement provider in various locations, not necessarily near each other. Minor foster children placed prior to October 1, 2012, may remain in this type of housing model; adults living in the remote site with minor foster children are subject to criminal background clearance and Child Abuse Central Index requirements, as required by licensing regulations. After October 1, 2012, new placement of minors into THPP remote sites is prohibited.

CERTIFICATE OF COMPLIANCE FOR LIVING UNITS

In accordance with CCR, Title 22, section 86030.5, a licensed transitional housing placement provider must complete and sign a Certificate of Compliance for each single living unit ensuring each unit meets the requirements of H&S Code section 1501(b)(5). *The transitional housing placement provider shall secure and maintain for each THPP participant living unit any fire clearance required by and approved by the fire authority having jurisdiction.*

A copy of the Certificate of Compliance for each living unit shall be kept in the administrative office records maintained by the provider. A Certificate of Compliance is not transferable to any other living unit and shall be void upon a change of location or under emergency conditions. More detailed instructions concerning conditions of program participation are contained in ACL No. 11-61, dated November 4, 2011.

The living unit cannot be more than two hours by car from the provider's administrative or sub-administrative office, according to CCR, Title 22, section 86087.1(c). Therefore, programs that are planning to open new living units which are located more than two hours from their administrative office must establish a sub-administrative office to provide support for these new living units within the two-hour radius. Each sub-administrative office must be independently licensed by CCL, pursuant to Title 22, section 86001(s)(2), and be certified by an applicable county.

Provider Responsibilities

1. Existing Provider:

After updating its county certification, state license and receiving a rate, the provider may begin issuing Certificates of Compliance for each living unit it operates.

2. New Provider:

- a. Upon receiving a license and a rate, the provider may begin issuing Certificates of Compliance for each living unit it operates (a provider may not issue a Certificate of Compliance for a site prior to receiving a license and a rate).
- b. The Certificate of Compliance shall include the following:
 - (1) The capacity for which the site has been certified,
 - (2) Any limitations, including ambulatory status,
 - (3) Any preferences requested by the site owner,
 - (4) Date of issuance,
 - (5) Date of expiration not to exceed one year from the date of issuance, and
 - (6) The type of housing model.

A licensed transitional housing placement provider may certify living units within and across county lines and has the responsibility to decertify previously approved sites. County placement agencies may also request, and CCL may require, that providers decertify sites due to health and safety issues.

PROCESS FOR NMD PLACEMENT

Upon licensure as a transitional housing placement provider to serve NMDs and receipt of the THP+FC rate, counties may begin placing NMDs in a THP+FC program. As a state-licensed community care facility, the provider may accept placements from any county.

A provider must certify each participant living unit in accordance with H&S Code section 1501(b)(5) and as outlined below prior to the placement of an NMD.

A minor who would otherwise age out of THPP may remain with a provider whose license has not yet been updated to include NMDs if the licensed transitional housing placement provider meets the following conditions: (1) has submitted an updated Plan of Operation to serve NMDs to the appropriate CCL Regional Office, (2) has requested a county THP+FC certification from the applicable county, and (3) intends to apply for the THP+FC rate.

The provider may continue to serve these youth while these actions are pending. The provider will still receive the THPP rate, and these youth will still be considered as participating in THPP, until the THP+FC rate is obtained. However, the provider cannot accept a new NMD placement until the county certification and the rate have been issued.

Counties have the discretion to develop Memoranda of Understanding (MOU), interagency agreements, or contracts, as required by individual county policies. Neither state statute nor state regulations require counties to contract with providers. As part of the NMD placement process, some counties may require an MOU or contract addressing the responsibilities of all parties prior to placement of the youth (please refer to ACL No. 11-53 for more information).

A placing county has the option to require the provider to furnish a copy of each Certificate of Compliance to the county.

THP+FC Placement Decisions

As NMDs are legal adults, it is expected that they be provided the least restrictive placements and given the greatest amount of independence possible, based on the NMD's developmental needs and readiness for independence. The decisions regarding placements with a licensed transitional housing placement provider, as in any other foster care placement option, shall be made in consultation with the NMD and based on an assessment of the NMD's strengths and needs.

DATA COLLECTION

As for any other foster care placement, counties are required to record data about a **placement in a THP+FC** program. Data must be entered into and be collected through the Child Welfare Services/Case Management System application. Please refer to ACL No. 12-05, dated January 13, 2012, concerning the special project code for THP+FC.

For any questions or concerns regarding this ACL, please contact the Independent Living Program Policy Unit at (916) 651-7465 or via email at ilppolicy@dss.ca.gov, or me at (916) 657-2614.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division

Attachments

Attachment 1

Assembly Bill (AB) 12 (California's Fostering Connections to Success Act) and AB 212 provided statutory authority for California's implementation of extended foster care (up to age 21 by the year 2014), as authorized by federal Public Law 110-351. Additionally, AB 12 and AB 212 provided a new placement option for the 18-21 year old population, referred to as Non-Minor Dependents (NMDs). Placements of NMDs are funded by Aid to Families with Dependent Children-Foster Care (AFDC-FC) for federally and non-federally eligible foster youth. The program for NMDs placed with a licensed transitional housing placement provider is called Transitional Housing Program-Plus-Foster Care (THP+FC), and providers wishing to provide housing/services under this program must submit a rate application in accordance with the instructions in this All County Letter. The THP+FC as set forth in Senate Bill (SB) 1013 (Chapter 35, Statutes of 2012) requires the provider to be organized and operated on a private and nonprofit basis.

Licensed transitional housing placement providers may offer up to three housing models for NMDs, for which there are two rates. The Single and Remote sites have the same rate, while the Host Family model has its own rate.

Single Site Housing - \$2,797 Per Month Per Youth

Single Site Housing is a placement where an NMD lives in an apartment, single family dwelling, or condominium rented or leased by the THP+FC provider, in which one or more adult employees of the THP+FC provider reside and provide supervision.

Remote Site - \$2,797 Per Month Per Youth

A Remote Site is a single housing unit where the NMD lives independently and where provider's staff do not live in the same building. This may include apartments, single family dwellings, or condominiums rented or leased by the THP+FC provider in various locations, not necessarily near each other. Minor foster children placed prior to October 1, 2012, may remain in this type of housing model; adults living in the remote site with minor foster children are subject to criminal background clearance and Child Abuse Central Index requirements, as required by licensing regulations. After October 1, 2012, new placement of minors into THPP remote sites is prohibited.

Host Family Model - \$2,225 Per Month Per Youth

The Host Family model is a placement where the NMD lives with a caring adult who has been selected and approved by the transitional housing placement provider serving NMDs in THP+FC. The NMD receives provider-based supportive services, and it is expected the host family will provide basic board and care for the NMD. See also CCR, Title 22, section 86001(h)(3).

In all housing models, NMDs receive guidance, supportive services, and case management from the licensed transitional housing placement provider, while having access to safe, stable housing to prepare for self-sufficiency before exiting foster care. For case management information, please refer to ACL No. 11-69, dated October 13, 2011.

Attachment 2

The following chart provides a simple overview and comparison of the three transitional housing placement options:

Transitional Housing Placements

	Transitional Housing Placement Program	Transitional Housing Placement-Plus-Foster Care	Transitional Housing Program-Plus
Age	16-18	18-21	18-24
Dependent/Ward	Yes	Yes	No
Time limit	N/A	N/A	2 years
Funding	*AFDC-FC	*AFDC-FC	*CWS Realignment funds
State-Licensed	Yes	Yes	No
Open *CMS Case Rate	Yes	Yes	No
ACIN No.	I-18-05, I-40-09	I-40-11	I-40-09
ACL No.	11-03	11-53, 11-69, 11-77, 11-85	11-03
Regulations	Title 22, sections 80000–80095, as applicable, 86000–86088 *MPP sections 30-900 to 30-911	Title 22, sections 80000–80095, as applicable, 86000–86088 Assembly Bill 12 Interim Licensing Standards, sections 86100–86187	*MPP sections 30-912 to 30-920
Statutes	*W&IC Sections 11400(r), 11403.2, 11403.3, 16522, 16522.1, 16522.2, 16522.5 *H&S Code sections 1502, 1559.110, 1559.115	*W&IC Sections 11403, 11403.2, 11403.3, 16522, 16522.1 *H&S Code sections 1502, 1559.110, 1559.115	*W&IC Sections 11400(s), 11403.2 *H&S Code section 1505(l)(4)

- * CMS - Case Management System
- * AFDC-FC - Aid to Families with Dependent Children-Foster Care
- * MPP – Manual of Policies and Procedures
- * W&IC – Welfare and Institutions Code
- * H&S – Health and Safety



SB-92 Juvenile Justice. (2021-2022)

SHARE THIS:



Date Published: 05/14/2021 09:00 PM

Senate Bill No. 92

CHAPTER 18

An act to amend Section 3056 of the Penal Code, and to amend Sections 208, 208.5, 607, 726, 733.1, 736.5, 1731.5, 1731.6, 1752.1, 1752.15, 1767.35, 1991, and 2250 of, to amend and repeal Sections 704, 707.2, and 1731.7 of, to add Sections 731 and 779.5 to, and to add Article 23.5 (commencing with Section 875) to Chapter 2 of Part 1 of Division 2 of, the Welfare and Institutions Code, relating to juvenile justice, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor May 14, 2021. Filed with Secretary of State May 14, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 92, Committee on Budget and Fiscal Review. Juvenile Justice.

Existing law establishes the Division of Juvenile Justice within the Department of Corrections and Rehabilitation to operate facilities to house specified juvenile offenders. Existing law, commencing July 1, 2021, prohibits further commitment of wards to the Division of Juvenile Justice unless the ward is otherwise eligible to be committed to the division and a motion was filed to transfer the ward from the juvenile court to a court of criminal jurisdiction. Existing law requires that all wards committed to the division prior to July 1, 2021, remain within the custody of the division until the ward is discharged, released, or transferred.

This bill would require a court to consider, as an alternative to commitment to the Division of Juvenile Justice, placement in local programs established as a result of the realignment of wards from the Division of Juvenile Justice to county-based custody. This bill would require the Division of Juvenile Justice to close on June 30, 2023, and would require the Director of the Division of Juvenile Justice, by January 1, 2022, to develop a plan for the transfer of jurisdiction of youth remaining at the Division of Juvenile Justice who are unable to discharge or otherwise move pursuant to law prior to the division's final closure on June 30, 2023. The bill would make various other technical and conforming changes to implement the realignment of wards from the Division of Juvenile Justice to county-based custody.

This bill would, commencing July 1, 2021, allow counties to establish secure youth treatment facilities for wards who are 14 years of age or older who have been adjudicated and found to be a ward of the court based on an offense that would have resulted in a commitment to the Division of Juvenile Justice, as provided. The bill would require the court to set a baseline term of confinement for the ward that is based on the most serious recent offense for which the ward has been adjudicated, as specified. The bill would additionally require the court to set a maximum term of confinement for the ward in a secure youth treatment facility and require the court, within 30 days of making the order of commitment, to receive, review, and approve an individual rehabilitation plan for the ward from the probation department and any other entity that is designated by the court for development of the plan. The bill would require the court to hold a progress review hearing for the ward not less frequently than once every 6 months during the term of confinement, as specified. The bill would authorize the court, at the conclusion of a progress review hearing, or at a separately scheduled hearing, to order a ward to be transferred from a secure youth treatment facility to a less restrictive program. The bill would, by July 1, 2023, require the Judicial Council to develop and adopt a matrix of offense-based classifications to be applied by the juvenile courts in all counties, as specified. The bill would prohibit a court from committing a juvenile to any juvenile facility for a period that exceeds the middle term of imprisonment that could be imposed upon an adult convicted of the same offense or offenses.

This bill would require the probation department to request the prosecuting attorney to petition the committing

court for an order directing that the person remain subject to the control of the department at the time of discharge if the person confined is determined to be physically dangerous to the public because of the person's mental or physical condition, disorder, or other problem that causes the person to have serious difficulty controlling their dangerous behavior. The bill would establish the process for the petition, probable cause hearing, trial, continued detention, and appeal pursuant to this provision. The bill would require the Governor and the Legislature to work with stakeholders to develop language by July 1, 2021, that would replace these provisions with a commitment process that ensures the treatment, capacity, legal protections, and court procedures are appropriate, as specified.

Existing law establishes a Juvenile Justice Realignment Block Grant program to provide county-based custody, care, and supervision of youth who are realigned from the Division of Juvenile Justice or who would have otherwise been eligible for commitment to the division. Existing law requires the Department of Finance to allocate funds under this program by September 1 each year, beginning September 1, 2021, and provide a schedule of allocations to the Controller. Existing law requires the Controller to allocate the funds in monthly installments pursuant to a schedule that is the same as the schedule for allocations from the Youthful Offender Block Grant Special Account.

This bill would instead require the Department of Finance to allocate funds under this program by July 1 each year, beginning July 1, 2021, and would require the Controller to allocate the funds, consistent with the schedule provided by the Department of Finance, no later than August 1 of each year.

Existing law establishes the Adult Reentry Grant that is awarded by the Board of State and Community Corrections to support people formerly incarcerated in the state prison.

This bill would appropriate \$50,000 from the General Fund in 2021-22 fiscal year to the Adult Reentry Grant to support rental assistance programs, as specified.

This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 3056 of the Penal Code is amended to read:

3056. (a) Prisoners on parole shall remain under the supervision of the department but shall not be returned to prison except as provided in subdivision (b) or as provided by subdivision (c) of Section 3000.09. A parolee awaiting a parole revocation hearing may be housed in a county jail while awaiting revocation proceedings. If a parolee is housed in a county jail, they shall be housed in the county in which they were arrested or the county in which a petition to revoke parole has been filed or, if there is no county jail in that county, in the housing facility with which that county has contracted to house jail inmates. Additionally, except as provided by subdivision (c) of Section 3000.09, upon revocation of parole, a parolee may be housed in a county jail for a maximum of 180 days per revocation. When housed in county facilities, parolees shall be under the sole legal custody and jurisdiction of local county facilities. A parolee shall remain under the sole legal custody and jurisdiction of the local county or local correctional administrator, even if placed in an alternative custody program in lieu of incarceration, including, but not limited to, work furlough and electronic home detention. When a parolee is under the legal custody and jurisdiction of a county facility awaiting parole revocation proceedings or upon revocation, the parolee shall not be under the parole supervision or jurisdiction of the department. Unless otherwise serving a period of flash incarceration, whenever a parolee who is subject to this section has been arrested, with or without a warrant or the filing of a petition for revocation with the court, the court may order the release of the parolee from custody under any terms and conditions the court deems appropriate. When released from the county facility or county alternative custody program following a period of custody for revocation of parole or because no violation of parole is found, the parolee shall be returned to the parole supervision of the department for the duration of parole.

(b) Inmates paroled pursuant to Section 3000.1 may be returned to prison following the revocation of parole by the Board of Parole Hearings until July 1, 2013, and thereafter by a court pursuant to Section 3000.08.

(c) Until July 1, 2021, a parolee who is subject to subdivision (a), but who is under 18 years of age, may be housed in a facility of the Division of Juvenile Justice, Department of Corrections and Rehabilitation.

SEC. 2. Section 208 of the Welfare and Institutions Code is amended to read:

208. (a) When any person under 18 years of age is detained in or sentenced to an adult facility, including a jail or other facility established for the purpose of confinement of adults, it shall be unlawful to permit that person to come or remain in contact with adults confined there.

(b) A person who is a ward or dependent child of the juvenile court who is detained in or committed to any state hospital or other state facility shall not be permitted to come or remain in contact with any adult person who has

been committed to any state hospital or other state facility as a mentally disordered sex offender under the provisions of Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6, or with any adult person who has been charged in an accusatory pleading with the commission of any sex offense for which registration of the convicted offender is required under Section 290 of the Penal Code and who has been committed to any state hospital or other state facility pursuant to Section 1026 or 1370 of the Penal Code.

(c) As used in this section, "contact" does not include participation in supervised group therapy or other supervised treatment activities, participation in work furlough programs, or participation in hospital recreational activities which are directly supervised by employees of the hospital, so long as living arrangements are strictly segregated and all precautions are taken to prevent unauthorized associations.

(d) This section shall be operative January 1, 1998.

SEC. 3. Section 208.5 of the Welfare and Institutions Code is amended to read:

208.5. (a) Notwithstanding any other law, any person whose case originated in juvenile court shall remain, if the person is held in secure detention, in a county juvenile facility until the person attains 25 years of age, except as provided in subdivisions (b) and (c) of this section and Section 731. A person whose case originated in juvenile court but who was sentenced in criminal court shall not serve their sentence in a juvenile facility, but if not otherwise excluded, may remain in the juvenile facility until transferred to serve their sentence in an adult facility. This section is not intended to authorize confinement in a juvenile facility where authority would not otherwise exist.

(b) The probation department may petition the court to house a person who is 19 years of age or older in an adult facility, including a jail or other facility established for the purpose of confinement of adults.

(c) Upon receipt of a petition to house a person who is 19 years of age or older in an adult facility, the court shall hold a hearing. There shall be a rebuttable presumption that the person will be retained in a juvenile facility. At the hearing, the court shall determine whether the person will be moved to an adult facility, and make written findings of its decision based on the totality of the following criteria:

- (1) The impact of being held in an adult facility on the physical and mental health and well-being of the person.
- (2) The benefits of continued programming at the juvenile facility and whether required education and other services called for in any juvenile court disposition or otherwise required by law or court order can be provided

in the adult facility.

- (3) The capacity of the adult facility to separate younger and older people as needed and to provide them with safe and age-appropriate housing and program opportunities.
- (4) The capacity of the juvenile facility to provide needed separation of older from younger people given the youth currently housed in the facility.
- (5) Evidence demonstrating that the juvenile facility is unable to currently manage the person's needs without posing a significant danger to staff or other youth in the facility.
- (d) If a person who is 19 to 24 years of age, inclusive, is removed from a juvenile facility pursuant to this section, upon the motion of any party and a showing of changed circumstances, the court shall consider the criteria in subdivision (c) and determine whether the person should be housed at a juvenile facility.
- (e) A person who is 19 years of age or older and who has been committed to a county juvenile facility or a facility of a contracted entity shall remain in the facility and shall not be subject to a petition for transfer to an adult facility. This section is not intended to authorize or extend confinement in a juvenile facility where authority would not otherwise exist.

SEC. 4. Section 607 of the Welfare and Institutions Code, as added by Section 24 of Chapter 337 of the Statutes of 2020, is amended to read:

- 607.** (a) The court may retain jurisdiction over a person who is found to be a ward or dependent child of the juvenile court until the ward or dependent child attains 21 years of age, except as provided in subdivisions (b), (c), (d), and (e).
- (b) The court may retain jurisdiction over a person who is found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (b) of Section 707, until that person attains 23 years of age, subject to the provisions of subdivision (c).
- (c) The court may retain jurisdiction over a person who is found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (b) of Section 707 until that person attains 25 years of age if the person, at the time of adjudication of a crime or crimes, would, in criminal court, have faced an aggregate sentence of seven years or more.

- (d) The court shall not discharge a person from its jurisdiction who has been committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice while the person remains under the jurisdiction of the Department of Corrections and Rehabilitation, Division of Juvenile Justice, including periods of extended control ordered pursuant to Section 1800.
- (e) The court may retain jurisdiction over a person described in Section 602 by reason of the commission of an offense listed in subdivision (b) of Section 707, who has been confined in a state hospital or other appropriate public or private mental health facility pursuant to Section 702.3 until that person attains 25 years of age, unless the court that committed the person finds, after notice and hearing, that the person's sanity has been restored.
- (f) The court may retain jurisdiction over a person while that person is the subject of a warrant for arrest issued pursuant to Section 663.
- (g) Notwithstanding subdivisions (b), (c), and (e), a person who is committed by the juvenile court to the Department of Corrections and Rehabilitation, Division of Juvenile Justice on or after July 1, 2012, but before July 1, 2018, and who is found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (b) of Section 707 shall be discharged upon the expiration of a two-year period of control, or when the person attains 23 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800) of Chapter 1 of Division 2.5.
- This subdivision does not apply to a person who is committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice, or to a person who is confined in a state hospital or other appropriate public or private mental health facility, by a court prior to July 1, 2012, pursuant to subdivisions (b), (c), and (e).
- (h) (1) Notwithstanding subdivision (g), a person who is committed by the juvenile court to the Department of Corrections and Rehabilitation, Division of Juvenile Justice, on or after July 1, 2018, and who is found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (c) of Section 290.008 of the Penal Code or subdivision (b) of Section 707 of this code, shall be discharged upon the expiration of a two-year period of control, or when the person attains 23 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800) of Chapter 1 of Division 2.5.
- (2) A person who, at the time of adjudication of a crime or crimes, would, in criminal court, have faced an aggregate sentence of seven years or more, shall be discharged upon the expiration of a two-year period of control, or when the person attains 25 years of age, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800) of

Chapter 1 of Division 2.5.

(3) This subdivision does not apply to a person who is committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice, or to a person who is confined in a state hospital or other appropriate public or private mental health facility, by a court prior to July 1, 2018, as described in subdivision (g).

(i) The amendments to this section made by Chapter 342 of the Statutes of 2012 apply retroactively.

(j) This section does not change the period of juvenile court jurisdiction for a person committed to the Division of Juvenile Justice prior to July 1, 2018.

(k) This section shall become operative July 1, 2021.

SEC. 5. Section 704 of the Welfare and Institutions Code is amended to read:

704. (a) If the court has determined that a minor is a person described by Section 602, or if the court has determined that a minor is a person described by Section 601 and a supplemental petition for commitment of the minor to the Division of Juvenile Justice has been filed pursuant to Section 777, and the minor is otherwise eligible for commitment to the Division of Juvenile Justice, the court, if it concludes that a disposition of the case in the best interest of the minor requires such observation and diagnosis as can be made at a diagnostic and treatment center of the Division of Juvenile Justice, may continue the hearing and order that the minor be placed temporarily in such a center for a period not to exceed 90 days, with the further provision in such order that the Director of the Division of Juvenile Justice report to the court its diagnosis and recommendations concerning the minor within the 90-day period.

(b) The Director of the Division of Juvenile Justice shall, within the 90 days, cause the minor to be observed and examined and shall forward to the court the diagnosis and recommendation concerning the minor's future care, supervision, and treatment.

(c) The Division of Juvenile Justice shall accept that person if there is in effect a contract made pursuant to Section 1752.1 and if it believes that the person can be materially benefited by such diagnostic and treatment services, and if the Director of the Division of Juvenile Justice certifies that staff and institutions are available. A person shall not be transported to any facility under the jurisdiction of the Division of Juvenile Justice until the director has notified the referring court of the place to which said person is to be transported and the time at

which the person can be received.

(d) The probation officer of the county in which an order is made placing a minor in a diagnostic and treatment center pursuant to this section, or any other peace officer designated by the court, shall execute the order placing the minor in the center or returning the minor therefrom to the court. The expense of the probation officer or other peace officer incurred in executing the order is a charge upon the county in which the court is situated.

(e) This section shall become inoperative on July 1, 2021, and, as of January 1, 2022, is repealed.

SEC. 6. Section 707.2 of the Welfare and Institutions Code is amended to read:

707.2. (a) Prior to sentence and after considering a recommendation on the issue which shall be made by the probation department, the court of criminal jurisdiction may remand the minor to the custody of the Division of Juvenile Justice for a period not to exceed 90 days for the purpose of evaluation and report concerning the minor's amenability to training and treatment offered by the Division of Juvenile Justice. If the court decides not to remand the minor to the custody of the Division of Juvenile Justice, the court shall make a finding on the record that the amenability evaluation is not necessary. However, a court of criminal jurisdiction shall not sentence any minor who was under 16 years of age when the minor committed any criminal offense to the state prison unless the minor has first been remanded to the custody of the Division of Juvenile Justice for evaluation and report pursuant to this section.

The need to protect society, the nature and seriousness of the offense, the interests of justice, and the needs of the minor shall be the primary considerations in the court's determination of the appropriate disposition for the minor.

(b) This section shall not apply where commitment to the Division of Juvenile Justice is prohibited pursuant to Section 1732.6.

(c) This section shall become inoperative on July 1, 2021, and, as of January 1, 2022, is repealed.

SEC. 7. Section 726 of the Welfare and Institutions Code is amended to read:

726. (a) In all cases in which a minor is adjudged a ward or dependent child of the court, the court may limit the control to be exercised over the ward or dependent child by any parent or guardian and shall, in its order, clearly and specifically set forth all those limitations, but no ward or dependent child shall be taken from the physical

custody of a parent or guardian, unless upon the hearing the court finds one of the following facts:

- (1) That the parent or guardian is incapable of providing or has failed or neglected to provide proper maintenance, training, and education for the minor.
- (2) That the minor has been tried on probation while in custody and has failed to reform.
- (3) That the welfare of the minor requires that custody be taken from the minor's parent or guardian.
 - (b) Whenever the court specifically limits the right of the parent or guardian to make educational or developmental services decisions for the minor, the court shall at the same time appoint a responsible adult to make educational or developmental services decisions for the child until one of the following occurs:
 - (1) The minor reaches 18 years of age, unless the child chooses not to make educational or developmental services decisions for themselves, or is deemed by the court to be incompetent.
 - (2) Another responsible adult is appointed to make educational or developmental services decisions for the minor pursuant to this section.
 - (3) The right of the parent or guardian to make educational or developmental services decisions for the minor is fully restored.
 - (4) A successor guardian or conservator is appointed.
 - (5) The child is placed into a planned permanent living arrangement pursuant to paragraph (5) or (6) of subdivision (b) of Section 727.3, at which time, for educational decisionmaking, the foster parent, relative caretaker, or nonrelative extended family member, as defined in Section 362.7, has the right to represent the child in educational matters pursuant to Section 56055 of the Education Code, and for decisions relating to developmental services, unless the court specifies otherwise, the foster parent, relative caregiver, or nonrelative extended family member of the planned permanent living arrangement has the right to represent the child in matters related to developmental services.
 - (c) An individual who would have a conflict of interest in representing the child, as specified under federal regulations, may not be appointed to make educational decisions. The limitations applicable to conflicts of interest for educational rights holders shall also apply to authorized representatives for developmental services decisions pursuant to subdivision (b) of Section 4701.6. For purposes of this section, "an individual who would have a conflict of interest" means a person having any interests that might restrict or bias their ability to make

educational or developmental services decisions, including, but not limited to, those conflicts of interest prohibited by Section 1126 of the Government Code, and the receipt of compensation or attorneys' fees for the provision of services pursuant to this section. A foster parent may not be deemed to have a conflict of interest solely because the foster parent receives compensation for the provision of services pursuant to this section.

(1) If the court limits the parent's educational rights pursuant to subdivision (a), the court shall determine whether there is a responsible adult who is a relative, nonrelative extended family member, or other adult known to the child and who is available and willing to serve as the child's educational representative before appointing an educational representative or surrogate who is not known to the child.

If the court cannot identify a responsible adult who is known to the child and available to make educational decisions for the child and paragraphs (1) to (5), inclusive, of subdivision (b) do not apply, and the child has either been referred to the local educational agency for special education and related services or has a valid individualized education program, the court shall refer the child to the local educational agency for appointment of a surrogate parent pursuant to Section 7579.5 of the Government Code.

(2) All educational and school placement decisions shall seek to ensure that the child is in the least restrictive educational programs and has access to the academic resources, services, and extracurricular and enrichment activities that are available to all pupils. In all instances, educational and school placement decisions shall be based on the best interests of the child. If an educational representative or surrogate is appointed for the child, the representative or surrogate shall meet with the child, shall investigate the child's educational needs and whether those needs are being met, and shall, before each review hearing held under Article 10 (commencing with Section 360), provide information and recommendations concerning the child's educational needs to the child's social worker, make written recommendations to the court, or attend the hearing and participate in those portions of the hearing that concern the child's education.

(3) Nothing in this section in any way removes the obligation to appoint surrogate parents for students with disabilities who are without parental representation in special education procedures as required by state and federal law, including Section 1415(b)(2) of Title 20 of the United States Code, Section 56050 of the Education Code, Section 7579.5 of the Government Code, and Rule 5.650 of the California Rules of Court.

If the court appoints a developmental services decisionmaker pursuant to this section, they shall have the authority to access the child's information and records pursuant to subdivision (u) of Section 4514 and subdivision (y) of Section 5328, and to act on the child's behalf for the purposes of the individual program plan process pursuant to Sections 4646, 4646.5, and 4648 and the fair hearing process pursuant to Chapter 7

(commencing with Section 4700) of Division 4.5, and as set forth in the court order.

(d) (1) If the minor is removed from the physical custody of the minor's parent or guardian as the result of an order of wardship made pursuant to Section 602, the order shall specify that the minor may not be held in physical confinement for a period in excess of the middle term of imprisonment which could be imposed upon an adult convicted of the offense or offenses which brought or continued the minor under the jurisdiction of the juvenile court.

(2) As used in this section and in Section 731, "maximum term of imprisonment" means the middle of the three time periods set forth in paragraph (3) of subdivision (a) of Section 1170 of the Penal Code, but without the need to follow the provisions of subdivision (b) of Section 1170 of the Penal Code or to consider time for good behavior or participation pursuant to Sections 2930, 2931, and 2932 of the Penal Code, plus enhancements which must be proven if pled.

(3) If the court elects to aggregate the period of physical confinement on multiple counts or multiple petitions, including previously sustained petitions adjudging the minor a ward within Section 602, the "maximum term of imprisonment" shall be the aggregate term of imprisonment specified in subdivision (a) of Section 1170.1 of the Penal Code, which includes any additional term imposed pursuant to Section 667, 667.5, 667.6, or 12022.1 of the Penal Code, and Section 11370.2 of the Health and Safety Code.

(4) If the charged offense is a misdemeanor or a felony not included within the scope of Section 1170 of the Penal Code, the "maximum term of imprisonment" is the middle term of imprisonment prescribed by law.

(5) "Physical confinement" means placement in a juvenile hall, ranch, camp, forestry camp or secure juvenile home pursuant to Section 730, or in any institution operated by the Department of Corrections and Rehabilitation, Division of Juvenile Justice.

(6) This section does not limit the power of the court to retain jurisdiction over a minor and to make appropriate orders pursuant to Section 727 for the period permitted by Section 607.

SEC. 8. Section 731 is added to the Welfare and Institutions Code, to read:

731. (a) If a minor is adjudged a ward of the court on the grounds that the minor is a person described by Section 602, the court may commit the ward to the Department of Corrections and Rehabilitation, Division of Juvenile Justice if the ward has committed an offense described in subdivision (b) of Section 707 or subdivision (c) of

Section 290.008 of the Penal Code, and has been the subject of a motion filed to transfer the ward to the jurisdiction of the criminal court as provided in subdivision (c) of Section 736.5 and is not otherwise ineligible for commitment to the division under Section 733.

(b) A ward committed to the Division of Juvenile Justice shall not be confined in excess of the term of confinement set by the committing court. The court shall set a maximum term based upon the facts and circumstances of the matter or matters that brought or continued the ward under the jurisdiction of the court and as deemed appropriate to achieve rehabilitation. The court shall not commit a ward to the Division of Juvenile Justice for a period that exceeds the middle term of imprisonment that could be imposed upon an adult convicted of the same offense. This subdivision does not limit the power of the Board of Juvenile Hearings to discharge a ward committed to the Division of Juvenile Justice pursuant to Sections 1719 and 1769. Upon discharge, the committing court may retain jurisdiction of the ward pursuant to Section 607.1 and establish the conditions of supervision pursuant to subdivision (b) of Section 1766.

(c) This section shall become operative on July 1, 2021, and shall remain in effect until the final closure of the Division of Juvenile Justice.

SEC. 9. Section 733.1 of the Welfare and Institutions Code is amended to read:

733.1. (a) Notwithstanding any other law, except as otherwise provided in this section, a ward of the juvenile court shall not be committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice on or after July 1, 2021.

(b) A court may commit a ward to the Department of Corrections and Rehabilitation, Division of Juvenile Justice as authorized in subdivision (c) of Section 736.5.

(c) Effective July 1, 2021, a person adjudged a ward of the court pursuant to Section 602, shall not be committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice, as long as allocations required by Section 1991 are authorized in statute and disbursed by September 1, 2021, and September 1 annually thereafter. To the extent that the allocations required by Section 1991 are not authorized in statute and disbursed annually thereafter, it is the intent of this section that wards adjudged wards of the court pursuant to Section 602 for an offense described in subdivision (b) of Section 707 of this code or subdivision (c) of Section 290.008 of the Penal Code may be committed to the Division of Juvenile Justice or, upon the final closure of the Division of Juvenile Justice, another state-funded facility, if the ward could have been committed to the Division of Juvenile Justice pursuant to Section 731, as that section read on January 1, 2021, and Sections 733, 734, and 736.5. For

the purpose of determining the state's compliance with this subdivision, the presumption shall be that the state is meeting its commitment in Section 1991 if that section is not materially changed from the law in effect on the operative date of this section.

SEC. 10. Section 736.5 of the Welfare and Institutions Code is amended to read:

736.5. (a) It is the intent of the Legislature to close the Division of Juvenile Justice within the Department of Corrections and Rehabilitation, through shifting responsibility for all youth adjudged a ward of the court, commencing July 1, 2021, to county governments and providing annual funding for county governments to fulfill this new responsibility.

(b) Beginning July 1, 2021, a ward shall not be committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice, except as described in subdivision (c).

(c) Pending the final closure of the Department of Corrections and Rehabilitation, Division of Juvenile Justice, a court may commit a ward who is otherwise eligible to be committed under existing law and in whose case a motion to transfer the minor from juvenile court to a court of criminal jurisdiction was filed. The court shall consider, as an alternative to commitment to the Division of Juvenile Justice, placement in local programs, including those established as a result of the implementation of Chapter 337 of the Statutes of 2020.

(d) All wards committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice prior to July 1, 2021 or pursuant to (c), shall remain within its custody until the ward is discharged, released or otherwise moved pursuant to law, or until final closure of the Division of Juvenile Justice.

(e) The Division of Juvenile Justice within the Department of Corrections and Rehabilitation shall close on June 30, 2023.

(f) The Director of the Division of Juvenile Justice shall develop a plan, by January 1, 2022, for the transfer of jurisdiction of youth remaining at the Division of Juvenile Justice who are unable to discharge or otherwise move pursuant to law prior to final closure on June 30, 2023.

SEC. 11. Section 779.5 is added to the Welfare and Institutions Code, to read:

779.5. The court committing a ward to a secure youth treatment facility as provided in Section 875 may thereafter modify or set aside the order of commitment upon the written application of the ward or the probation

department and upon a showing of good cause that the county or the commitment facility has failed, or is unable to, provide the ward with treatment, programming, and education that are consistent with the individual rehabilitation plan described in subdivision (d) of Section 875, that the conditions under which the ward is confined are harmful to the ward, or that the juvenile justice goals of rehabilitation and community safety are no longer served by continued confinement of the ward in a secure youth treatment facility. The court shall notice a hearing in which it shall hear any evidence from the ward, the probation department, and any behavioral health or other specialists having information relevant to consideration of the request to modify or set aside the order of commitment. The court shall, at the conclusion of the hearing, make its findings on the record, including findings as to the custodial and supervision status of the ward, based on the evidence presented.

SEC. 12. Article 23.5 (commencing with Section 875) is added to Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, to read:

Article 23.5. Secure Youth Treatment Facilities

875. (a) In addition to the types of treatment specified in Sections 727 and 730, commencing July 1, 2021, the court may order that a ward who is 14 years of age or older, be committed to a secure youth treatment facility for a period of confinement described in subdivision (b) if the ward meets the following criteria:

- (1) The juvenile is adjudicated and found to be a ward of the court based on an offense listed in subdivision (b) of Section 707.
- (2) The adjudication described in paragraph (1) is the most recent offense for which the juvenile has been adjudicated.
- (3) The court has made a finding on the record that a less restrictive, alternative disposition for the ward is unsuitable. In determining this, the court shall consider all relevant and material evidence, including the recommendations of counsel, the probation department, and any other agency or individual designated by the court to advise on the appropriate disposition of the case. The court shall additionally make its determination based on all of the following criteria:
 - (A) The severity of the offense or offenses for which the ward has been most recently adjudicated, including the ward's role in the offense, the ward's behavior, and harm done to victims.
 - (B) The ward's previous delinquent history, including the adequacy and success of previous attempts by the juvenile court to rehabilitate the ward.

- (C) Whether the programming, treatment, and education offered and provided in a secure youth treatment facility is appropriate to meet the treatment and security needs of the ward.
- (D) Whether the goals of rehabilitation and community safety can be met by assigning the ward to an alternative, less restrictive disposition that is available to the court.
- (E) The ward's age, developmental maturity, mental and emotional health, sexual orientation, gender identity and expression, and any disabilities or special needs affecting the safety or suitability of committing the ward to a term of confinement in a secure youth treatment facility.
- (b) In making its order of commitment for a ward, the court shall set a baseline term of confinement for the ward that is based on the most serious recent offense for which the ward has been adjudicated. The baseline term of confinement shall represent the time in custody necessary to meet the developmental and treatment needs of the ward and to prepare the ward for discharge to a period of probation supervision in the community. The baseline term of confinement for the ward shall be determined according to offense-based classifications that are approved by the Judicial Council as described in subdivision (h). Pending the development and adoption of offense-based classifications by the Judicial Council, the court shall set a baseline term of confinement for the ward utilizing the discharge consideration date guidelines applied by the Department of Corrections and Rehabilitation, Division of Juvenile Justice prior to its closure and as set forth in Sections 30807 to 30813, inclusive, of Title 9 of the California Code of Regulations. These guidelines shall be used only to determine a baseline confinement time for the ward and shall not be used or relied on to modify the ward's confinement time in any manner other than as provided in this section. The court may, pending the adoption of Judicial Council guidelines, modify the initial baseline term with a deviation of plus or minus six months. The baseline term shall also be subject to modification in progress review hearings as described in subdivision (e).
- (c) In making its order of commitment, the court shall additionally set a maximum term of confinement for the ward in a secure youth treatment facility. The maximum term of confinement shall represent the longest term of confinement in a facility that the ward may serve subject to the following:
- (1) A ward committed to a secure youth treatment facility under this section shall not be held in secure confinement beyond 23 years of age, or two years from the date of the commitment, whichever occurs later. However, if the ward has been committed to a facility based on adjudication for an offense or offenses for which the ward, if convicted in adult criminal court, would face an aggregate sentence of seven or more years, the maximum period of confinement shall not exceed the ward attaining 25 years of age or two years from the date of the commitment, whichever occurs later.