



Judicial Council of California

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June 20, 2008

Hon. Bill Maze
Member of the Assembly
State Capitol, Room 5160
Sacramento, California 95814

Subject: AB 1405 (Maze), as amended June 2, 2008 - Support

Dear Assembly Member Maze:

The Judicial Council supports AB 1405, which provides that information obtained from a minor during an assessment to determine the appropriate status of a minor who meets the definition of both a dependent and a delinquent ward cannot be used against the minor in other proceedings.

The council supports AB 1405 because it will improve the information available to the juvenile court as it makes critical decisions regarding the appropriate status for minors with criminal charges who have also been victims of abuse and neglect. Under current law, when a minor appears to meet the description of both a dependent child and a delinquent ward, the child welfare services department and the probation department are required to jointly assess the minor and make a recommendation to the court regarding the status that will serve the best interests of the minor and protect society. Because there is no limitation in current law on the use of the information obtained for this purpose, many minors are unwilling to cooperate with the assessments for fear that incriminating statements may be used against them in subsequent juvenile or criminal proceedings. As a result, the court does not have comprehensive information

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necessary to make the required status determination and balance the best interests of the minor with the safety of the public.

AB 1405 will ensure that the information obtained as a part of this assessment process will not be used against the minor in other proceedings, thereby providing the minor with no disincentive to cooperate with the assessment. This change will allow the court to perform its function with the most candid information available regarding the situation of the minor so that the court can optimally determine the appropriate status of the minor.

For these reasons, the Judicial Council supports AB 1405.

Sincerely,

Tracy Kenny
Attorney

TKI/yt

cc: Mr. Chris Ryan, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Brent Jamison, Director of Legislation, Governor's Office of Planning and Research