

FILED

MAY 13 2021

SUPERIOR COURT OF CALIFORNIA
SANTA CLARA COUNTY
JUVENILE COURT DIVISION
STANDING ORDER

Clerk of the Court
Superior Court of CA County of Santa Clara
BY _____ DEPUTY


T. Flores

**ORDER REQUIRING YOUTH UNDER THE AGE OF 25
TO BE HOUSED IN JUVENILE HALL (WIC §208.5)
WHEN CASE ORIGINATED IN JUVENILE COURT**

On September 30, 2020, Senate Bill 823 went into effect. Among other things, SB823 repealed Welfare and Institutions Code §208.5, and added a new version. Under the new law, any person under 25 years of age held in secure detention whose case *originated* in juvenile court is to remain in a juvenile facility absent a determination by the juvenile court that the person is to be moved to an adult facility. It is hereby ordered:

- 1) All persons under the age of 25 whose case originated in juvenile court shall remain in a juvenile facility, unless the person is 19 years of age or older and the juvenile court, in considering the factors articulated in Welfare and Institutions Code section §208.5(c)(1)-(5), determines that the person should be housed in an adult facility. This includes youth who have been ordered transferred to criminal court after a judicial transfer hearing, unless and until they are sentenced. Any adult court sentence will be served in the appropriate adult facility.
- 2) Any outstanding warrants, including out of county warrants, issued by the juvenile court should be read to mean that person must be taken to Juvenile Hall unless the youth is 25 years of age or older, absent any additional arrest not originating in juvenile court which resulted in their secure detention in an adult facility.
 - a. If the person has a pending adult legal matter and is released from an adult facility on their own recognizance or bail, such that they are *only* in custody on a juvenile matter, that person is to be housed in Juvenile Hall absent a juvenile court's determination to the contrary.
- 3) The Santa Clara County Sheriff's Office shall work with the Juvenile Probation Department to facilitate the immediate return to Juvenile Hall of any person under 25 years of age who is only in custody on a juvenile matter.

SO ORDERED



The Honorable Katherine Lucero
Presiding Judge of the Juvenile Division
Supervising Judge of the Juvenile Justice Division

5/13/2021
Date