



Judicial Council of California

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INVITATION TO COMMENT

SPR23-19

Title

Juvenile Law: Psychiatric Residential
Treatment Facility Voluntary Admission

Action Requested

Review and submit comments by May 12,
2023

Proposed Rules, Forms, Standards, or Statutes

Adopt Cal. Rules of Court, rule 5.519; adopt
forms JV-172, JV-173, JV-174, JV-175, JV-
176, and JV-177

Proposed Effective Date

January 1, 2024

Contact

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Proposed by

Family and Juvenile Law Advisory
Committee
Hon. Stephanie E. Hulseley, Cochair
Hon. Amy M. Pellman, Cochair

Executive Summary and Origin

The Family and Juvenile Law Advisory Committee recommends adopting one rule of the California Rules of Court and adopting six forms to conform to recent statutory changes enacted by Assembly Bill 2317 (Ramos; Stats. 2022, ch. 589) regarding court oversight of the voluntary admission of a child, nonminor, or nonminor dependent to a psychiatric residential treatment facility.

Background

Assembly Bill 2317 was a comprehensive bill that made findings and declarations relating to the urgent need to provide alternatives to hospitals for children and youth experiencing severe mental health crises, and the need for psychiatric residential treatment facilities (PRTFs).¹ It defines a PRTF as a health facility licensed by the Department of Health Care Services (DHCS) and operated by a public agency or private nonprofit organization that provides inpatient psychiatric services to individuals under 21 years of age in a nonhospital setting.² The bill also

¹ Assem. Bill 2317, § 1.

² Health & Saf. Code, § 1250.10(a)(1).

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

requires DHCS to set a statewide bed limit for PRTFs,³ and requires a PRTF to provide DHCS with specific data.⁴

The bill adds sections 361.23 and 727.13 to the Welfare and Institutions Code⁵ and establishes *ex parte* court procedures for when a parent, guardian, or Indian custodian seeks to admit their child who is under the jurisdiction of the juvenile court to a PRTF, for when a nonminor⁶ or nonminor dependent under the jurisdiction of the juvenile court has admitted themselves to a PRTF, and for when a child under the jurisdiction of the juvenile court seeks to voluntarily admit themselves to a PRTF.⁷

The law now requires the court—for a child, nonminor, or nonminor dependent admitted to a PRTF—to hold a hearing 60 days after the admission, and every 30 days thereafter, to review the placement in the facility based on the medical necessity of that placement.⁸ If the court finds at the review hearing that the parent, child, or nonminor dependent continues to consent; that the child or nonminor dependent continues to suffer from a mental disorder that may be reasonably expected to be cured or ameliorated by treatment at the PRTF; and that there is no other available less restrictive setting to serve the patient’s medical need, the bill allows the court to authorize the continued admission at the PRTF.⁹ There is a rebuttable presumption that, if the child or nonminor dependent has been at a PRTF for over 30 days, the facility is not the least restrictive alternative available to meet the patient’s needs and best interests.¹⁰

If the court finds at the hearing that the parent, child, or nonminor dependent no longer consents; that the child or nonminor dependent no longer suffers from a mental disorder that may reasonably be expected to be cured or ameliorated by treatment at the PRTF; or that there is another available less restrictive setting to serve the patient’s medical needs, the bill requires the social worker to immediately work with the PRTF to arrange for the child’s or nonminor dependent’s discharge to a different setting with the appropriate services and supports.¹¹

Whenever a child or nonminor dependent is discharged due to revocation of consent to admission, within two days of learning of the revocation of consent, the bill requires a county

³ Health & Saf. Code, § 1250.10(a)(4).

⁴ Health & Saf. Code, § 1250.10(d). The data includes the total number of patients admitted, certain demographics and treatment information about the patients served, durations of stay for each patient, and certain information about the use of restraints.

⁵ All further statutory references are to the Welfare and Institutions Code, unless otherwise indicated. All further rule references are to the California Rules of Court, unless otherwise indicated.

⁶ §§ 303(a), 361.23(k), 727.13(k); rule 5.501(25).

⁷ §§ 361.23(b), 727.13(b).

⁸ §§ 361.23(f)(1)(A), 727.13(f)(1)(A).

⁹ §§ 361.23(f)(1)(D), 727.13(f)(1)(D).

¹⁰ *Id.*

¹¹ §§ 361.23(f)(1)(E), 727.13(f)(1)(E).

child welfare agency or county probation office, as appropriate, to file a petition with the court requesting an order vacating the court's order authorizing the child or nonminor dependent's admission to the PRTF.¹² This provision does not require a court order for the discharge of a child when consent has been withdrawn.¹³

When a child or nonminor dependent has been admitted to a PRTF pursuant to the consent of a conservator, the court must review the placement at any six-month review hearing and may make any orders necessary to ensure that the child or nonminor dependent is discharged in a timely manner and with all the services and supports necessary for a successful transition to a less restrictive setting. The court may direct the social worker or probation officer to work with the facility and, where appropriate, with the conservator, to ensure the child or nonminor dependent is receiving all necessary child welfare services and to develop the aftercare plan.¹⁴

The Proposal

To conform to the statutory changes enacted by Assembly Bill 2317 regarding court oversight of the voluntary admission of a child, nonminor, or nonminor dependent to a PRTF, effective January 1, 2024, rule 5.619 of the California Rules of Court would be adopted to clarify and establish noticing requirements, and to require the use of the forms discussed below.

Effective January 1, 2024, the forms listed below would be adopted to ensure court oversight of voluntary admission to a psychiatric residential facility for children, nonminors, and nonminor dependents under the jurisdiction of the juvenile court.

- *Ex Parte Application for Voluntary Admission to a Psychiatric Residential Treatment Facility* (form JV-172) would be adopted for mandatory use by the social worker or probation officer to request a court order authorizing the voluntary admission to a PRTF.
- *Proof of Notice of Hearing on Application for Voluntary Admission to a Psychiatric Residential Treatment Facility* (form JV-173) would be adopted for mandatory use by the social worker or probation officer to inform the court of the parties who received notice of the hearing on the application for voluntary admission.
- *Order on Application for Voluntary Admission to a Psychiatric Residential Treatment Facility* (form JV-174) would be adopted for mandatory use by the court to make orders regarding the application for voluntary admission.
- *Review of Voluntary Admission of a Child to a Psychiatric Residential Treatment Facility* (form JV-175) would be adopted for mandatory use to record the court's findings and orders regarding a child at the hearings held 60 days after the admission, and every 30 days

¹² §§ 361.23(g), 727.13(g)(2).

¹³ *Id.*

¹⁴ §§ 361.23(h), 727.13(h).

thereafter, to review the placement in the facility based on the medical necessity of that placement.

- *Review of Voluntary Admission of a Nonminor Dependent to a Psychiatric Residential Treatment Facility* (form JV-176) would be adopted for mandatory use to record the court's findings and orders regarding a nonminor dependent at the hearings held 60 days after the admission, and every 30 days thereafter, to review the placement in the facility based on the medical necessity of that placement.
- *Admission to a Psychiatric Residential Treatment Facility by Consent of a Conservator—Additional Findings and Orders* (form JV-177) would be adopted for mandatory use to attach to a local minute order or Judicial Council findings and orders form¹⁵ to document the court's findings and orders regarding the placement at any six-month review hearing when the child has been placed at the facility by the consent of a conservator.

Alternatives Considered

The committee considered proposing the adoption of the forms only, but since the new statutes are not clear on the requirements for notice, the committee is proposing that a rule of court be adopted to provide clarity and guidance regarding hearing notice requirements, and to require the use of the Judicial Council forms proposed by the committee. The committee is aware that the rule repeats statutory requirements, but decided to include them so that the rule was easier to read and follow.

Fiscal and Operational Impacts

This proposal contains new procedures, hearings, and notice requirements, but these are now required by statute.

The committee anticipates that this proposal will require courts to train court staff and judicial officers on the newly approved forms. Courts will also incur costs to incorporate the forms into the paper or electronic processes.

¹⁵ Forms JV-425, JV-426, JV-430, JV-435, JV-440, JV-445, JV-446, and JV-462.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?

The advisory committee [or other proponent] also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Rules of Court, rule 5.619, at pages 6–7
2. Forms JV-172, JV-173, JV-174, JV-175, JV-176, and JV-177, at pages 8–19
3. Link A: Assem. Bill 2317,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2317

1 **Rule 5.619. Voluntary placement in psychiatric residential treatment facility (Welf.**
2 **& Inst. Code, §§ 361.23, 727.13)**

3
4 **(a) Applicability**

5
6 This rule applies to the court’s review under section 361.23 or 727.13 when a
7 voluntary admission into a psychiatric residential treatment facility is sought for a
8 child, nonminor, or nonminor dependent.

9
10 **(b) Notice and setting of hearing on application**

- 11
12 (1) The social worker or probation officer must use *Ex Parte Application for*
13 *Voluntary Admission to a Psychiatric Residential Treatment Facility* (form
14 JV-172) to request a hearing.
- 15
16 (2) After receiving a request for a hearing, the court must set a hearing under
17 section 361.23 or 727.13 for the next judicial day. The court must
18 immediately notify the social worker or probation officer and the child,
19 nonminor, or nonminor dependent’s counsel of the date, time, and location of
20 the hearing.
- 21
22 (3) The social worker or probation officer must orally notify the parties identified
23 in 361.23(b)(3), 361.23(e)(3), 727.13(a)(3), or 727.13(e)(3) of the date, time,
24 and location of the hearing.
- 25
26 (4) The social worker or probation officer must complete and file *Proof of Notice*
27 *of Hearing on Application for Voluntary Admission to a Psychiatric*
28 *Residential Treatment Facility* (form JV-173).

29
30 **(c) Conduct of the hearing on the application**

- 31
32 (1) The court must consider all evidence required by section 361.23(c)(1),
33 366.21(e)(1), 727.13(b)(1), or 727.13(e)(4), and all evidence relevant to the
34 court’s determinations required under section 361.23(d), 361.23(e)(5),
35 727.13(d), or 727.13(e)(5).
- 36
37 (2) The court must use *Order on Application for Voluntary Admission to a*
38 *Psychiatric Residential Treatment Facility* (form JV-174) to document its
39 findings and orders.
- 40
41 (3) If the court authorizes the admission of the child, nonminor, or nonminor
42 dependent, the court must set a hearing to review the placement in the facility
43 no later than 60 days following the admission.

1 **(d) Notice of hearing on review of placement**

2
3 At least 10 days before the hearing, the child welfare agency or probation
4 department must provide notice of the date, time, and location of the hearing to
5 review the placement to all parties identified in section 361.23(b)(3), 361.23(e)(3),
6 727.13(a)(3), or 727.13(e)(3).

7
8 **(e) Conduct of the hearing on the review of placement**

9
10 (1) The court must consider all evidence required by section 361.23(f)(1)(C),
11 361.23(f)(2)(C), 727.13(f)(1)(C), or 727.13(f)(2)(C) and all evidence relevant
12 to the court's determinations required under section 361.23(d), 361.23(e)(5),
13 727.13(d), or 727.13(e)(5).

14
15 (2) The court must use *Review of Voluntary Admission of a Child to a*
16 *Psychiatric Residential Treatment Facility* (form JV-175) or *Review of*
17 *Voluntary Admission of a Nonminor Dependent to a Psychiatric Residential*
18 *Treatment Facility* (form JV-176) to document its findings and orders.

19
20 (3) If the court authorizes the continued admission of the child, nonminor, or
21 nonminor dependent, the court must set a review hearing on the child's
22 placement in the facility no later than 30 days from the date of the review
23 hearing.

24
25 (4) If the court does not authorize the continued admission of the child,
26 nonminor, or nonminor dependent, the court must set a hearing in no later
27 than 30 days to verify that the child, nonminor, or nonminor dependent has
28 been discharged.

29
30 **(f) Placement by consent of conservator**

31
32 (1) At any review hearing under section 364, 366.21, 366.22, 366.3, or 366.31, if
33 a child or nonminor dependent has been admitted to a psychiatric residential
34 treatment facility by the consent of a conservator, the court must review the
35 child's case plan. The court must make findings and orders as required by
36 section 361.23(h).

37
38 (2) The court must use *Admission to a Psychiatric Residential Treatment Facility*
39 *by Consent of a Conservator—Additional Findings and Orders* (form JV-
40 177) to document its findings and orders, and attach the form to the findings
41 and orders document used for the review hearing.

Ex Parte Application for Voluntary Admission to a Psychiatric Residential Treatment Facility

Clerk stamps date here when form is filed.

DRAFT
Not approved by
Judicial Council
JV-172.v9.031523.ja

1 Child or nonminor dependent's social worker probation officer
a. Name: _____
b. Address: _____
c. Phone: _____

2 a. The child resides with parent guardian
 Indian custodian and that person wants to have the child admitted to a psychiatric residential treatment facility.
b. The child the nonminor dependent wants to make a voluntary admission to a psychiatric residential treatment facility under Welfare and Institutions Code section 6552.

3 The social worker or probation officer requests a court order authorizing the voluntary admission.

4 The child or nonminor dependent's mental disorder is (describe): _____

5 The proposed psychiatric residential treatment facility is (specify): _____

6 The mental disorder may reasonably be expected to be cured or ameliorated by the treatment offered by the facility because (describe): _____

7 a. The facility is the least restrictive setting for care and there are no other available hospitals, programs, or facilities that might better serve the child's medical needs and best interests because (describe): _____

b. The nonminor dependent believes admission to a less restrictive facility would not adequately address their mental disorder because (describe): _____

8 The child or nonminor dependent's case plan is attached to this form.

Fill in court name and street address:

Superior Court of California, County of

Fill in child's/nonminor's name and date of birth:

Child's/Nonminor's name:

Child's/Nonminor's date of birth:

Court fills in case number when form is filed.

Case Number:



9 a. The parent, guardian, or Indian custodian is seeking the child's admission to the facility. The basis of their belief that the child's admission to a psychiatric residential treatment facility is necessary is (describe): _____

b. The child is seeking admission to the facility and the parent, guardian, or Indian custodian does does not agree with the child's request for admission.

10 a. The mental health services, including community-based mental health services, that were offered or provided to the child were (describe): _____

b. The services in (a) were not sufficient because (describe): _____

c. No community-based services were provided because (describe): _____

11 The child was given a chance to confer privately with their attorney about the admission (describe how): _____


12 a. All members of the child's Child and Family Team agree to the admission.

b. 1. The following members of the child's Child and Family Team objects to the admission (specify): _____

2. The reason the member objects to the admission is (describe): _____

Date: _____

Type or print your name

 _____
Signature

Proof of Notice of Hearing on Application for Voluntary Admission to a Psychiatric Residential Treatment Facility

Clerk stamps date here when form is filed.

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The social worker or probation officer must provide notice of the hearing on the application for voluntary admission to a psychiatric residential treatment facility to all parties in the proceeding and their counsel of record, the child's tribe in the case of an Indian child, the child's court-appointed special advocate, if applicable, and any person designated as the child's educational or developmental representative.

The social worker or probation office must arrange for the child to be transported to the hearing.

Fill in court name and street address:
Superior Court of California, County of

① Notice of the hearing on the application for voluntary admission to a psychiatric residential treatment facility set for (date): _____ at (time): _____ in Department: _____ of the superior court at (address): _____

Fill in child's/nonminor's name and date of birth:
Child's/Nonminor's name:
Child's/Nonminor's date of birth:

Court fills in case number when form is filed.
Case Number:

was given to:

- a. Parent/legal guardian/Indian custodian (name): _____ Date notified: _____
 - (1) In person
 - (2) By phone at (specify): _____
- b. Parent/legal guardian/Indian custodian (name): _____ Date notified: _____
 - (1) In person
 - (2) By phone at (specify): _____
- c. Attorney for Parent/legal guardian/Indian custodian (name): _____ Date notified: _____
 - (1) In person
 - (2) By phone at (specify): _____
- d. Attorney for Parent/legal guardian/Indian custodian (name): _____ Date notified: _____
 - (1) In person
 - (2) By phone at (specify): _____
- e. Child or nonminor dependent (name): _____ Date notified: _____
 - (1) In person
 - (2) By phone at (specify): _____

- f. Attorney for child or nonminor dependent (*name*): _____
Date notified: _____
 - (1) In person
 - (2) By phone at (*specify*): _____
- g. The Indian child's tribe (*name*): _____ Date notified: _____
 - (1) In person
 - (2) By phone at (*specify*): _____
- h. Attorney for the Indian child's tribe (*name*): _____ Date notified: _____
 - (1) In person
 - (2) By phone at (*specify*): _____
- i. The child's court-appointed special advocate (*name*): _____
Date notified: _____
 - (1) In person
 - (2) By phone at (*specify*): _____
- j. The child's educational or developmental representative (*name*): _____
Date notified: _____
 - (1) In person
 - (2) By phone at (*specify*): _____
- k. Attorney for the child welfare agency (*name*): _____
Date notified: _____
 - (1) In person
 - (2) By phone at (*specify*): _____
- l. District Attorney (*name*): _____ Date notified: _____
 - (1) In person
 - (2) By phone at (*specify*): _____
- m. Other (*name*): _____ Date notified: _____
 - (1) In person
 - (2) By phone at (*specify*): _____
 - (3) Relationship to child (*specify*): _____
- n. Other (*name*): _____ Date notified: _____
 - (1) In person
 - (2) By phone at (*specify*): _____
 - (3) Relationship to child (*specify*): _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____



Type or print your name

Sign your name

Order on Application for Voluntary Admission to a Psychiatric Residential Treatment Facility

Clerk stamps date here when form is filed.

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the Judicial Council
JV-174.v8.032923.jh**

- 1 a. Hearing date: _____ Time: _____ Dept.: _____
Room: _____
- b. Judicial officer: _____
- c. Parties and attorneys present:

Fill in court name and street address:

Superior Court of California, County of

- 2 The court has read and considered the following:
 - a. The report from the social worker probation officer filed on *(date)*: _____
 - b. CASA report dated: _____
 - c. Other *(specify)*: _____
 - d. Other *(specify)*: _____
 - e. Other *(specify)*: _____

Fill in child's/nonminor's name and date of birth:

Child's/Nonminor's name:

Child's/Nonminor's date of birth:

THE COURT FINDS AND ORDERS

- 3 a. Notice requirements were met. The people requiring notice in Welfare and Institutions Code section 361.23(b)(3) were notified as required by California Rules of Court, rule 5.619.
- b. Notice requirements were not met. The following people were not noticed as required by law:

Court fills in case number when form is filed.

Case Number:

- 4 The request for voluntary admission of a child to the psychiatric residential treatment facility identified in the placing agency's request is:
 - a. granted. The court finds by clear and convincing evidence all of the following:
 - (1) The child suffers from a mental disorder that may reasonably be expected to be cured or ameliorated by a course of treatment offered by the hospital, facility, or program in which the child wishes to be placed.
 - (2) The psychiatric residential treatment facility is the least restrictive setting needed to treat the child's mental disorder.
 - (3) There is no other available hospital, program, or facility that might better serve the child's medical needs and best interests, including community-based mental health services.
 - (4) The child has given knowing and intelligent consent to admission to the facility, and the consent was not made under fear of detention or initiation of conservatorship proceedings.
 - (5) The child, and where appropriate, the parent, legal guardian, or Indian custodian have been advised of the nature of inpatient psychiatric services, parent's rights, and their right to contact a patient rights advocate.



4 b. not granted.

5 The request for voluntary admission of a nonminor dependent to the residential psychiatric treatment facility identified in the placing agency's request is:

a. granted.

(1) The court finds that the nonminor or nonminor dependent has given knowing and intelligent consent. A court order is not needed to discharge the nonminor dependent if the nonminor dependent subsequently withdraws their consent.

(2) To ensure that the child welfare agency probation department promptly makes all necessary arrangements to ensure the nonminor dependent is discharged in a timely manner and with all services and supports in place as necessary for a successful transition into a less restrictive setting, the court orders the following (*specify*): _____

b. not granted.

(1) The nonminor dependent has not given knowing and intelligent consent. The social worker probation officer is ordered to inform the facility of this finding, direct the facility to discharge the nonminor dependent in accordance with the nonminor dependent's aftercare plan, and ensure that the aftercare plan is implemented to ensure integration with the nonminor dependent's family, school, and community upon discharge.

(a) A hearing to verify that the nonminor dependent has been discharged is scheduled on (*specify date no later than 30 days from today's hearing date*): _____ (*specify time*): _____ in dept. (*specify*): _____

6 The parent's legal guardian's Indian custodian's conduct may have contributed to the deterioration of the child's mental disorder. The child welfare agency must investigate whether the child may be safely returned to that person's custody when discharged from the facility and must take appropriate action including, but not limited to, taking the child into protective custody and filing a petition under Welf. & Inst. Code section 342 or 387.

7 A review hearing on the child's placement in the facility based upon the medical necessity of that placement is scheduled on (*specify date that is no later than 60 days after the admission of the child or nonminor dependent to the psychiatric treatment facility*): _____ (*specify time*): _____ at in dept. (*specify*): _____

Judge's Signature

Date: _____

Judge or Judicial Officer

Review of Voluntary Admission of a Child to a Psychiatric Residential Treatment Facility

Clerk stamps date here when form is filed.

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JV-175.v9.031723.ja**

- 1 a. Hearing date: _____ Time: _____ Dept.: _____
Room: _____
- b. Judicial officer: _____
- c. Parties and attorneys present:

Fill in court name and street address:

Superior Court of California, County of

- 2 The court has read and considered the following:
 - a. The report from the social worker probation officer filed on *(date)*: _____
 - b. CASA report dated: _____
 - c. Other *(specify)*: _____
 - d. Other *(specify)*: _____
 - e. Other *(specify)*: _____

Fill in child's/nonminor's name and date of birth:

Child's/Nonminor's name:

Child's/Nonminor's date of birth:

THE COURT FINDS AND ORDERS

- 3 a. Notice requirements were met. The people requiring notice in Welfare and Institutions Code section 361.23(b)(3) or 727.13(a)(3) were notified as required by law.
- b. Notice requirements were not met. The following people were not noticed as required by law:

Court fills in case number when form is filed.

Case Number:

- 4 The parent guardian Indian custodian
 does does not continue to consent to the voluntary admission to a residential psychiatric treatment facility.

- 5 a. The child continues to consent to the voluntary admission to a residential psychiatric treatment facility.
- b. The child does not continue to consent to the voluntary admission to a residential psychiatric treatment facility.
 - (1) The social worker probation officer must work immediately with the facility for discharge to a different setting with the appropriate and necessary supports in place.
 - (2) The court makes the following orders to ensure that the child welfare agency probation department makes all necessary arrangements for the child's discharge promptly and that all services and supports are in place for the child's successful transition to a different setting: _____



- b. (3) The social worker probation officer must work with the facility on the child's aftercare plans as appropriate based on the child's progress.
- (4) The child welfare agency probation department must file a section 388 section 778 petition within two court days of notice of the revocation of consent, requesting an order vacating the court's authorization of the child's admission to the facility.
- (5) A hearing to verify that the child has been discharged is (*specify date that is no later than 30 days from today*): _____ at (*specify time*): _____ in dept. (*specify*): _____

- 6 a. The child does continue to suffer from a mental disorder that may reasonably be expected to be cured or ameliorated by a course of treatment offered by the facility.
- b. The child does not continue to suffer from a mental disorder that may reasonably be expected to be cured or ameliorated by a course of treatment offered by the facility.
 - (1) The social worker probation officer must work immediately with the facility for discharge to a different setting with the appropriate and necessary supports in place.
 - (2) The court makes the following orders to ensure that the child welfare agency probation department makes all necessary arrangements for the child's discharge promptly and that all services and supports are in place for the child's successful transition to a different setting: _____

 - (3) The social worker probation officer must work with the facility on the child's aftercare plans as appropriate based on the child's progress.
 - (4) A hearing to verify that the child has been discharged is (*specify date that is no later than 30 days from today*): _____ at (*specify time*): _____ in dept. (*specify*): _____

- 7 a. There are no other available less restrictive hospital, program, facility, or community-based mental health services that might better serve the child's medical needs and best interests.
 - (1) The child has been at the facility for over 30 days. The court finds that the following facts overcome the presumption that the facility is not the least restrictive alternative to serve the child's medical needs and best interests: _____

- b. There are other available less restrictive hospital, program, facility, or community-based mental health services that might better serve the child's medical needs and best interests.
 - (1) The social worker probation officer must work immediately with the facility for discharge to a different setting with the appropriate and necessary supports in place.

7 b. (2) The court makes the following orders to ensure that the child welfare agency probation department makes all necessary arrangements for the child's discharge promptly and that all services and supports are in place for the child's successful transition to a different setting: _____

(3) The social worker probation officer must work with the facility on the child's aftercare plans as appropriate based on the child's progress.

(4) A hearing to verify that the child has been discharged is scheduled on (specify date that is no later than 30 days from today): _____ at (specify time): _____ in dept. (specify): _____

(5) A hearing to ensure that other services have been provided to the child is scheduled on (specify date that is no later than 60 days from the child's discharge): _____ at (specify time): _____ in dept. (specify): _____

8 The child continues to consent to admission, continues to suffer from a mental disorder that may reasonably be expected to be cured or ameliorated by a course of treatment offered by the facility, and there are no other available less restrictive hospital, program, facility, or community-based mental health services that might better serve the child's medical needs and best interests. The court authorizes the child's continued admission to the psychiatric residential treatment facility.

a. A review hearing on the child's placement in the facility based upon the medical necessity of that placement is scheduled on (specify date that is no later than 30 days from today): _____ (specify time): _____ in dept (specify): _____ at _____

9 The psychiatric residential treatment facility has failed to meet its legal obligation to provide services to the child.

a. The social worker probation officer must engage with the facility to ensure the child is receiving all necessary services.

b. The court has issued *Notice of Hearing on Joinder—Juvenile* (form JV-540).

Judge's Signature

Date: _____

Judge or Judicial Officer

Review of Voluntary Admission of a Nonminor Dependent to a Psychiatric Residential Treatment Facility

Clerk stamps date here when form is filed.

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Not approved by
the Judicial Council
JV-176.v9.032923.jh

- ① a. Hearing date: _____ Time: _____ Dept.: _____
Room: _____
- b. Judicial officer: _____
- c. Parties and attorneys present:

Fill in court name and street address:

Superior Court of California, County of

- ② The court has read and considered the following:
 - a. The report from the social worker probation officer filed on *(date)*: _____
 - b. CASA report dated: _____
 - c. Other *(specify)*: _____
 - d. Other *(specify)*: _____
 - e. Other *(specify)*: _____

Fill in child's/nonminor's name and date of birth:

Child's/Nonminor's name:

Child's/Nonminor's date of birth:

Court fills in case number when form is filed.

Case Number:

THE COURT FINDS AND ORDERS

- ③ a. Notice requirements were met. The people requiring notice in Welfare and Institutions Code section 361.23 (b)(3) were notified as required by California Rules of Court, rule 5.619.
- b. Notice requirements were not met. The following people were not noticed as required by:

- ④ a. The nonminor dependent continues to consent to the voluntary admission to a residential psychiatric treatment facility, and the evidence supports the nonminor dependent's need for care and treatment at the facility.
 - (1) The social worker probation officer must transmit this form to the nonminor dependent's interdisciplinary team.
 - (2) The social worker probation officer must work with the facility on the nonminor dependent's aftercare plan as appropriate based on the nonminor dependent's need to achieve independence.
 - (3) A hearing to review the nonminor dependent's placement in the facility based upon the medical necessity of that placement is scheduled for *(specify date that is no later than 30 days from today)*: _____
at *(specify time)*: _____ in dept. *(specify)*: _____



- 4 b. The nonminor dependent does not continue to consent to the voluntary admission to a residential psychiatric treatment facility.
- (1) The social worker probation officer must immediately notify the facility and immediately work with the nonminor dependent and the facility for discharge to a less restrictive setting with the appropriate and necessary services and supports in place.
- (2) The court makes the following orders to ensure that the child welfare agency probation department makes all necessary arrangements for the nonminor dependent's discharge promptly and that all services and supports are in place for the nonminor dependent's successful transition to a different setting: _____

- (3) The child welfare agency probation officer must file a Welf. & Inst. Code section 388 section 778 petition within two court days of notice of the revocation of consent, requesting an order vacating the court's authorization of the nonminor dependent's admission to the facility.
- (4) A hearing to verify that the nonminor dependent has been discharged is scheduled on (specify date that is no later than 30 days from today): _____ at (specify time): _____ in dept. (specify): _____
- (5) The nonminor dependent should receive treatment through another hospital, program, facility, or community-based mental health service. A hearing to ensure that the other services have been provided is scheduled on (specify date that is no later than 60 days from discharge date): _____ at (specify time): _____ in dept. (specify): _____

- 5 The psychiatric residential treatment facility has failed to meet its legal obligation to provide services to the child.
- a. The social worker probation department must engage with the facility to ensure the child is receiving all necessary services.
- b. The court has issued *Notice of Hearing on Joinder—Juvenile* (form JV-540).

Judge's Signature

Date: _____

Judge or Judicial Officer

JV-177

Admission to Psychiatric Residential Treatment Facility by Consent of Conservator—Additional Findings and Orders

Case Number:

This form is attached to (check one): [] local court minute order [] JV-425 [] JV-426 [] JV-430 [] JV-435 [] JV-440 [] JV-445 [] JV-446 [] JV-462 [] Other (specify):

THE COURT FINDS AND ORDERS

- 1 The court has reviewed the child's, nonminor's, or nonminor dependent's case plan.
2 [] The court makes the following orders to ensure that the [] child welfare agency [] probation department promptly makes all necessary arrangements to ensure that the child, nonminor, or nonminor dependent is discharged from the psychiatric residential treatment facility in a timely manner and with all services and supports in place as necessary for a successful transition to a less restrictive setting (specify):

- 3 [] The [] social worker [] probation department must work with [] the facility [] the child's, nonminor's, or nonminor dependent's conservator to ensure the child, nonminor, or nonminor dependent is receiving all necessary child welfare services and to develop an appropriate aftercare plan based on the evidence of the child's, nonminor's, or nonminor dependent's progress.

Judge's Signature

Date:

Judge or Judicial Officer