

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue
San Francisco, California 94102-3688

Report Summary

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee
Hon. Jerilyn L. Borack and Hon. Susan D. Huguenor, Cochairs
Kerry Doyle, Attorney, 415-865-8791, kerry.doyle@jud.ca.gov

DATE: September 8, 2006

SUBJECT: Juvenile Law: Miscellaneous Rules and Forms (amend Cal. Rules of Court, rules 5.536, 5.552, 5.570, 5.610, 5.630, 5.635, 5.690, 5.710–5.725, 5.740, 5.785, and 5.810; revise forms ADOPT-200, ADOPT-210, ADOPT-215, ADOPT-226, ADOPT-230, JV-180, JV-365, JV-501, JV-505, and JV-665; and adopt forms JV-182 and JV-224) (Action Required)¹

Issue Statement

Several statutes have been enacted or amended recently that affect rules of court and Judicial Council forms related to juvenile law. Additionally, appellate court decisions and court users have brought to our attention the need to clarify juvenile rules and forms.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that, effective January 1, 2007, the Judicial Council:

1. Amend rule 5.536 to delete the outdated statutory references it contains.
2. Amend rule 5.552 to follow two recent appellate court decisions holding that juvenile court records may be disclosed only by a judicial officer of the juvenile court, rather than by any judicial officer, and that juvenile court files can be inspected but not copied.

¹ At the June 30, 2006, meeting, the Judicial Council approved reorganization and renumbering of the California Rules of Court and Standards of Judicial Administration, effective January 1, 2007. Under the reorganization, the juvenile rules that were numbered 1400 et seq. have been renumbered as rules 5.501 et seq., and new format conventions have been adopted. Hence, the amendments to these rules are shown throughout this proposal as amendments to the new rule number that will become effective January 1, 2007. The rules in this proposal were renumbered as follows: rule 5.536 is former rule 1415; rule 5.552 is former rule 1423; rule 5.570 is former rule 1432; rule 5.610 is former rule 1425; rule 5.630 is former rule 1429.5; rule 5.690 is former rule 1455; rule 5.710 is former rule 1460; rule 5.740 is former rule 1466; rule 5.785 is former rule 1492; and rule 5.810 is former rule 1496.

3. Amend rule 5.570; revise form JV-180, *Request to Change Court Order*; and adopt form JV-182, *Confidential Information (Request to Change Court Order)*, to correct omissions on the forms and to provide the necessary process to keep addresses confidential.
4. Amend rule 5.610 to allow regional collaborations of courts to modify mandatory form JV-550, *Juvenile Court Transfer Orders*, to facilitate the efficient processing of transfer cases among those courts.
5. Amend rule 5.630 to conform to the newly enacted Welfare and Institutions Code section 213.5(a), which allows the juvenile court to issue orders protecting parents, guardians, or caregivers, without simultaneously issuing a protective order for the child.
6. Amend rule 5.635 and revise forms JV-501, *Paternity Finding and Judgment*, and JV-505, *Statement Regarding Paternity*, to conform to recent Supreme Court decisions holding that a child can have two same-sex parents.
7. Amend rules 5.690 and 5.785 to reflect the new statutory extension of time for counties to complete child welfare case plans from 30 calendar days to the federal maximum of 60 calendar days.
8. Amend rules 5.710–5.720, 5.740, 5.785, and 5.810 to reflect the new statutory requirement that a child be actively involved in the development of his or her case plan.
9. Amend rules 5.710–5.725 and revise form JV-365, *Termination of Dependency Jurisdiction—Child Attaining Age of Majority (Juvenile)*, to conform to requirements of Assembly Bill 1412 (Leno) (Stats. 2005, ch. 640) that children in foster care maintain positive relationships with individuals important to them.
10. Revise form ADOPT-200, *Adoption Request*, to alert self-represented adoptive parents to the need for termination of parental rights proceedings before adoption is finalized.
11. Revise forms ADOPT-200, *Adoption Request*; ADOPT-210, *Adoption Agreement*; ADOPT-215, *Adoption Order*; and ADOPT 230, *Adoption Expenses*, to bring them into compliance with the requirement of Government Code section 14771(a)(14) that the rights and duties of marriage be extended to persons registered as domestic partners.
12. Revise form ADOPT-226, *Notice of Adoption Proceedings for an Indian Child* by using plain-language instructions and by adding “Possible” to modify the term *Indian Child* in the form’s title.
13. Revise form JV-665, *Disposition—Juvenile Delinquency*, to correct grammatical and legal inaccuracies, to delete the option of releasing the child to a parent or guardian pending placement in a group home, and to add a new dispositional option for placement in a ranch or camp.
14. Adopt form JV-224, *Order Regarding Eligibility for Special Immigrant Juvenile Status*, to simplify the Special Immigrant Juvenile Status application process.

The proposed rules and forms are attached at pages 15–73.

Rationale for Recommendation

This proposal makes changes to rules and forms in 11 areas of juvenile law: judicial officers, confidentiality, requests to change court orders, intercounty transfer hearings, restraining orders, parentage, case plans, maintaining children's important relationships, adoption forms, delinquency disposition form, and immigration.

Judicial officers

The committee proposes amending rule 5.536 regarding appointing referees to delete the outdated statutory references it contains and to eliminate the word-for-word replication of Welfare and Code Institutions section 234.5 in the rule of court.

Confidentiality

The committee proposes amending rule 5.552 to follow two recent California appellate court decisions.

Request to change court order

The committee recommends amending rule 5.570 to reference the newly created form JV-180, *Request to Change Court Order*, and to clarify that addresses can be kept confidential. The committee also recommends adopting form JV-182, *Confidential Information (Request to Change Court Order)*, to provide the necessary process to keep addresses confidential.

Transfer-out hearing

The committee proposes amending rule 5.610 to allow regional collaborations of courts to modify mandatory form JV-550 to facilitate the efficient transfer of cases among those courts.

Restraining orders

The committee proposes amending rule 5.630 to conform it to newly amended section 213.5(a) of the Welfare and Institutions Code. That section now allows the juvenile court to issue orders protecting parents, guardians, and caregivers regardless of whether the juvenile court is simultaneously issuing an order protecting the child.

Parentage

The committee recommends various amendments to rule 5.635 and revisions to forms JV-501 and JV-505 to follow recent California Supreme Court holdings recognizing that a child can have two same-sex parents when each intends to be the parent² or each meets the definition of *parent* under the Uniform Parentage Act.³

² *Elisa B. v. Superior Court* (2005) 37 Cal.4th 108.

³ *Kristine H. v. Lisa R.* (2005) 37 Cal.4th 156; *K.M. v. E.G.* (2005) 37 Cal.4th 130.

Case plans

The committee proposes amending rules 5.690 and 5.785 to reflect the new statutory extension of time for counties to complete child welfare case plans from 30 calendar days to the federal maximum of 60 calendar days.

The committee further proposes amending rules 5.710–5.720, 5.740, 5.785, and 5.810 to reflect the new statutory requirement that a child be actively involved in the development of his or her case plan. The committee recommends amending the rules to require findings regarding children’s and parents’ involvement in the case plan development.

Maintaining children’s important relationships

AB 1412 (Leno) (Stats. 2005, ch. 640) follows AB 408 (Steinberg) (Stats. 2003, ch. 813) and its clarifying amendments in AB 2807 (Steinberg) (Stats. 2004, ch. 810). All three bills intended to ensure that children in foster care retain or reestablish positive, important relationships with individuals other than parents or siblings. The committee proposes amending the portions of rules 5.710–5.725 that define the children to whom the special-relations requirements apply by referencing children in out-of-home placement for six months or longer.

Adoption forms

The committee recommends revising form ADOPT-200, *Adoption Request*, to add items requesting copies of documents that show parental rights have been terminated or are in the process of being terminated. This addition will alert self-represented adoptive parents of the need for these proceedings before the court will finalize the adoption. The committee also recommends revising this form to conform to Senate Bill 302 (Scott) (Stats. 2005, ch. 627), which specifies that in a stepparent adoption the consent of either birthparent may be witnessed by a notary public in addition to the other designated witness.

The committee recommends revising forms ADOPT-200, *Adoption Request*; ADOPT-210, *Adoption Agreement*; ADOPT-215, *Adoption Order*; and ADOPT-230, *Adoption Expenses*, to bring them into compliance with requirements in Government Code section 14771(a)(14) that the rights and duties of marriage be extended to persons registered as domestic partners.

The committee further recommends revising form ADOPT-226, *Notice of Adoption Proceedings for an Indian Child*, to assist adoptive parents and agencies in completing it by using plain language to describe the type of adoption and the required information. The committee further recommends adding “Possible” to modify the term *Indian Child* in the form’s title to indicate that it is notice of an adoption proceeding for a possible Indian child.

Delinquency disposition form

The committee recommends revising this newly created form to correct a grammatically and legally inaccurate finding, and deleting the option of releasing the child to a parent pending placement, as this option is inconsistent with the statutory provisions and case law governing youth removed from their parents' physical custody.⁴ Additionally, the committee recommends adding a new dispositional option for placement in a camp or ranch, as these are permissible sanctions provided under Welfare and Institutions Code section 202(4)(e).

Special Immigrant Juvenile Status

The committee recommends adoption of Form JV-224, *Order Regarding Eligibility for Special Immigrant Juvenile Status*, which contains all the necessary findings to apply for Special Immigrant Juvenile Status (SIJS). This status provides lawful, permanent residency to children who are under the jurisdiction of a juvenile court and who will not be reunified with their parents because of abuse, neglect, or abandonment.⁵

Alternative Actions Considered

The proposed amendments and revisions are necessary to bring the rules and forms into compliance with governing law. No alternative actions were considered.

Comments From Interested Parties

The invitation to comment on the proposal was circulated from April 24 through June 23, 2006, to the standard mailing list for family and juvenile law proposals, as well as to the regular rules and forms mailing list. This distribution list includes judges, court administrators, attorneys, social workers, probation officers, mediators, and other family and juvenile law professionals. Staff received a total of 23 comments. Only 1 commentator disagreed; 10 commentators agreed with the proposed changes; 11 commentators agreed with the proposal if modified and suggested both technical and substantive changes.

The comments are attached at pages 74–102.

Implementation Requirements and Costs

Implementation of the revised forms will incur standard reproduction costs.

Attachments

⁴ *In re Nathan W.* (1988) 205 Cal.App.3d 1496, 1500. "It would defy reason for a court to find parental custody would be detrimental to the minor and nevertheless order the child home on probation."

⁵ 8 C.F.R. § 204.11 (2005).

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Rationale for Recommendation

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Judicial officers

The committee proposes amending rule 5.536 regarding appointing referees to delete the outdated statutory references it contains and to eliminate the word-for-word replication of Welfare and Code Institutions section 234.5 in the rule of court.

⁶ At the June 30, 2006, meeting, the Judicial Council approved reorganization and renumbering of the California Rules of Court and Standards of Judicial Administration, effective January 1, 2007. Under the reorganization, the juvenile rules that were numbered 1400 et seq. have been renumbered as rules 5.501 et seq., and new format conventions have been adopted. Hence, the amendments to these rules are shown throughout this proposal as amendments to the new rule number that will become effective January 1, 2007. The rules in this proposal were renumbered as follows: rule 5.536 is former rule 1415; rule 5.552 is former rule 1423; rule 5.570 is former rule 1432; rule 5.610 is former rule 1425; rule 5.630 is former rule 1429.5; rule 5.690 is former rule 1455; rule 5.710 is former rule 1460; rule 5.740 is former rule 1466; rule 5.785 is former rule 1492; and rule 5.810 is former rule 1496.

Confidentiality

The committee proposes amending rule 5.552 to follow two recent California appellate court decisions. One held that juvenile court files may be disclosed only by a judicial officer of the juvenile court, rather than by any judicial officer.⁷ Another held that juvenile court files can be inspected but not photocopied.⁸ The rule would clarify that juvenile court files may only be disclosed by an officer of the juvenile court. Additionally, the rule would not allow copying of the juvenile court record absent a court order, except by a party or an attorney for a party while the case is pending.

Request to change court order

The committee recommends amending rule 5.570 to reference the newly created form JV-180, *Request to Change Court Order*, and to clarify that addresses can be kept confidential. Form JV-180 was approved for mandatory use by the Judicial Council effective January 1, 2006. Court users have brought to our attention that the form does not contain space for the petitioner's address, an attorney's State Bar number, or the parties whom the noticed attorneys represent. The committee recommends amending the recently created form to correct these omissions. The committee also recommends adopting form JV-182, *Confidential Information (Request to Change Court Order)*, to provide the necessary process to keep addresses confidential.

Transfer-out hearing

The committee proposes amending rule 5.610 to allow regional collaborations of courts to modify mandatory form JV-550 to facilitate the efficient transfer of cases among those courts. Use of a modified form would require approval by the Administrative Office of the Courts (AOC). The amendment does not affect the continued use of the original mandatory form by regional collaborations when a court is transferring a case to a court outside the collaboration or when a court accepts a transfer from a court outside the collaboration.

Restraining orders

The committee proposes amending rule 5.630 to conform it to newly amended section 213.5(a) of the Welfare and Institutions Code. That section now allows the juvenile court to issue orders protecting parents, guardians, and caregivers regardless of whether the juvenile court is simultaneously issuing an order protecting the child.

Parentage

The committee recommends various amendments to rule 5.635 and revisions to forms JV-501 and JV-505 to follow recent California Supreme Court holdings recognizing that a child can have two same-sex parents when each intends to be the parent⁹ or each meets the definition of *parent* under the Uniform Parentage Act.¹⁰

⁷ *In re Anthony H.* (2005) 129 Cal. App.4th 495.

⁸ *In re Gina S.* (2005) 133 Cal. App.4th 1074.

⁹ *Elisa B. v. Superior Court* (2005) 133 Cal.App.4th 1074

¹⁰ *Kristine H. v. Lisa R.* (2005) 37 Cal.4th 108. ; *K.M. v. E.G.* (2005) 37 Cal.4th 130.

The amendments include revising phrases in the parentage inquiry rule 5.635 such as “cohabiting with a man” to “cohabiting with another adult” and adding the question, “Has the child been raised jointly with another adult or in any other co-parenting arrangement?” The committee proposes amending form JV-501 to include findings of presumed parentage. This change would include all possible parentage findings on one form. The committee proposes amending form JV-505 by deleting the word *paternity* from the form and replacing it with the word *parentage*. Additionally, the committee proposes adding a section to the form to allow its use as a request for presumed-parent status.

Case plans

The committee proposes amending rules 5.690 and 5.785 to reflect the new statutory extension of time for counties to complete child welfare case plans from 30 calendar days to the federal maximum of 60 calendar days. In 2004, the California Legislature enacted AB 2795 (Wolk) (Stats. 2004, ch. 421), which, in part, amended section 16501.1 of the Welfare and Institutions Code. The bill extended the time available to complete the initial case plan from 30 to 60 days. The bill also declared the Legislature’s intent that extending the maximum time available for preparing a written case plan will afford social workers time to actively engage families and solicit and integrate the input of the child and child’s family, as well as other interested parties, into the case plan. California’s Court Improvement Project (CIP) Reassessment¹¹ was a comprehensive study on how California’s juvenile courts were performing. One of the recommendations of the CIP Reassessment was that the Judicial Council, in making rule or form revisions implementing AB 2795, include a requirement that courts inquire about and make findings on the extent to which parents, children, and caregivers were given the opportunity to participate in, and did in fact participate in, the creation of the case plan. The committee therefore recommends that the rules require such a finding.

The committee is aware that the statute is ineffective until 90 days after the date that the California Department of Social Services (CDSS) gives counties written notice that the necessary changes have been made to the Child Welfare Services Case Management System (CWS/CMS) to account for the 60-day time frame for preparing a written case plan. While CDSS has not given counties written notice that the necessary changes have been made to the CWS/CMS, on April 19, 2006, CDSS issued a letter to all county welfare directors, all child welfare services program managers, and all chief probation officers that deemed that the planned modifications to the CWS/CMS were not necessary for the implementation of this change. CDSS wrote that effective 90 days from the date of the letter, the maximum time available for completing a written case plan can be extended to 60 days. The committee therefore recommends that the rule of court reflect the extension of time from 30 to 60 days.

¹¹ Administrative Office of the Courts, Center for Families, Children & the Courts, *California Dependency Court Improvement Program Reassessment* (2005).

The committee further proposes amending rules 5.710–5.720, 5.740, 5.785, and 5.810 to reflect the new statutory requirement that a child be actively involved in the development of his or her case plan. In 2005, the California Legislature enacted AB 1412 (Leno) (Stats. 2005, ch. 640), which made a legislative finding and declaration that a child’s input into his or her case plan is valuable and necessary to the development of a plan that best meets the child’s unique needs. Current law also requires the input of the parents in the case planning process.¹² The committee recommends amending the rules to require findings regarding the children and parents’ involvement in the case plan development. The proposed rule amendments would provide further judicial oversight of the case-planning process to ensure that children and parents are actively involved in the case plan and permanency planning process.

Maintaining children’s important relationships

AB 1412 (Leno) (Stats. 2005, ch. 640) follows AB 408 (Steinberg) (Stats. 2003, ch. 813) and its clarifying amendments in AB 2807 (Steinberg) (Stats. 2004, ch. 810). All three bills intended to ensure that children in foster care retain or reestablish positive, important relationships with individuals other than parents or siblings. Before AB 1412, the requirements applied only to children in group homes for six months or longer. AB 1412 expands the group of children for whom the special-relations requirements apply to those in out-of-home placement for six months or longer. AB 1412 further specifies to which children the requirements apply by adding section 366.35 to the Welfare and Institutions Code. That section sets out phases of expansion subject to appropriation through the State Budget process. The committee proposes amending the portion of rules 5.710–5.725 that define the children to whom the special-relations requirements apply by referencing children in out-of-home placement for six months or longer.

Adoption forms

The committee recommends revising form ADOPT-200, *Adoption Request*, to add items requesting copies of documents that show parental rights have been terminated or are in the process of being terminated. This addition will alert self-represented adoptive parents of the need for these proceedings before the court will finalize the adoption. The committee also recommends revising this form to conform to Senate Bill 302 (Scott) (Stats. 2005, ch. 627), which specifies that in a stepparent adoption the consent of either birthparent may be witnessed by a notary public in addition to the other designated witness. Before this bill, notary publics could only witness consents signed outside California. The committee recommends deleting the special instructions regarding notary publics signing outside California, as they can now witness consents within the state as well.

The committee recommends revising forms ADOPT-200, *Adoption Request*; ADOPT-210, *Adoption Agreement*; ADOPT-215, *Adoption Order*; and ADOPT-230, *Adoption Expenses*, to bring them into compliance with the requirements in Government Code section 14771(a)(14) that the rights and duties of marriage be extended to persons

¹² Welf. & Inst. Code, § 16501.1(d)(1).

registered as domestic partners. The proposed amendments and deletions to the adoption forms would add *domestic partners* anywhere *spouses* are listed and would eliminate any unnecessary references to domestic partners.

The committee further recommends revising form ADOPT-226, *Notice of Adoption Proceedings for an Indian Child*, to assist adoptive parents and agencies in completing it by using plain language to describe the type of adoption and the required information. The committee further recommends adding “Possible” to modify the term *Indian Child* in the form’s title to indicate that it is notice of an adoption proceeding for a possible Indian Child.

Delinquency Disposition Form

The Judicial Council approved form JV-665 for mandatory use beginning January 1, 2006. Finding 16(h) on this form is grammatically and legally inaccurate. The committee recommends changing this finding to read: “The likely date by which the child may be returned to and safely maintained in the home or another permanent plan selected is ____.” The finding would then follow the requirement in Welfare and Institutions Code section 727.2.

The committee also recommends deleting the option of releasing the child to a parent, pending placement. This option is inconsistent with the statutory provisions and case law governing youth removed from their parents’ physical custody.¹³ Before a child is placed out of the home, the court must find that continuance in the home of the parent or legal guardian is contrary to the child’s welfare.¹⁴ Once this finding is made it would be illogical to then return the child to that home.

Additionally, the committee recommends adding a new dispositional option for placement in a camp or ranch, as these are permissible sanctions provided under Welfare and Institutions Code section 202(4)(e).

Special Immigrant Juvenile Status

Special Immigrant Juvenile Status (SIJS) provides lawful permanent residency to children who are under the jurisdiction of a juvenile court and who will not be reunified with their parents because of abuse, neglect, or abandonment. The requirements for SIJS are specified in federal statute¹⁵ and regulations.¹⁶ The SIJS application is based on a special order that must be signed by the juvenile court judge. The committee recommends adoption of Form JV-224, *Order Regarding Eligibility for Special Immigrant Juvenile Status*, which contains all the necessary findings to apply for SIJS. This form would simplify the SIJS application process and reduce court, agency, and attorney workload.

¹³ *In re Nathan W.* (1988) 205 Cal.App.3d 1496, 1500. “It would defy reason for a court to find parental custody would be detrimental to the minor and nevertheless order the child home on probation.”

¹⁴ Welf. & Inst. Code, §§ 636(d), 11401(b)(3); Cal. Rules of Court, rule 5.760(d)(1), formerly rule 1475(c)(1).

¹⁵ Immigration and Naturalization Act, § 101(a)(27)(J), 8 U.S.C. § 1101(a)(27)(J).

¹⁶ 8 C.F.R. § 204.11 (2005).

Additionally, a form dedicated to this issue will remind courts and practitioners that this benefit is available to undocumented children under the jurisdiction of the juvenile court.

Alternative Actions Considered

The proposed amendments and revisions are necessary to bring the rules and forms into compliance with governing law. No alternative actions were considered.

Comments From Interested Parties

The invitation to comment on the proposal was circulated from April 24 through June 20, 2006, to the standard mailing list for family and juvenile law proposals, as well as to the regular rules and forms mailing list. This distribution list includes judges, court administrators, attorneys, social workers, probation officers, mediators, and other family and juvenile law professionals. Staff received a total of 23 comments. Only 1 commentator disagreed; 10 commentators agreed with the proposed changes; 12 commentators agreed with the proposal if modified and suggested both technical and substantive changes.

The only commentator who did not agree with the proposal disagreed with form JV-655, *Disposition—Juvenile Delinquency*. He commented that the form was inconsistent with his county's process and format. Two commentators asked that form JV-655 be reconsidered for use as an optional form. This form, however, was approved by the Judicial Council for mandatory use beginning January 1, 2006, after targeted development and a collaborative effort of counties. In addition, several commentators suggested substantive changes that went beyond the scope of the two proposed changes and raised issues necessitating circulation for comment. For example, one commentator suggested adding a place for the court to set the maximum confinement time on a commitment to the Juvenile Justice division of the Department of Corrections and Rehabilitation under Welfare and Institutions Code section 731's "individual facts and circumstances" considerations. Another commentator suggested creating space for the judge to identify which specific "reasonable efforts" have been offered to a minor and family before the court removes the minor from parental custody. Although these comments are beyond the scope of this proposal, the committee will consider these and other suggestions for a future cycle.

One commentator from a large court suggested that authorization for a person to inspect or obtain copies of the juvenile court record should be allowed by any judicial officer of the superior court, rather than of the juvenile court. That court's local rules allow a judicial officer to be cross-designated as a judge of the juvenile court to hear a Welfare and Institutions Code section 827 petition. The proposed amendment to rule 5.552 would invalidate local cross-designation procedure. Allowing cross-designation of superior court judges from other divisions is a good practice, the court contends, because the judge hearing the case in the other division (e.g., criminal, civil, probate) usually will be in a better position to determine which parts of the juvenile case file, if any, are relevant and material to the case proceeding before that court. In contrast, the juvenile court presiding

judge would normally be less familiar with the facts and legal issues in the criminal, civil, or other case for which the information is sought. The commentator further states that cross-designation should be allowed, to ease the juvenile court's heavy workload.

The committee does not agree with allowing judicial officers other than juvenile court judicial officers to determine which confidential juvenile court documents should be released to parties other than those automatically allowed to inspect the records by statute. The confidentiality rules were designed to protect the confidentiality interest of the dependent child. It is irrelevant which court is in the best position to determine which parts of the file are relevant and material to the proceeding outside juvenile court. The purpose of section 827 is to protect the confidentiality and best interest of the dependent child. One appellate court recently held:

In construing rule 1423, consistent with the language, purpose and intent of section 827, we conclude the reference in rule 1423(b) to "judicial officer designated by the juvenile court presiding judge" was intended to be limited to judicial officers of the juvenile court. To find otherwise would be inconsistent with, and defeat the purpose of section 827 by permitting judicial officers who are not in a position to determine the best interests of the child whose records are being disclosed. As noted in *People v. Superior Court (2003) 107 Cal. App. 4th 488*, "Section 827 and California Rules of Court, rule 1423, which control the dissemination of confidential juvenile records, reflect a determination by the Legislature that the juvenile court has both the 'sensitivity and expertise' to make decisions about access to juvenile court records."¹⁷

The committee proposes that rule 5.552 follow the appellate court decision and be amended to reflect that juvenile court records may be disclosed only by a judicial officer of the juvenile court, not by any judicial officer.

One commentator suggested that the proposed amendment to the rule prohibiting photocopying confidential court documents would require that even an attorney of record, who requires a copy of a document contained in the juvenile case file, must seek court permission to obtain a copy of that document. He suggested amending the rule by adding: "This rule is not meant to preclude a party or attorney for a party, while the case is pending, from obtaining a copy of a juvenile case file document that was previously disseminated during the proceedings." Because parties and attorneys are statutorily entitled to receive copies of the court reports, as well as to inspect the juvenile court file, the committee recommends adding this suggested language to rule 5.552.

One commentator, an agency attorney from a large county, regarding the rule on maintaining children's important relationships, suggested that all references to Welfare and Institutions section 366.35 should be deleted. That section describes the subset of

¹⁷ *Anthony H., supra*, at 502

children of whom social workers must ask who is important to them, and sets out phases of expansion of this group of children, subject to appropriation through the state budget process. He noted that at this point, or at least by the time these rule modifications would go into effect, practitioners should be extending application of this portion of the rule in all cases in which the child has been in out-of-home care for six months or longer, regardless of the type of placement. Thus reference to Welfare and Institutions Code section 366.35 is inappropriate and confusing and should be deleted. The committee agrees with the comment and recommends that this important relationship information be asked of all children in out-of-home care for six months or longer to facilitate relationships that last beyond the foster care years.

The comments are attached at pages 74–102.

Implementation Requirements and Costs

Implementation of the revised forms will incur standard reproduction costs.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that, effective January 1, 2007, the Judicial Council:

1. Amend rule 5.536 to delete the outdated statutory references it contains.
2. Amend rule 5.552 to follow two recent appellate court decisions holding that juvenile court records may be disclosed only by a judicial officer of the juvenile court, rather than by any judicial officer, and that juvenile court files can be inspected but not copied.
3. Amend rule 5.570; revise form JV-180, *Request to Change Court Order*; and adopt form JV-182, *Confidential Information (Request to Change Court Order)*, to correct omissions on the forms and to provide the necessary process to keep addresses confidential.
4. Amend rule 5.610 to allow regional collaborations of courts to modify mandatory form JV-550, *Juvenile Court Transfer Orders*, to facilitate the efficient processing of transfer cases among those courts.
5. Amend rule 5.630 to conform to the newly enacted Welfare and Institutions Code section 213.5(a), which allows the juvenile court to issue orders protecting parents, guardians, or caregivers, without simultaneously issuing a protective order for the child.
6. Amend rule 5.635 and revise forms JV-501, *Paternity Finding and Judgment*, and JV-505, *Statement Regarding Paternity*, to conform to recent Supreme Court decisions holding that a child can have two same-sex parents.
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9. Amend rules 5.710–5.725 and revise form JV-365, *Termination of Dependency Jurisdiction—Child Attaining Age of Majority (Juvenile)*, to conform to requirements of Assembly Bill 1412 (Leno) (Stats. 2005, ch. 640) that children in foster care maintain positive relationships with individuals important to them.
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11. Revise forms ADOPT-200, *Adoption Request*; ADOPT-210, *Adoption Agreement*; ADOPT-215, *Adoption Order*; and ADOPT 230, *Adoption Expenses*, to bring them into compliance with the requirement of Government Code section 14771(a)(14) that the rights and duties of marriage be extended to persons registered as domestic partners.
12. Revise form ADOPT-226, *Notice of Adoption Proceedings for an Indian Child* by using plain-language instructions and by adding “Possible” to modify the term *Indian Child* in the form’s title.
13. Revise form JV-665, *Disposition—Juvenile Delinquency*, to correct grammatical and legal inaccuracies, to delete the option of releasing the child to a parent or guardian pending placement in a group home, and to add a new dispositional option for placement in a ranch or camp.
14. Adopt form JV-224, *Order Regarding Eligibility for Special Immigrant Juvenile Status*, to simplify the Special Immigrant Juvenile Status application process.

The proposed rules and forms are attached at pages 15–73. Excerpts of the referenced legislation are attached at pages 103–114.

Attachments

Rules 5.536, 5.552, 5.570, 5.610, 5.630, 5.635, 5.690, 5.710–5.725, 5.740, 5.785, and 5.810 of the California Rules of Court are amended, effective January 1, 2007, to read:¹

1 **Rule 5.536. General provisions—proceedings held before referees**

2
3 **(a) Referees—appointment; powers (§ 247; Cal. Const., art. VI, § 22)**

4
5 One or more referees may be appointed under section 247 to perform
6 subordinate judicial duties assigned to the referee by the presiding judge of
7 the juvenile court.

8
9 **(b) Referee as temporary judge (Cal. Const., art. VI, § 21)**

10
11 If the referee is an attorney admitted to practice in this state, the parties²
12 ~~litigant~~ may stipulate under rule 2.816 that the referee is acting as a
13 temporary judge with the same powers as a judge of the juvenile court. An
14 official court reporter or other authorized reporting procedure must record all
15 proceedings.

16
17 ~~**(c) Challenge of referee (§ 247.5; Code Civ. Proc., §§ 170, 170.6)**~~

18
19 ~~Code of Civil Procedure sections 170 and 170.6 are applicable to referees. If~~
20 ~~a motion under those sections is granted, the presiding judge of the juvenile~~
21 ~~court may reassign the matter to another referee or judge.~~

22
23 **Rule 5.552. Confidentiality of records (§§ 827, 828)**

24
25 **(a) *****

26
27 **(b) Inspection**

28
29 (1) Only those persons specified in sections 827 and 828 may inspect, but
30 may not copy, juvenile court records without authorization from the
31 court.

32
33 (A) Counsel who are entitled to inspect juvenile court records include
34 any trial court or appellate attorney representing a party in the
35 juvenile court proceeding.

¹These recommended amendments have been made to the version of this rule adopted by the Judicial Council at its June 30, 2006, business meeting and reflect the text that will be in effect on January 1, 2007. Any amendments adopted as part of this proposal will be incorporated into the text of the rule that goes into effect on January 1, 2007.

1 (B) Authorization for any other person to inspect, obtain, or copy
2 juvenile court records ~~must~~ may be ordered only by the juvenile
3 court presiding judge or a judicial officer of the juvenile court.
4 ~~designated by the juvenile court presiding judge.~~

5
6 (C) The child, the child’s attorney, the child’s parents and their
7 attorneys, the child’s social worker, the county counsel, and a
8 child’s identified Indian tribe, can obtain a copy of a juvenile case
9 file document that was previously disseminated during the
10 proceedings, while the case is pending.

11
12 (D) Juvenile court records may not be obtained or inspected by civil
13 or criminal subpoena.

14
15 (E) In determining whether to authorize inspection or release of
16 juvenile court records, in whole or in part, the court must balance
17 the interests of the child and other parties to the juvenile court
18 proceedings, the interests of the petitioner, and the interests of the
19 public.

20
21 (F) The court may permit disclosure of, discovery of, or access to
22 juvenile court records or proceedings only insofar as is necessary,
23 and only if there is a reasonable likelihood that the records in
24 question will disclose information or evidence of substantial
25 relevance to the pending litigation, investigation, or prosecution.

26
27 (G) The court may issue protective orders to accompany authorized
28 disclosure, discovery, or access.

29
30 (2) When a petition is sustained for any offense listed in section 676, the
31 charging petition, the minutes of the proceeding, and the orders of
32 adjudication and disposition that are contained in the court file must be
33 available for public inspection, unless the court has prohibited
34 disclosure of those records under that section.

35
36 (c)–(i) ***

37
38 **Rule 5.570. ~~Petition for modification~~ Request to change court order**

39
40 (a) **Contents of petition (§§ 388, 778)**

41
42 A petition for modification must be liberally construed in favor of its
43 sufficiency. The petition must be verified and, to the extent known to the
44 petitioner, must contain the following:

- 1 (1) The name of the court to which the petition is addressed;
2
3 (2) The title and action number of the original proceeding;
4
5 (3) The name, and age, ~~and~~ address of the child;
6
7 (4) The address of the child, unless confidential under (b);
8
9 ~~(4)~~(5) The name and residence address of the parent or guardian or an
10 adult relative of the child, if appropriate under circumstances described
11 in rule 5.524;
12
13 ~~(5)~~(6) The date and general nature of the order sought to be modified;
14
15 ~~(6)~~(7) A concise statement of any change of circumstance or new
16 evidence that requires changing the order;
17
18 ~~(7)~~(8) A concise statement of the proposed change of the order;
19
20 ~~(8)~~(9) A statement of the petitioner's relationship or interest in the child,
21 if the application is made by a person other than the child; and
22
23 ~~(9)~~(10) A statement whether or not all parties agree to the proposed
24 change.
25

26 **(b) 388 petition**

27
28 A petition under Welfare and Institutions Code section 388 must be made
29 on form *Request to Change Court Order* (form JV-180).
30

31 **(c) Confidentiality**

32
33 The addresses and telephone numbers of the person requesting to change
34 the court order, the child, and the child's caregiver may be kept confidential
35 by filing form *Confidential Information (Request to Change Court Order)*
36 (form JV-182) with form JV-180. Form JV-182 must be kept in the court file
37 under seal, and only the court, the agency, and the child's attorney may have
38 access to this information.
39

40 **(d) Denial of hearing**

41
42 If the petition fails to state a change of circumstance or new evidence that
43 ~~might~~ may require a change of order or termination of jurisdiction, or that the

1 requested modification would promote the best interest of the child, the court
2 may deny the application ex parte.

3
4 **(e)(e) Grounds for grant of petition (§§ 388, 778)**

5
6 If the petition states a change of circumstance or new evidence and it appears
7 that the best interest of the child may be promoted by the proposed change of
8 order or termination of jurisdiction, the court may grant the petition after
9 following the procedures in ~~(d)~~ and ~~(e)~~ (f) and (g).

10
11 **(d)(f) *****

12
13 **(e)(g) *****

14
15 **(f)(h) *****

16
17 **(g)(i) *****

18
19 **Rule 5.610. Transfer-out hearing**

20
21 **(a)–(e) *****

22
23 **(g) Modification of form JV-550**

24
25 Juvenile Court Transfer Orders (form JV-550) may be modified as follows:

- 26
27 (1) Notwithstanding the mandatory use of form JV-550, the form may be
28 modified for use by a formalized regional collaboration of courts to
29 facilitate the efficient processing of transfer cases among those courts if
30 the modification has been approved by the Judicial Council of
31 California, Administrative Office of the Courts.
32
33 (2) The mandatory form must be used by a regional collaboration when
34 transferring a case to a court outside the collaboration or when accepting
35 a transfer from a court outside the collaboration.

36
37 **(g)(h) *****

38
39 **(h)(i) *****

1
2 **Rule 5.630. Restraining orders**

3
4 (a)–(b) ***

5
6 (c) **Protected children (§ 213.5(a) and (b))**

7
8 Restraining orders may be issued to protect any of the following children:

- 9
10 (1) A child who is the subject of the dependency petition or who is
11 declared a dependent;
12
13 (2) Another child in the household of the child named in (1); and
14
15 (3) A child who is the subject of a delinquency petition or who is declared
16 a ward.

17
18 (d) **Other protected persons (§ 213.5(a))**

19
20 ~~If the court grants ex parte orders or post hearing orders that protect any~~
21 ~~child listed in (c)(1) or (2), then~~ The court may also issue orders protecting
22 any parent, legal guardian, or current caregiver of the child listed in (c)(1),
23 whether or not that child resides with that parent, legal guardian, or current
24 caregiver.

25
26 (e)–(l) ***

27
28 **Rule 5.635. Parentage**

29
30 (a) ***

31
32 (b) **Parentage inquiry (§§ 316.2, 726.4)**

33
34 At the initial hearing on a petition filed under section 300, 601, or 602, and at
35 hearings thereafter until or unless parentage has been established, the court
36 must inquire of the child’s parents present at the hearing and of any other
37 appropriate person present as to the identity and address of any and all
38 presumed or alleged parents of the child. Questions, at the discretion of the
39 court, may include the following and others that may provide information
40 regarding parentage:

- 41
42 (1) Has there been a judgment of parentage?
43

1 (2) Was the mother married or did she have a registered domestic partner
2 at or after the time of conception?

3
4 (3) Did the mother believe she was married or believe she had a registered
5 domestic partner at or after the time of conception?

6
7 ~~(3)~~(4) Was the mother cohabiting with ~~a man~~ another adult at the time of
8 conception?

9
10 ~~(4)~~(5) Has the mother received support payments or promises of support
11 for the child or for herself during her pregnancy or after the birth of the
12 child?

13
14 ~~(5)~~(6) Has a man formally or informally acknowledged paternity,
15 including the execution and filing of a voluntary declaration of
16 paternity under Family Code section 7570 et seq., and agreed to have
17 his name placed on the child's birth certificate?

18
19 ~~(6)~~(7) Have genetic tests been administered, and, if so, what were the
20 results?

21
22 (8) Has the child been raised jointly with another adult or in any other
23 co-parenting arrangement?

24
25 (c)–(f) ***

26
27 (g) **Dependency and delinquency; notice to alleged ~~fathers~~ parents**

28
29 If, after inquiry by the court or through other information obtained by the
30 county welfare department or probation department, one or more ~~men~~
31 persons are identified as alleged ~~fathers~~ parents of a child for whom a
32 petition under section 300, 601, or 602 has been filed, the clerk must provide
33 to each named alleged ~~father~~ parent, at the last known address, by certified
34 mail, return receipt requested, a copy of the petition, notice of the next
35 scheduled hearing, and *Statement Regarding ~~Paternity~~ Parentage (Juvenile*
36 *~~Dependency~~)* (form JV-505) unless:

37
38 (1) The petition has been dismissed;

39
40 (2) Dependency or wardship has been terminated;

41
42 (3) The ~~man~~ parent has previously filed a form JV-505 denying ~~paternity~~
43 parentage and waiving further notice; or

44

1 (4) The ~~man~~ parent has relinquished custody of the child to the county
2 welfare department.

3
4 **(h) Dependency and delinquency; alleged fathers parents (§§ 316.2, 726.4)**

5
6 ~~The court must make the following determinations:~~

7
8 ~~(1) If a man appears at a hearing in a dependency matter, or at a hearing~~
9 ~~under section 601 or 602, and files an action under Family Code section~~
10 ~~7630 or 7631, the court must determine if he is the presumed father of~~
11 ~~the child.~~

12
13 ~~(2) If a man person appears at a hearing in dependency matter or at a~~
14 ~~hearing under section 601 or 602 and requests a finding judgment of~~
15 ~~paternity parentage on form JV-505 in a dependency matter or by~~
16 ~~written request in a section 601 or 602 matter, the court must determine:~~

17
18 (1) Whether he ~~that person~~ is the biological ~~father~~ parent of the child; and

19
20 (2) Whether that person is the presumed parent of the child, if that finding
21 is requested.

22
23 **Rule 5.690. General conduct of disposition hearing**

24
25 (a) ***

26
27 (b) **Evidence considered (§§ 358, 360)**

28
29 The court must receive in evidence and consider the social study, a
30 guardianship assessment, the report of any CASA volunteer, the case plan,
31 and any relevant evidence offered by petitioner, the child, or the parent or
32 guardian. The court may require production of other relevant evidence on its
33 own motion. In the order of disposition, the court must state that the social
34 study and the study or evaluation by the CASA volunteer, if any, have been
35 read and considered by the court.

36
37 (c) **Case plan (§ 16501.1)**

38
39 Whenever child welfare services are provided, the social worker must
40 prepare a case plan.

41
42 (1) A written case plan much be completed and filed with the court by the
43 date of disposition or within 60 calendar days of initial removal or of the

1 in-person response required under section 16501(f) if the child has not
2 been removed from his or her home, whichever occurs first.

3
4 (2) The court must consider the case plan and must find as follows:

5
6 (A) The social worker solicited and integrated into the case plan the
7 input of the child, the child’s family, the child’s identified Indian
8 tribe, and other interested parties; or

9
10 (B) The social worker did not solicit and integrate into the case plan
11 the input of the child, the child’s family, the child’s identified
12 Indian tribe, and other interested parties. If the court finds that the
13 social worker did not solicit and integrate into the case plan the
14 input of the child, the child’s family, the child’s identified Indian
15 tribe, and other interested parties, the court must order that the
16 social worker solicit and integrate into the case plan the input of
17 the child, the child’s family, the child’s identified Indian tribe,
18 and other interested parties, unless the court finds that each of
19 these participants was unable, unavailable, or unwilling to
20 participate.

21
22 (3) For a child 12 years of age or older and in a permanent placement, the
23 court must consider the case plan and must find as follows:

24
25 (A) The child was given the opportunity to review the case plan, sign
26 it, and receive a copy; or

27
28 (B) The child was not given the opportunity to review the case plan,
29 sign it, and receive a copy. If the court makes such a finding, the
30 court must order the agency to give the child the opportunity to
31 review the case plan, sign it, and receive a copy.

32
33 **Rule 5.710. Six-month review hearing**

34
35 (a)–(c) ***

36
37 (d) **Reports**

38
39 The court must consider the report prepared by petitioner, the report of any
40 CASA volunteer, the case plan submitted for this hearing, and any report
41 submitted by the child’s caregiver under section 366.21(d).

42
43 (e) **Determinations—burden of proof (§§ 366, 366.1, 366.21, 364)**

1 (1)–(5) ***

2
3 (6) The court must consider the case plan submitted for this hearing and
4 must find as follows:

5
6 (A) The child was actively involved in the development of his or her
7 own case plan and plan for permanent placement as age and
8 developmentally appropriate; or

9
10 (B) The child was not actively involved in the development of his or
11 her own case plan and plan for permanent placement. If the court
12 makes such a finding, the court must order the agency to actively
13 involve the child in the development of his or her own case plan
14 and plan for permanent placement, unless the court finds that the
15 child is unable, unavailable, or unwilling to participate; and

16
17 (C) Each parent was actively involved in the development of the case
18 plan and plan for permanent placement; or

19
20 (D) Each parent was not actively involved in the development of the
21 case plan and plan for permanent placement. If the court makes
22 such a finding, the court must order the agency to actively involve
23 each parent in the development of the case plan and plan for
24 permanent placement, unless the court finds that each parent is
25 unable, unavailable, or unwilling to participate.

26
27 (7) For a child 12 years of age or older and in a permanent placement, the
28 court must consider the case plan submitted for this hearing and must
29 find as follows:

30
31 (A) The child was given the opportunity to review the case plan, sign
32 it, and receive a copy; or

33
34 (B) The child was not given the opportunity to review the case plan,
35 sign it, and receive a copy. If the court makes such a finding, the
36 court must order the agency to give the child the opportunity to
37 review the case plan, sign it, and receive a copy.

38
39 **(f) Conduct of hearing (§ 366.21)**

40
41 If the court does not return custody of the child:

42
43 (1) ***

44

1 (2) If the court orders a hearing under section 366.26:

2
3 (A)–(C) ***

4
5 (D) ~~The court must make any other appropriate orders to enable the~~
6 ~~child to maintain relationships with other individuals who are~~
7 ~~important to the child, consistent with the child’s best interest. If~~
8 ~~the child is 10 years of age or older and is placed in out-of-home~~
9 ~~placement for six months or longer, the court:~~

10
11 (i) Must determine whether the agency has identified
12 individuals, in addition to the child’s siblings, who are
13 important to the child and will maintain caring, permanent
14 relationships with the child, consistent with the child’s best
15 interest;

16
17 (ii) Must determine whether the agency has made reasonable
18 efforts to nurture and maintain the child’s relationships with
19 those individuals, consistent with he child’s best interest;
20 and

21
22 (iii) May make any appropriate order to ensure that those
23 relationships are maintained.

24
25 (3)–(9) ***

26
27 (10) If the court orders a hearing under section 366.26, the court must order
28 that notice of the hearing under section 366.26 must not be provided to
29 any of the following:

30
31 (A) A ~~mother~~ parent, presumed ~~father~~ parent, or alleged ~~father~~ parent
32 who has relinquished the child for adoption and whose
33 relinquishment has been accepted and filed with notice under
34 Family Code section 8700; or

35
36 (B) An alleged ~~father~~ parent who has denied ~~paternity~~ parentage and
37 has ~~executed~~ completed section 1 of *Statement Regarding*
38 *Paternity Parentage (Juvenile Dependency)* (form JV-505).

39
40 (11) ***

41
42 (g)–(i) ***

43

1 **Rule 5.715. Twelve-month review hearing**

2
3 (a)–(b) ***

4
5 (c) **Conduct of hearing**

6
7 At the hearing, the court must state on the record that the court has read and
8 considered the report of petitioner, the report of any CASA volunteer, the
9 case plan submitted for this hearing, any report submitted by the child’s
10 caregiver under section 366.21(d), and any other evidence, and must proceed
11 as follows:

12
13 (1)–(6) ***

14
15 (7) The court must consider the case plan and must find as follows:

16
17 (A) The child was actively involved in the development of his or her
18 own case plan and plan for permanent placement as age and
19 developmentally appropriate; or

20
21 (B) The child was not actively involved in the development of his or
22 her own case plan and plan for permanent placement as age and
23 developmentally appropriate. If the court makes such a finding,
24 the court must order the agency to involve the child in the
25 development of his or her own case plan and plan for permanent
26 placement, unless the court finds that the child is unable,
27 unavailable, or unwilling to participate; and

28
29 (C) Each parent was actively involved in the development of the case
30 plan and plan for permanent placement; or

31
32 (D) Each parent was not actively involved in the development of the
33 case plan and plan for permanent placement. If the court makes
34 such a finding, the court must order the agency to actively involve
35 each parent in the development of the case plan and plan for
36 permanent placement, unless the court finds that each parent is
37 unable, unavailable, or unwilling to participate.

38
39 (8) For a child 12 years of age or older and in a permanent placement, the
40 court must consider the case plan submitted for this hearing and must
41 find as follows:

42
43 (A) The child was given the opportunity to review the case plan, sign
44 it, and receive a copy; or

1
2 (B) The child was not given the opportunity to review the case plan,
3 sign it, and receive a copy. If the court makes such a finding, the
4 court must order the agency to give the child the opportunity to
5 review the case plan, sign it, and receive a copy.
6

7 **(d) Determinations and orders**
8

9 The court must proceed as follows:
10

11 (1) ***
12

13 (2) Order that the child remain in foster care if it finds by clear and
14 convincing evidence already presented that a section 366.26 hearing is
15 not in the best interest of the child because the child is not a proper
16 subject for adoption and has no one willing to accept legal
17 guardianship.
18

19 (A) If the court orders that the child remain in foster care, it must
20 identify the foster care setting by name and identify a specific
21 permanency goal for the child. The court may order that the name
22 and address of the foster home remain confidential.
23

24 (B) If the child is 10 years of age or older and is placed in a ~~group~~
25 ~~home~~ out-of-home placement for six months or longer ~~from the~~
26 ~~date the child entered foster care~~, the court:
27

28 ~~(A)~~(i) Must determine whether the agency has identified
29 individuals, in addition to the child's siblings, who are
30 important to the child and will maintain caring, permanent
31 relationships with the child, consistent with the child's best
32 interest;
33

34 ~~(B)~~(ii) Must determine whether the agency has made
35 reasonable efforts to nurture and maintain the child's
36 relationships with those individuals, consistent with he
37 child's best interest; and
38

39 ~~(C)~~(iii) May make any appropriate order to ensure that those
40 relationships are maintained; or
41

42 (3) If the court does not find that there is a substantial probability of return
43 within 18 months of the initial removal, and finds that reasonable

1 services have been offered or provided to the parent or guardian, the
2 court must order a hearing under section 366.26 within 120 days.

3
4 (A)–(I) ***

5
6 (J) If the court orders a hearing under section 366.26, the court must
7 order that notice of the hearing under section 366.26 must not be
8 provided to any of the following:

9
10 (i) A ~~mother~~ parent, presumed ~~father~~ parent, or alleged ~~father~~
11 parent who has relinquished the child for adoption and the
12 relinquishment has been accepted and filed with notice
13 under Family Code section 8700; or

14
15 (ii) An alleged ~~father~~ parent who has denied paternity parentage
16 and has ~~executed~~ completed section 1 of *Statement*
17 *Regarding Paternity Parentage (Juvenile-Dependency)*
18 (form JV-505).

19
20 (e) ***

21
22 **Rule 5.720. Eighteen-month review hearing**

23
24 (a)–(b) ***

25
26 (c) **Conduct of hearing (§ 366.22)**

27
28 At the hearing the court must state on the record that the court has read and
29 considered the report of petitioner, the report of any CASA volunteer, the
30 case plan submitted for this hearing, any report submitted by the child's
31 caregiver under section 366.21(d), and any other evidence, and must proceed
32 as follows:

33
34 (1)–(2) ***

35
36 (3) If the court does not order return, the court must specify the factual
37 basis for its finding of risk of detriment, terminate reunification
38 services, and:

39
40 (A) Order that the child remain in foster care, if it finds by clear and
41 convincing evidence already presented that a section 366.26
42 hearing is not in the best interest of the child because the child is
43 not a proper subject for adoption and has no one willing to accept
44 legal guardianship. If the court orders that the child remain in

1 foster care, it must identify the foster care setting by name and
2 identify a specific permanency goal for the child. The court may
3 order that the name and address of the foster home remain
4 confidential. If the child is 10 years of age or older and is placed
5 in a ~~group home~~ out-of-home placement for six months or longer
6 ~~from the date the child entered foster care~~, the court:

- 7
8 (i) Must determine whether the agency has identified
9 individuals, in addition to the child's siblings, who are
10 important to the child and will maintain caring, permanent
11 relationships with the child, consistent with the child's best
12 interest;
13
14 (ii) Must determine whether the agency has made reasonable
15 efforts to nurture and maintain the child's relationships with
16 those individuals, consistent with the child's best interest;
17 and
18
19 (iii) May make any appropriate order to ensure that those
20 relationships are maintained; or
21

22 (B) Order a hearing under section 366.26 within 120 days.
23

24 (4)–(5) ***
25

26 (6) The court must consider the case plan submitted for this hearing and
27 must find as follows:
28

29 (A) The child was actively involved in the development of his or her
30 own case plan and plan for permanent placement as age and
31 developmentally appropriate; or
32

33 (B) The child was not actively involved in the development of his or
34 her own case plan and plan for permanent placement as age and
35 developmentally appropriate. If the court makes such a finding,
36 the court must order the agency to involve the child in the
37 development of his or her own case plan and plan for permanent
38 placement, unless the court finds that the child is unable,
39 unavailable, or unwilling to participate; and
40

41 (C) Each parent was actively involved in the development of the case
42 plan and plan for permanent placement; or
43

1 (D) Each parent was not actively involved in the development of the
2 case plan and plan for permanent placement. If the court makes
3 such a finding, the court must order the agency to actively involve
4 each parent in the development of the case plan and plan for
5 permanent placement, unless the court finds that each parent is
6 unable, unavailable, or unwilling to participate.

7
8 (7) For a child 12 years of age or older and in a permanent placement, the
9 court must consider the case plan and must find as follows:

10
11 (A) The child was given the opportunity to review the case plan, sign
12 it, and receive a copy; or

13
14 (B) The child was not given the opportunity to review the case plan,
15 sign it, and receive a copy. If the court makes such a finding, the
16 court must order the agency to give the child the opportunity to
17 review the case plan, sign it, and receive a copy, unless the court
18 finds that the child is unable, unavailable, or unwilling to
19 participate.

20
21 (6)(8) If the court orders a hearing under section 366.26, the court must
22 terminate reunification services and direct that an assessment be
23 prepared as stated in section 366.22(b). Visitation must continue unless
24 the court finds it would be detrimental to the child. The court must
25 enter any other appropriate orders to enable the child to maintain
26 relationships with other individuals who are important to the child,
27 consistent with the child's best interest.

28
29 (7)(9) A judgment or an order setting a hearing under section 366.26 is
30 not immediately appealable. Review may be sought only by filing
31 *Petition for Extraordinary Writ (California Rules of Court, Rules 38.1,*
32 *38.3)* (form JV-825) or other petition for extraordinary writ. If a party
33 wishes to preserve any right to review on appeal of the findings and
34 orders made under this rule, the party is required to seek an
35 extraordinary writ under rules 8.450, 8.452, and 5.600.

36
37 (8)(10) A judgment, order, or decree setting a hearing under section
38 366.26 may be reviewed on appeal following the order of the 366.26
39 hearing only if the following have occurred:

40
41 (A) An extraordinary writ was sought by the timely filing of *Petition*
42 *for Extraordinary Writ (California Rules of Court, Rules 38.1,*
43 *38.3)* (form JV-825) or other petition for extraordinary writ; and
44

1 (B) The petition for extraordinary writ was summarily denied or
2 otherwise not decided on the merits.

3
4 ~~(9)~~(11) Review on appeal of the order setting a hearing under section
5 366.26 is limited to issues raised in a previous petition for
6 extraordinary writ that were supported by an adequate record.

7
8 ~~(10)~~(12) Failure to file a petition for extraordinary writ review within the
9 period specified by rules 8.450, 8.452, and 5.600, to substantively
10 address the issues challenged, or to support the challenge by an
11 adequate record, precludes subsequent review on appeal of the findings
12 and orders made under this rule.

13
14 ~~(11)~~(13) When the court orders a hearing under section 366.26, the court
15 must advise orally all parties that to preserve any right to review on
16 appeal of the order setting the hearing, the party is required to seek an
17 extraordinary writ by filing:

18
19 (A) A notice of the party's intent to file writ petition and request for
20 the record, which may be submitted on *Notice of Intent to File*
21 *Writ Petition and Request for Record (California Rules of Court,*
22 *Rule 38)* (form JV-820); and

23
24 (B) A petition for an extraordinary writ, which may be submitted on
25 *Petition for Extraordinary Writ (California Rules of Court, Rules*
26 *38.1, 38.3)* (form JV-825).

27
28 ~~(12)~~ (14) Within 24 hours of the review hearing, the clerk of the court must
29 provide notice by first-class mail to the last known address of any party
30 who is not present when the court orders the hearing under section
31 366.26. The notice must include the advisement required by (b)(11).

32
33 ~~(13)~~(15) Copies of *Petition for Extraordinary Writ (California Rules of*
34 *Court, Rules 38.1, 38.3)* (form JV-825) and *Notice of Intent to File Writ*
35 *Petition and Request for Record (California Rules of Court, Rule 38)*
36 (form JV-820) must be available in the courtroom and must accompany
37 all mailed notices informing the parties of their rights.

38
39 ~~(14)~~(16) If the court orders a hearing under section 366.26, the court must
40 order that notice of the hearing under section 366.26 must not be
41 provided to any of the following:

42
43 (A) A ~~mother~~ parent, presumed ~~father~~ parent, or alleged ~~father~~ parent
44 who has relinquished the child for adoption and whose

1 relinquishment has been accepted and filed with notice under
2 Family Code section 8700; or

3
4 (B) An alleged ~~father~~ parent who has denied ~~paternity parentage~~ and
5 has ~~executed~~ completed section 1 of *Statement Regarding*
6 *Paternity Parentage (Juvenile Dependency)* (form JV-505).

7
8 (d) ***

9
10 **Rule 5.725. Selection of permanent plan (§ 366.26)**

11
12 (a) **Application of rule**

13
14 This rule applies to children who have been declared dependents ~~after~~
15 January 1, 1989.

16
17 (1) For those dependents, only section 366.26 and division 12, part 3,
18 chapter 5 (commencing with section 7660) of the Family Code or
19 Family Code sections 8604, 8605, 8606, and 8700 apply for the
20 termination of parental rights. Part 4 (commencing with section 7800)
21 of division 12 of the Family Code, or former Civil Code section 232,
22 does not apply.

23
24 (2) The court may not terminate the rights of only one parent under section
25 366.26 unless that parent is the only surviving parent; or unless the
26 rights of the other parent have been terminated under former Civil Code
27 section 224, 224m, 232, or 7017, or division 12, part 3, chapter 5
28 (commencing with section 7660), or part 4 (commencing with section
29 7800) of division 12 of the Family Code, or Family Code section 8604,
30 8605, or 8606; or unless the other parent has relinquished custody of
31 the child to the welfare department.

32
33 (3) Only section 366.26 applies for establishing legal guardianship.

34
35 (b)–(d) ***

36
37 (e) **Conduct of hearing**

38
39 At the hearing, the court must state on the record that the court has read and
40 considered the report of petitioner, the report of any CASA volunteer, the
41 case plan submitted for this hearing, any report submitted by the child's
42 caregiver under section 366.21(d), and any other evidence, and must proceed
43 as follows:
44

1 (1)–(4) ***

2
3 (5) If termination of parental rights would not be detrimental to the child,
4 but the child is difficult to place for adoption because the child (1) is a
5 member of a sibling group that should stay together; (2) has a
6 diagnosed medical, physical, or mental handicap; or (3) is 7 years of
7 age or older and no prospective adoptive parent is identified or
8 available, the court may, without terminating parental rights, identify
9 adoption as a permanent placement goal and order the public agency
10 responsible for seeking adoptive parents to make efforts to locate an
11 appropriate adoptive family for a period not to exceed 180 days. During
12 the 180-day period, in order to identify potential adoptive parents, the
13 agency responsible for seeking adoptive parents for each child must, to
14 the extent possible, ask each child who is 10 years of age or older and
15 who is placed in a ~~group home~~ out-of-home placement for six months
16 or longer ~~from the date he or she entered foster care~~ to identify any
17 individuals who are important to the child. The agency may ask any
18 other child to provide that information, as appropriate. After that period
19 the court must hold another hearing and proceed according to (1) or (6).

20
21 (6) If the court finds that (1)(A) or (1)(B) applies, the court must appoint
22 the present custodian or other appropriate person to become the child's
23 legal guardian or must order the child to remain in foster care.

24
25 (A) If the court orders that the child remain in foster care, it must
26 identify the foster care setting by name and identify a specific
27 permanency goal for the child. The court may order that the name
28 and address of the foster home remain confidential.

29
30 (B) Legal guardianship must be given preference over foster care
31 when it is in the interest of the child and a suitable guardian can
32 be found.

33
34 (C) A child who is 10 years of age or older who is placed in a ~~group~~
35 ~~home~~ out-of-home placement for six months or longer ~~from the~~
36 ~~date the child entered foster care~~ must be asked to identify any
37 adults who are important to him or her in order for the agency to
38 investigate and the court to determine whether any of those adults
39 would be appropriate to serve as legal guardians. Other children
40 may be asked for this information, as age and developmentally
41 appropriate.

42
43 (D) If the court finds that removal of the child from the home of a
44 foster parent or relative who is not willing to become a legal

1 guardian for the child would be seriously detrimental to the
2 emotional well-being of the child, then the child must not be
3 removed. The foster parent or relative must be willing to provide,
4 and capable of providing, a stable and permanent home for the
5 child and must have substantial psychological ties with the child.
6

7 (E) The court must make an order for visitation with each parent or
8 guardian unless the court finds by a preponderance of the
9 evidence that the visitation would be detrimental to the child.
10

11 (7) The court must consider the case plan submitted for this hearing and
12 must find as follows:
13

14 (A) The child was actively involved in the development of his or her
15 own case plan and plan for permanent placement as age and
16 developmentally appropriate, including being asked for a
17 statement regarding his or her permanent placement plan, and the
18 case plan contains the social worker's assessment of those stated
19 wishes; or
20

21 (B) The child was not actively involved in the development of his or
22 her own case plan and plan for permanent placement, including
23 being asked for a statement regarding his or her permanent
24 placement plan and the case plan does not contain the social
25 worker's assessment of those stated wishes. If the court makes
26 such a finding, the court must order the agency to actively involve
27 the child in the development of his or her own case plan and plan
28 for permanent placement, including asking the child for a
29 statement regarding his or her permanent plan, unless the court
30 finds that the child is unable, unavailable, or unwilling to
31 participate. If the court finds that the case plan does not contain
32 the social worker's assessment of the child's stated wishes, the
33 court must order the agency to submit the assessment to the court.
34

35 (8) For a child 12 years of age or older and in a permanent placement, the
36 court must consider the case plan and must find as follows:
37

38 (A) The child was given the opportunity to review the case plan, sign
39 it, and receive a copy; or
40

41 (B) The child was not given the opportunity to review the case plan,
42 sign it, and receive a copy. If the court makes such a finding, the
43 court must order the agency to give the child the opportunity to
44 review the case plan, sign it, and receive a copy.

1
2 (7)(9) If no adult is available to become legal guardian, and no suitable
3 foster home is available, the court may order the care, custody, and
4 control of the child transferred to a licensed foster family agency,
5 subject to further orders of the court.
6

7 (f)–(i) ***
8

9 **Rule 5.740. Hearings subsequent to a permanent plan (§§ 366.26, 366.3, 391)**
10

11 **(a) Review hearings—adoption and guardianship**
12

13 Following an order for termination of parental rights or a plan for the
14 establishment of a guardianship under section 366.26, the court must retain
15 jurisdiction and conduct review hearings at least every 6 months to ensure
16 the expeditious completion of the adoption or guardianship.
17

18 (1) At the review hearing, the court must consider the report of the
19 petitioner, as required by section 366.3(f), the report of any CASA
20 volunteer, the case plan submitted for this hearing, and any report
21 submitted by the child’s caregiver under section 366.21(d); inquire
22 about the progress being made to provide a permanent home for the
23 child; consider the safety of the child; and enter findings as required by
24 section 366.3(e).
25

26 (2)–(4) ***
27

28 **(b) Review hearings—foster care**
29

30 Following the establishment of a plan other than those provided for in (a),
31 review hearings must be conducted at least every 6 months by the court or by
32 a local ~~review board~~ administrative review panel.
33

34 (1) At the review hearing, the court or ~~review board~~ administrative review
35 panel must consider the report of the petitioner, the report of any
36 CASA volunteer, the case plan submitted for this hearing, and any
37 report submitted by the child’s caregiver under section 366.21(d);
38 inquire about the progress being made to provide a permanent home
39 for the child; consider the safety of the child; and enter findings
40 regarding each item listed in section 366.3(e).
41

42 (2) The court or administrative review panel must consider the case plan
43 submitted for this hearing and must find as follows:
44

1 (A) The child was actively involved in the development of his or her
2 own case plan and plan for permanent placement as age and
3 developmentally appropriate; or
4

5 (B) The child was not actively involved in the development of his or
6 her own case plan and plan for permanent placement as age and
7 developmentally appropriate. If the court or administrative review
8 panel makes such a finding, the court must order the agency to
9 actively involve the child in the development of his or her own
10 case plan and plan for permanent placement, unless the court
11 finds that the child is unable, unavailable, or unwilling to
12 participate.
13

14 (3) For a child 12 years of age or older and in a permanent placement, the
15 court must consider the case plan and must find as follows:
16

17 (A) The child was given the opportunity to review the case plan, sign
18 it, and receive a copy; or
19

20 (B) The child was not given the opportunity to review the case plan,
21 sign it, and receive a copy. If the court makes such a finding, the
22 court must order the agency to give the child the opportunity to
23 review the case plan, sign it, and receive a copy.
24

25 ~~(2)~~(4) ***

26 ~~(3)~~(5) ***

27 (4)(6) ***

28 ~~(5)~~(7) ***

29 ~~(6)~~(8) ***

30 ~~(7)~~(9) ***

31 ~~(8)~~(10) If the court makes the findings in ~~(7)~~(9), the court may order that
32 the child remain in foster care.
33

34
35
36
37
38
39
40 (c) **Hearing on petition to terminate guardianship or modify guardianship**
41 **orders**

42
43 A petition to terminate a guardianship established by the juvenile court, to
44 appoint a successor guardian, or to modify or supplement orders concerning

1 the guardianship must be filed in juvenile court. The procedures described in
2 rule 5.570 must be followed, and ~~*Juvenile Dependency Petition (Version*~~
3 ~~*One)*~~ (form JV-100) and ~~*Request to Change Court Order*~~ (form JV-180)
4 must be used.

5
6 (1)–(4) ***

7
8 (5) If the court terminates a guardianship established in another county, the
9 clerk of the county of current dependency jurisdiction must transmit a
10 certified copy of the order terminating guardianship within 15 days to
11 the court that established the original guardianship.

12
13 **(d) Hearings on termination of jurisdiction—child reaching age of majority**
14 **(§ 391)**

15
16 Petitioner must file *Termination of Dependency Jurisdiction—Child*
17 *Attaining Age of Majority (Juvenile)* (form JV-365) with the court at least 10
18 calendar days before the hearing to terminate dependency jurisdiction based
19 on the child’s age and must provide copies to the child, the parents or
20 guardians, any CASA volunteer, and all counsel of record at least 10
21 calendar days before the hearing.

22
23 **Rule 5.785. General conduct of hearing**

24
25 **(a)–(b)** ***

26
27 **(c) Case plan (§§ 636.1, 706.6, 16501.1)**

28
29 When a child is detained and is at risk of entering foster care placement, the
30 probation officer must prepare a case plan.

31
32 (1) The plan must be completed and filed with the court by the date of
33 disposition or within ~~30~~ 60 calendar days of initial removal, whichever
34 occurs first.

35
36 (2) The court must consider the case plan and must find as follows:

37
38 (A) The probation officer solicited and integrated into the case plan
39 the input of the child, the child’s family, the child’s identified
40 Indian tribe, and other interested parties; or

41
42 (B) The probation officer did not solicit and integrate into the case
43 plan the input of the child, the child’s family, the child’s
44 identified Indian tribe, and other interested parties. If the court

1 finds that the probation officer did not solicit and integrate into
2 the case plan the input of the child, the child's family, the child's
3 identified Indian tribe, and other interested parties, the court must
4 order that the probation officer solicit and integrate into the case
5 plan the input of the child, the child's family, the child's
6 identified Indian tribe, and other interested parties, unless the
7 court finds that each of these participants was unable, unavailable,
8 or unwilling to participate.

9
10 (3) For a child 12 years of age or older and in a permanent placement, the
11 court must consider the case plan and must find as follows:

12
13 (A) The child was given the opportunity to review the case plan, sign
14 it, and receive a copy; or

15
16 (B) The child was not give the opportunity to review the case plan,
17 sign it, and receive a copy. If the court makes such a finding, the
18 court must order the probation officer to give the child the
19 opportunity to review the case plan, sign it, and receive a copy,
20 unless the court finds that the child was unable, unavailable, or
21 unwilling to participate.

22
23 ~~(4)~~(4) If the probation officer believes that the child will be able to
24 return home through reasonable efforts by the child, the parents or
25 guardian, and the probation officer, the case plan must include the
26 elements described in section 636.1(b).

27
28 ~~(2)~~(5) If the probation officer believes that foster care placement is the
29 most appropriate disposition for the child, the case plan must include
30 all of the information required by section 706.6.

31
32 **Rule 5.810. Reviews, hearings, and permanency planning**

33
34 **(a) Six-month status review hearings (§§ 727.2, 11404.1)**

35
36 For any ward removed from the custody of his or her parent or guardian
37 under section 726 and placed in a home under section 727, the court must
38 conduct a status review hearing no less frequently than once every six
39 months from the date the ward entered foster care. The court may consider
40 the hearing at which the initial order for placement is made as the first status
41 review hearing.

42
43 (1) *Consideration of reports (§ 727.2(d))*
44

1 The court must review and consider the social study report and updated
2 case plan submitted by the probation officer and the report submitted
3 by any CASA volunteer, ~~as well as~~ and any other reports filed with the
4 court under section 727.2(d).

5
6 (2) ***

7
8 (3) *Findings and orders* (§ 727.2(d))
9

10 The court must consider the safety of the ward and make findings and
11 orders that determine the following:

12
13 (A)–(D)

14
15 (E) The likely date by which the child may return to and be safely
16 maintained in the home or placed for adoption, legal
17 guardianship, or another permanent plan; ~~and~~

18
19 (F) In the case of a child who is 16 years of age or older, the court
20 must determine the services needed to assist the child in making
21 the transition from foster care to independent living; and

22
23 (G) Whether or not the child was actively involved in the
24 development of his or her own case plan and plan for permanent
25 placement. If the court makes such a finding, the court must order
26 the probation department to actively involve the child in the
27 development of his or her own case plan and plan for permanent
28 placement, unless the court finds that the child is unable,
29 unavailable, or unwilling to participate; and

30
31 (H) Each parent was actively involved in the development of the case
32 plan and plan for permanent placement; or

33
34 (I) Each parent was not actively involved in the development of the
35 case plan and plan for permanent placement. If the court makes
36 such a finding, the court must order the agency to actively involve
37 each parent in the development of the case plan and plan for
38 permanent placement, unless the court finds that each parent is
39 unable, unavailable, or unwilling to participate.

40
41 (4) The determinations required by (a)(3) must be made on a case-by-case
42 basis, and the court must reference, in its written findings, the probation
43 officer's report and any other evidence relied on in reaching its
44 decision.

1
2 **(b) Permanency planning hearings (§§ 727.2, 727.3, 11404.1)**
3

4 A permanency planning hearing for any ward who has been removed from
5 the custody of a parent or guardian and not returned at a previous review
6 hearing must be held within 12 months of the date the ward entered foster
7 care and periodically thereafter, but no less frequently than once every 12
8 months while the ward remains in placement. However, when no
9 reunification services are offered to the parents or guardians under section
10 727.2(b), the first permanency planning hearing must occur within 30 days
11 of disposition.
12

13 (1) *Consideration of reports (§ 727.3)*
14

15 The court must review and consider the social study report and updated
16 case plan submitted by the probation officer and the report submitted
17 by any CASA volunteer, ~~as well as~~ and any other reports filed with the
18 court under section 727.3(a)(2).
19

20 (2) *Findings and orders*
21

22 At each permanency planning hearing, the court must consider the
23 safety of the ward and make findings and orders regarding the
24 following:
25

26 (A)–(B) ***
27

28 (C) The extent of progress that has been made by the child and parent
29 or guardian toward alleviating or mitigating the causes
30 necessitating placement in foster care; ~~and~~
31

32 (D) The permanent plan for the child, as described in (3);
33

34 (E) Whether or not the child was not actively involved in the
35 development of his or her own case plan and plan for permanent
36 placement. If the court finds that the child was not actively
37 involved in the development of his or her own case plan and plan
38 for permanent placement, the court must order the probation
39 officer to actively involve the child in the development of his or
40 her own case plan and plan for permanent placement, unless the
41 court finds that the child is unable, unavailable, or unwilling to
42 participate; and
43

1 (F) Each parent was actively involved in the development of the case
2 plan and plan for permanent placement; or

3
4 (G) Each parent was not actively involved in the development of the
5 case plan and plan for permanent placement. If the court makes
6 such a finding, the court must order the agency to actively involve
7 each parent in the development of the case plan and plan for
8 permanent placement, unless the court finds that each parent is
9 unable, unavailable, or unwilling to participate.

10
11
12 (3)–(4) ***

13
14 (c) **Postpermanency status review hearings (§ 727.2)**

15
16 A postpermanency status review hearing must be conducted for wards in
17 placement annually, 6 months after each permanency planning hearing.

18
19 (1) *Consideration of reports (§ 727.2(d))*

20
21 The court must review and consider the social study report and updated
22 case plan submitted for this hearing by the probation officer and the
23 report submitted by any CASA volunteer, ~~as well as~~ and any other
24 reports filed with the court under section 727.2(d).

25
26 (2) *Findings and orders*

27
28 At each postpermanency status review hearing, the court must consider
29 the safety of the ward and make findings and orders regarding the
30 following:

31
32 (A) ***

33
34 (B) The continuing necessity for and appropriateness of the
35 placement; ~~and~~

36
37 (C) The extent of the probation department's compliance with the
38 case plan in making reasonable efforts to complete whatever steps
39 are necessary to finalize the permanent plan for the child; and

40
41 (D) Whether or not the child was actively involved in the
42 development of his or her own case plan and plan for permanent
43 placement. If the court makes such a finding, the court must order
44 the agency to actively involve the child in the development of his

1
2
3
4
5
6
7

or her own case plan and plan for permanent placement, unless
the court finds that the child is unable, unavailable, or unwilling
to participate.

(d)–(f) ***

ADOPT-200 Adoption Request

If you are adopting more than one child, fill out an adoption request for each child.

Clerk stamps date here when form is filed.

DRAFT 11
09/26/06 mc
Not approved by the
Judicial Council

① Your name (adopting parent):
a. _____
b. _____
Relationship to child: _____
Street address: _____
City: _____ State: _____ Zip: _____
Telephone number: (____) _____
Lawyer (if any): (Name, address, telephone numbers, and State Bar number):

Fill in court name and street address:

Superior Court of California, County of

Fill in case number if known:

Case Number:

② Type of adoption (check one):
 Agency (name): _____
 Joinder has been filed.
 Joinder will be filed.
 Independent
 International (name of agency): _____
 Stepparent
 Relative

③ Information about the child:
a. The child's new name will be: _____
b. Boy Girl
c. Date of birth: _____ Age: _____
d. Child's address (if different from yours):
Street: _____
City: _____ State: _____ Zip: _____

e. Place of birth (if known):
City: _____
State: _____ Country: _____
f. If the child is 12 or older, does the child agree to the adoption? Yes No
g. Date child was placed in your physical care:

④ Child's name before adoption: (Fill out ONLY if this is an independent, relative, or stepparent adoption.)

⑤ Does the child have a legal guardian? Yes No
If yes, attach a copy of the Letters of Guardianship and fill out below:
a. Date guardianship ordered: _____
b. County: _____
c. Case number: _____

⑥ Is the child a dependent of the court? Yes No
If yes, fill out below:
Juvenile case number: _____
County: _____

(To be completed by the clerk of the superior court if a hearing date is available.)

Hearing is set for:
Hearing Date → Date: _____
Time: _____
Dept.: _____ Room: _____

Name and address of court if different from above:

To the person served with this request: If you do not come to this hearing, the judge can order the adoption without your input.



Your name: _____

7 Child may have Indian ancestry: Yes No
If yes, attach Form ADOPT-220, Adoption of Possible Indian Child.

8 Names of birth parents, if known:
 a. Mother: _____
 b. Father: _____

9 **If this is an agency adoption**
 a. I have received information about the Adoption Assistance Program Regional Center and about mental health services available through Medi-Cal or other programs. Yes No
 b. All persons with parental rights agree that the child should be placed for adoption by the California Department of Social Services or a licensed adoption agency (Fam. Code, § 8700) and have signed a Relinquishment form approved by the California Department of Social Services. Yes No *(if no, list the name and relationship to child of each person who has not signed the consent form):* _____

10 **If this is an independent adoption**
 a. A copy of the Independent Adoptive Placement Agreement, a California Department of Social Services form, is attached. (This is required in most independent adoptions; see Fam. Code, § 8802.)
 b. All persons with parental rights agree to the adoption and have signed the Independent Adoptive Placement Agreement, a California Department of Social Services form. Yes No *(if no, list the name and relationship to child of each person who has not signed the consent form):* _____

 c. I will file promptly with the department or delegated county adoption agency the information required by the department in the investigation of the proposed adoption.

11 **If this is a stepparent adoption**
 a. The birth parent (name): _____ has signed a consent will sign a consent
 b. The birth parent (name): _____ has signed a consent will sign a consent
 c. The adopting parents were married on **or** The domestic partnership was registered on (date): _____. *(For court use only. This does not affect social worker's recommendation. There is no waiting period.)*

12 There is no presumed or biological father because the child was conceived by artificial insemination, using semen provided to a medical doctor or a sperm bank. (Fam. Code, § 7613.)

13 **Contact after adoption**
 Form ADOPT-310, *Contact After Adoption Agreement*, is attached will not be used
 will be filed at least 30 days before the adoption hearing is undecided at this time

14 The consent of the birth mother presumed father is not necessary because *(specify Fam. Code, § 8606 subdivision):* _____



Your name: _____

- 15 A court ended the parental rights of (*attach copy of order*):
 Name: _____ Relationship to child: _____ on (*date*) _____
 Name: _____ Relationship to child: _____ on (*date*) _____

- 16 I will ask the court to end the parental rights of (*attach copy of Petition to Terminate Parental Rights or Freedom From Parental Custody, if filed*):
 Name: _____ Relationship to child: _____
 Name: _____ Relationship to child: _____

- 17 Each of the following persons with parental rights has not contacted his or her child in one year or more. (*Fam. Code, § 8604(b)*) (*Attach copy of Application for Freedom From Parental Custody, if filed.*)
 Name: _____ Relationship to child: _____
 Name: _____ Relationship to child: _____

- 18 Each of the following persons with parental rights has died:
 Name: _____ Relationship to child: _____
 Name: _____ Relationship to child: _____

19 Suitability for adoption

Each adopting parent:

- a. Is at least 10 years older than the child
- b. Will treat the child as his or her own
- c. Will support and care for the child
- d. Has a suitable home for the child *and*
- e. Agrees to adopt the child

- 20 I ask the court to approve the adoption and to declare that the adopting parents and the child have the legal relationship of parent and child, with all the rights and duties of this relationship, including the right of inheritance.

- 21 If a lawyer is representing you in this case, he or she must sign here:

Date: _____ *Type or print your name*  _____
Signature of attorney for adopting parents

- 22 I declare under penalty of perjury under the laws of the State of California that the information in this form is true and correct to my knowledge. This means that if I lie on this form, I am guilty of a crime.

Date: _____ *Type or print your name*  _____
Signature of adopting parent

Date: _____ *Type or print your name*  _____
Signature of adopting parent

Your name: _____

Case Number: _____

5 If there are **two** adopting parents, read and sign below. Sign at the hearing in front of the judge.

We are the adopting parents listed in 1, and we agree that the child will:

- (a) Be adopted and treated as our legal child (*Fam. Code. § 8612(b)*) and
- (b) Have the same rights as a natural child born to us, including the right to inherit our estate.

I am in agreement with the other parent's adoption of the child.

Date: _____
Type or print your name

Signature of adopting parent (sign at hearing)

I am in agreement with the other parent's adoption of the child.

Date: _____
Type or print your name

Signature of adopting parent (sign at hearing)

6 For stepparent adoptions only:

If you are the legal parent of the child listed in 2, read and sign below. Sign at the hearing in front of the judge.

I am the legal parent of the child and am the spouse or registered domestic partner of the adopting parent listed in 1, and I agree to his or her adoption of my child.

Date: _____
Type or print your name

Signature of adopting parent (sign at hearing)

7 Executed:

Date: _____

Judge (or Judicial Officer)

ADOPT-215 Adoption Order

Clerk stamps date here when form is filed.

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09/26/06 mc
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Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Fill in case number if known:

Case Number:

① Your name (adopting parent):
a. _____
b. _____
Relationship to child: _____
Address: _____
Street: _____
City: _____ State: _____ Zip: _____
Daytime telephone number: (____) _____
Lawyer (if any): (Name, address, telephone number, and State Bar number): _____

② Type of adoption: (Check one)
 Agency (name): _____
 Independent
 International (name of agency): _____
 Stepparent
 Relative

③ Child's name after adoption:
First Name: _____ Middle Name: _____ Last Name: _____
Date of birth: _____ Age: _____
Place of birth: _____
City: _____ State: _____ Country: _____

④ Name of adoption agency (if any): _____

⑤ Hearing date: _____
Dept.: _____ Div.: _____ Rm.: _____ Judge: _____
Clerk's office telephone number: (____) _____

⑥ People present at the hearing:
 Adopting parents Lawyer for adopting parents
 Child Child's lawyer
 Parent keeping parental rights (stepparent/domestic partner): _____
 Other people present (list each name and relationship to child):
a. _____
b. _____

If there are more names, attach a sheet of paper, write "ADOPT-215, Item 6" at the top, and list the additional names and each person's relationship to child.

Judge will fill out section below.

⑦ The judge finds that the child: (Check all that apply)
a. Is 12 or older and agrees to the adoption
b. Is under 12



Your name: _____

- 8 The judge has reviewed the report and other documents and evidence and finds that each adopting parent:
 - a. Is at least 10 years older than the child
 - b. Will treat the child as his or her own
 - c. Will support and care for the child
 - d. Has a suitable home for the child *and*
 - e. Agrees to adopt the child

- 9 This case is a relative adoption petitioned under Family Code section 8714.5.
 - The adopting relative The child, who is 12 or older, has requested that the child's name before adoption be listed on this order. (*Fam. Code, § 8714.5(g).*)

The child's name before adoption was:

First Name: _____ Middle Name: _____ Last Name: _____

- 10 The child is an Indian child. The judge finds that this adoption meets the placement requirements of the Indian Child Welfare Act and that there is good cause to give preference to these adopting parents. The clerk will fill out 13 below.

- 11 The judge approves the *Contact After Adoption Agreement* (ADOPT-310)
 - As submitted As amended on ADOPT-310

- 12 The judge believes the adoption is in the child's best interest and orders this adoption. The child's name after adoption will be:

First Name: _____ Middle Name: _____ Last Name: _____

The adopting parent or parents and the child are now parent and child under the law, with all the rights and duties of the parent-child relationship.

Date: _____

Judge (or Judicial Officer)

Clerk will fill out section below.

13 Clerk's Certificate of Mailing

For the adoption of an Indian child, the Clerk certifies:

I am not a party to this adoption. I placed a filed copy of:

- ADOPT-200, *Adoption Request* ADOPT-220, *Adoption of Indian Child*
- ADOPT-215, *Adoption Order* ADOPT-310, *Contact After Adoption Agreement*

in a sealed envelope, marked "Confidential" and addressed to:

Chief, Division of Social Services
Bureau of Indian Affairs
1849 C Street, NW
Mail Stop 310-SIB
Washington, DC 20240

The envelope was mailed by U.S. mail, with full postage, from:

Place: _____ on (date): _____

Date: _____ Clerk, by: _____, Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY DRAFT 10 09/26/06 mc Not approved by the Judicial Council	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
CASE NAME:		
<p style="text-align: center;">NOTICE OF <input type="checkbox"/> AGENCY <input type="checkbox"/> INDEPENDENT ADOPTION PROCEEDINGS FOR A POSSIBLE INDIAN CHILD</p>		CASE NUMBER:

The recipient of this notice is requested to provide confirmation of the child's Indian status to the social worker or service provider listed in item 5 on this page.

NOTICE is mailed to the following (*check all that apply*):

Parent Tribe Indian custodian

1. a. Child's name:
 b. Date of birth:
 c. Place of birth (*city, state, and, if applicable, reservation*):
2. Child may be eligible for membership in the following tribe or band (*name each*):
3. Please provide confirmation of child's membership or eligibility for membership to the following:
 - a. Name:
 - b. Organization:
 - c. Street address:
 - d. City, state, zip code:

Adoption agency Adoption service provider Attorney for (*specify*):
4. a. Indian custodian (*name each*):
 b. Tribe (*name each*):
5. Social worker or service provider who has witnessed relinquishment or consent:

a. Name:	d. Telephone number:
b. Address:	e. E-mail address:
c. City, state, zip code:	

6. NOTICE OF HEARING

a. Date:	Dept.:	Time:	Type of hearing:
b. Location: <input type="checkbox"/> the above court address <input type="checkbox"/> another address (<i>specify</i>):			

CASE NAME: _____	CASE NUMBER:
---------------------	--------------

7. Under the Indian Child Welfare Act and California law:

- a. The biological or adoptive parents, any Indian custodian, and the child's tribe have the right to be present at all hearings.
- b. The biological or adoptive parents, any Indian custodian, and the child's tribe have the right to intervene in the proceedings.
- c. If the parents or custodians have a right to be represented by a lawyer and if they cannot afford to hire one, a lawyer will be appointed for them.
- d. The date, time, and place of the hearing are shown on the first page of this form.
- e. If all other notices required by law have been given to an Indian tribe, that Indian tribe is encouraged to notify the Department of Social Services and the licensed adoption agency or adoption service provider, no later than five calendar days before the date of the final adoption hearing, whether it intends to intervene in the proceeding, either on its own behalf or on behalf of a tribal member who is a relative of the child.

INFORMATION ON CHILD WHO IS THE SUBJECT OF A VOLUNTARY ADOPTION PROCEEDING

Indicate if any of the information in items 8–18 is unknown or nonapplicable. Attach any information that may be of assistance in determining the child's Indian status, including names and addresses of extended family members who may have Indian heritage.

8. a. <input type="checkbox"/> Mother <input type="checkbox"/> Father	b. <input type="checkbox"/> Mother <input type="checkbox"/> Father
Name (include maiden name, married names, and former names or aliases):	Name (include maiden name, married names, and former names or aliases):
Current or last address known:	Current or last address known:
Date and place of birth:	Date and place of birth:
Tribe, band, and location:	Tribe, band, and location:
If available, enrollment number or BIA/tribal agency:	If available, enrollment number or BIA/tribal agency:
If deceased, date and place of death:	If deceased, date and place of death:
Additional information:	Additional information:

CASE NAME: _____		CASE NUMBER: _____	
9. a. <input type="checkbox"/> Maternal <input type="checkbox"/> Paternal <input type="checkbox"/> grandmother <input type="checkbox"/> grandfather		b. <input type="checkbox"/> Maternal <input type="checkbox"/> Paternal <input type="checkbox"/> grandmother <input type="checkbox"/> grandfather	
Name (include maiden name, married names, and former names or aliases):		Name (include maiden name, married names, and former names or aliases):	
Current or last address known:		Current or last address known:	
Date and place of birth:		Date and place of birth:	
Tribe, band, and location:		Tribe, band, and location:	
If available, enrollment number or BIA/tribal agency:		If available, enrollment number or BIA/tribal agency:	
If deceased, date and place of death:		If deceased, date and place of death:	
Additional information:		Additional information:	
c. <input type="checkbox"/> Maternal <input type="checkbox"/> Paternal <input type="checkbox"/> grandmother <input type="checkbox"/> grandfather		d. <input type="checkbox"/> Maternal <input type="checkbox"/> Paternal <input type="checkbox"/> grandmother <input type="checkbox"/> grandfather	
Name (include maiden name, married names, and former names or aliases):		Name (include maiden name, married names, and former names or aliases):	
Current or last address known:		Current or last address known:	
Date and place of birth:		Date and place of birth:	
Tribe, band, and location:		Tribe, band, and location:	
If available, enrollment number or BIA/tribal agency:		If available, enrollment number or BIA/tribal agency:	
If deceased, date and place of death:		If deceased, date and place of death:	
Additional information:		Additional information:	

CASE NAME: _____	CASE NUMBER: _____
---------------------	-----------------------

10. a. <input type="checkbox"/> Maternal <input type="checkbox"/> Paternal <input type="checkbox"/> grandmother <input type="checkbox"/> grandfather	b. <input type="checkbox"/> Maternal <input type="checkbox"/> Paternal <input type="checkbox"/> grandmother <input type="checkbox"/> grandfather
Name (include maiden name, married names, and former names or aliases):	Name (include maiden name, married names, and former names or aliases):
Current or last address known:	Current or last address known:
Date and place of birth:	Date and place of birth:
Tribe, band, and location:	Tribe, band, and location:
If available, enrollment number or BIA/tribal agency:	If available, enrollment number or BIA/tribal agency:
If deceased, date and place of death:	If deceased, date and place of death:
Additional information:	Additional information:
c. <input type="checkbox"/> Maternal <input type="checkbox"/> Paternal <input type="checkbox"/> grandmother <input type="checkbox"/> grandfather	d. <input type="checkbox"/> Maternal <input type="checkbox"/> Paternal <input type="checkbox"/> grandmother <input type="checkbox"/> grandfather
Name (include maiden name, married names, and former names or aliases):	Name (include maiden name, married names, and former names or aliases):
Current or last address known:	Current or last address known:
Date and place of birth:	Date and place of birth:
Tribe, band, and location:	Tribe, band, and location:
If available, enrollment number or BIA/tribal agency:	If available, enrollment number or BIA/tribal agency:
If deceased, date and place of death:	If deceased, date and place of death:
Additional information:	Additional information:

CASE NAME: _____	CASE NUMBER: _____
---------------------	-----------------------

11. Birth father is named on birth certificate. Unknown
12. Birth father has acknowledged paternity. Unknown
13. There has been a judicial declaration of parentage. Unknown
14. Other alleged parent (*name each*):

The following optional questions may be helpful in tracing the ancestry of any person alleging Indian descent.

15. Have you or any members of your family ever attended an Indian school? Yes No Unknown

Name and relationship to child	Type of school	Dates attended	Location of school

16. Have you or any members of your family ever received medical treatment at an Indian health clinic or U.S. Public Health Service hospital? Yes No Unknown

Name and relationship to child	Type of treatment	Dates treatment received	Location of treatment

17. Have you or any members of your family ever lived on federal trust land, a reservation or rancheria, or an allotment?
 Yes No Unknown

Name and relationship to child	Name and address	Dates living at this address

18. Tribal affiliation and location (*check any that apply*):

- a. 1906 Final Roll Name of relative: _____

The 1906 Final Roll was prepared by the Dawes Commission. Individuals who allege to be of Chickasaw, Creek, Cherokee, Choctaw, or Seminole ancestry from Oklahoma must provide the name of a relative who is listed on the Final Roll of 1906.

- b. Roll of 1924 Name of relative: _____

The Roll of 1924 relates to the Eastern Band of Cherokees, who were from states other than Oklahoma (such as North Carolina, Georgia, Mississippi, or another southeastern state). Individuals who allege to be of Eastern Cherokee descent must provide the name of a relative listed on the Roll of 1924.

- c. California Judgment Roll Roll number, if available: _____

CASE NAME: 	CASE NUMBER:
--------------------	----------------------

CERTIFICATE OF MAILING**(To be completed by social worker, probation officer, or clerk of juvenile court)**

I certify that a copy of the *Notice of Agency or Independent Adoption Proceedings for a Possible Indian Child*, with a copy of the adoption petition, was mailed as follows. Each copy was enclosed in an envelope with postage for registered or certified mail, return receipt requested, fully prepaid. The envelopes were addressed to each person, tribe, and bureau indicated below. Each envelope was sealed and deposited with the United States Postal Service at *(place)*: on *(date)*:

Date: _____ Title: _____
 Department: _____
 _____ (TYPE OR PRINT NAME)  _____ (SIGNATURE)

This form and any return receipts must be filed with the court.

List all persons, tribes, and agencies that were provided notice, with their full mailing addresses *(attach extra sheets if necessary)*:

Clerk stamps date here when form is filed.

DRAFT 7
09/26/06 mc
Not approved by the
Judicial Council

If you are adopting your stepchild, do not fill out this form.

- ① Your name (adopting parent):
- a. _____
- b. _____
- Relationship to child: _____
- Address (skip this if you have a lawyer): _____
- Street: _____
- City: _____ State: _____ Zip: _____
- Telephone number: (____) _____
- Lawyer (if any): (Name, address, telephone number, and State Bar number): _____
- _____
- _____
- _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number if known:

Case Number:

- ② Name of child after adoption:
- _____

- ③ List the services you received that were related to the adoption of the child listed in ②:

Service	Name and address of service provider	How much paid, or value of service	Payment date
a. Hospital	_____	\$ _____	_____
b. Prenatal care	_____	\$ _____	_____
c. Legal fees paid	_____	\$ _____	_____
d. Adoption agency fee paid	_____	\$ _____	_____
e. Transportation	_____	\$ _____	_____
f. Adoption facilitator fees paid	_____	\$ _____	_____



Case Number: _____

Your name: _____

Service	Name and address of service provider	How much paid, or value of service	Payment date
g. Counseling fees paid	_____	\$ _____	_____
h. Adoption service provider	_____	\$ _____	_____
i. Pregnancy expenses paid	_____	\$ _____	_____
j. Court filing fees paid	_____	\$ _____	_____
k. Fingerprinting fees paid	_____	\$ _____	_____
l. Other	_____	\$ _____	_____

If you need more space, attach a sheet of paper and write "ADOPT-230, Item 3—Payment for Services" at the top.
Number of pages attached: _____

4 I declare under penalty of perjury under the laws of the State of California that I have listed all payments (or anything of value) that I have paid or agreed to pay, or that were paid on my behalf, related to the child I want to adopt. I declare under penalty of perjury under the laws of the State of California that the information in this form is true and correct, which means that if I lie on this form, I am guilty of a crime.

Date: _____
Type or print your name _____
Signature of adopting parent _____

Date: _____
Type or print your name _____
Signature of adopting parent _____

Clerk stamps date here when form is filed.

**DRAFT 6
08/10/06 mc
Not Approved
by the Judicial Council**

After filling out this form, bring it to the clerk of the court. If you want to keep your address confidential, fill out Form JV-182, Confidential Address (Request to Change Court Order), and do not write the address on this form.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number, if known:

Case Number:

- 1 Type of request:
 - a. I am asking to change a court order.
 - b. I am asking to have a relationship with my brother or sister.
We share the same parent or parents (names): _____

- 2 Your information:
 - a. Your name: _____
 - b. Your address: _____
 - c. Your city, state, zip code: _____
 - d. Your telephone number: _____
 - e. Your relationship to the child: _____
 - f. If you are an attorney filling out this form for a client, complete the following information:
Your client's name: _____
Your client's relationship to the child: _____
Your State Bar number: _____

- 3 Child's information:
 - a. Child's name: _____
 - b. Date of birth: _____
 - c. Child's attorney (if known): _____
 - d. The child lives with (check all that apply, if known):
 - parent legal guardian relative
 - foster home group home
 - e. Name of person with whom, or place where, the child lives (if known): _____
 - f. Names of child's parents or legal guardians (if known): _____
 - g. Child's Indian tribe (if applicable and known): _____
 - h. Child's Court Appointed Special Advocate (if applicable and known): _____
 - i. Child's education surrogate (if applicable and known): _____
 - j. Child's social worker (if applicable and known): _____



Case Number:

Your name: _____

If you are asking to have a relationship with a brother or sister, you may skip to item 6. Here are some examples of what you can ask for: (1) to visit or live with or near your brother or sister; (2) to be part of case planning or permanency planning for your brother or sister.

If you are a brother or sister of the child and you want the judge to change a court order, you must complete all items.

④ On (date, if known): _____ the judge made the following order that you feel should be changed:

⑤ What changed after the judge's order that would change the judge's mind? (Give information that the judge did not have when the original decision was made):

⑥ What order do you want the judge to make now?

⑦ Why would the changes you are requesting be better for the child?

Check here if you need more space for any of the answers. Attach a sheet of paper and write "JV-180" at the top of the page.

Number of pages attached: _____



Your name: _____

- 8 I have sent a copy of my request to the following people listed below, as applicable. I have checked the correct boxes to show whether these people agree with my request.

If you do not have an attorney, the clerk will send notice and copies of your request to all persons required to receive notice under Welfare and Institutions Code sections 297 and 380 and rules 5.524 and 5.570 of the California Rules of Court.

	Agree	Disagree	Don't Know	Not Applicable
Child (if 10 years old, or older)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Child's attorney	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parent (name): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parent (name): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal guardian (name): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal guardian (name): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Social worker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Current caregiver/foster parent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pre-adoptive parent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court Appointed Special Advocate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indian tribe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indian custodian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attorney for (name/relationship to child): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attorney for (name/relationship to child): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attorney for (name/relationship to child): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
County counsel (name): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (name): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (name): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- 9 You can ask the judge to make a decision without a court hearing if all the people listed above agree with your request. Check here if you want a decision without a hearing.

- 10 Does anyone disagree with your request? Who and why (if known)?

- 11 I declare under penalty of perjury under the laws of the State of California that the information in this form is true and correct to my knowledge. I understand that this means I am guilty of a crime if I lie on this form.

Date: _____

 Type or print your name

▶ _____
 Sign your name



Your name: _____

Court Order*Court will fill out section below.***The Court Finds and Orders:**

- 12 All parties and attorneys agree to the request. The request to change a court order is granted
- a. as requested in item 6.
- b. as follows (*state specific modifications*): _____
- _____
- 13 The best interest of the child may be promoted by the requested new order, and either (a) the request states a change of circumstances or new evidence, or (b) the request has been filed for the purpose of asserting a brother or a sister relationship with the child. A hearing shall be held on the request as follows:
- a. The matter is set for a hearing on (*date*): _____ at (*time*): _____ a.m./p.m. in Dept. _____ .
- b. The judge will not hold a hearing. The judge will make a decision based on your request and any other papers filed by those listed in item 8. You and anyone listed in item 8 may ask for a hearing, which the judge will hold if there is good cause.
- 14 The request is denied because:
- a. The request is not signed.
- b. The facts do not support what is requested.
- c. The request does not state new evidence or a change of circumstances.
- d. The request does not show that it will be in the best interest of the child to change the order.
- e. Other (*state specific reasons*): _____

Date: _____

_____
Judge (or Judicial Officer)

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> <hr/> TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i> : _____ E-MAIL ADDRESS <i>(Optional)</i> : _____ ATTORNEY FOR <i>(Name)</i> : _____	FOR COURT USE ONLY Draft 15 09/26/06 xyz Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME: CHILD'S DATE OF BIRTH: HEARING DATE AND TIME: _____ DEPT.: _____	
TERMINATION OF DEPENDENCY JURISDICTION— CHILD ATTAINING AGE OF MAJORITY	CASE NUMBER: _____

Directions for the social worker: Check the appropriate boxes in items 1 through 4, complete item 5, attach documents as required, and then sign and date item 7.

Directions for the child (if available): Review the boxes checked by the social worker in items 1 through 4. Sign your initials after each item that correctly indicates the information and services that you have received. Then sign and date item 7.

1. a. The child has indicated that he or she intends to be present at the termination hearing.
- b. The child does not wish to attend the termination hearing. The petitioner has attached verification that the child has been informed of the potential consequences of failure to attend the termination hearing.
- c. The child is unavailable and/or has refused to sign this form. Evidence of reasonable efforts to locate the child and to obtain the child's signature is attached.

2. Attached is a report verifying that the child has received written information concerning his or her dependency case—including information about the child's family history, the child's placement history, the whereabouts of any siblings under the jurisdiction of the juvenile court, the procedures for accessing the documents that the child is entitled to inspect under Welfare and Institutions Code section 827, and the date on which the jurisdiction of the court will be terminated.

3. The child has been provided with the following documents *(check all that apply)*:
 - a. Certified birth certificate
 - b. Social security card
 - c. Identification card and/or driver's license
 - d. Proof of citizenship or residency status
 - e. Death certificate of parent or parents, if applicable
 - f. Health and education summary

4. The child has received the following assistance:
 - a. An application for Medi-Cal or other health insurance has been completed.
 - b. An application for college, a vocational training program, or another educational or employment program has been completed.
 - c. Information on obtaining, or an application to obtain, financial assistance for educational and employment programs has been provided.

CHILD'S NAME: _____	CASE NUMBER: _____
----------------------------	---------------------------

4. (Continuation):

- d. A referral to transitional housing, if available, or assistance in securing other housing has been provided.
- e. Assistance in obtaining employment or other financial support has been provided.
- f. Assistance in maintaining relationships with individuals who are important to the child, consistent with the child's best interest. (This is required only if the child has been in out-of-home placement for six months or longer.)
- g. Other services have been ordered by the court (*specify*):

5. Number of pages attached: _____

6. I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF SOCIAL WORKER)

7. I certify that I have received the information and services that I initialed above.

Date:

(TYPE OR PRINT NAME)



(CHILD'S SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i> : _____ E-MAIL ADDRESS <i>(Optional)</i> : _____ ATTORNEY FOR <i>(Name)</i> : _____	FOR COURT USE ONLY Draft 5 09/26/06 mc Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
PARENTAGE—FINDINGS AND JUDGMENT	CASE NUMBER:

1. *(Name)*: _____ is declared to be the legal parent of *(list names and dates of birth of all children)*:

<u>Child's name</u>	<u>Date of birth</u>
---------------------	----------------------

- a.
- b.
- c.

Additional children are listed in Attachment 1.
and a judgment is hereby entered.

2. *(Name)*: _____ is declared to be the presumed parent of *(list names and dates of birth of all children)*:

<u>Child's name</u>	<u>Date of birth</u>
---------------------	----------------------

- a.
- b.
- c.

Additional children are listed in Attachment 2.
and a judgment is hereby entered.

Date: _____

JUDICIAL OFFICER

3. A copy of this order has been transmitted to the local child support agency, on this date, by

- first-class mail
- county mail or courier
- fax

Number of pages attached: _____

Date: _____

Clerk, by _____, Deputy

Clerk stamps date here when form is filed.

DRAFT 13
09/26/06 mc
Not approved by the
Judicial Council

(NEW FORMAT)

Fill in court name and street address:

Superior Court of California, County of

Fill in case number if known:

Case Number:

- ① I am not the parent of this child. I do not wish to participate in juvenile court proceedings about this child. I understand that:
- I will receive no further notices of hearings in this matter.
 - I will not get a chance for custody of this child or court-ordered visitation with this child.
 - If the child cannot be returned to a custodial parent or guardian, it is possible that all parental rights will be terminated and the child will be adopted.
 - This denial applies only to the juvenile court proceedings and does not prevent the local child support agency from seeking to have another court determine that I am the child's parent for purposes of support of the child. If that occurs, I will have the right to a court trial, to confront and cross-examine witnesses and present evidence on my behalf, and to be represented by a lawyer who may be appointed if I cannot afford to hire one.
- ② I know I can have an attorney for this.
- I want the judge to appoint an attorney for me.
or
 - I give up my right to an attorney.
- ③ I do not know if I am the parent of the child and I consent to request blood or DNA testing to determine whether or not I am the biological parent. I understand that:
- If I am judged to be the parent of the child, I will have to support the child until the child reaches the age of 18 and has completed high school, or completes high school between the ages of 18 and 19, or reaches the age of 19, whichever comes first.
 - If I do not support the child when I have the money to do so, I may be charged with a crime under Penal Code section 270 and, if convicted, could be sentenced to pay a fine of up to \$2,000 and spend up to one year in county jail, or one year and a day in state prison.
- ④ I believe I am the child's parent and request that the court enter a judgment of parentage. I understand that:
- If I am judged to be the parent of the child, I will have to support the child until the child reaches the age of 18 and has completed high school, or completes high school between the ages of 18 and 19, or reaches the age of 19, whichever comes first.
 - If I do not support the child when I have the money to do so, I may be charged with a crime under Penal Code section 270 and, if convicted, could be sentenced to pay a fine of up to \$2,000 and spend up to one year in county jail or one year and a day in state prison.

IMPORTANT NOTICE ON PAGE 3. READ BEFORE SIGNING.

Case Number: _____

Your name: _____

- 5 I have already established parentage of the child by *(if known)*:
 - a. A voluntary declaration signed by me on *(date)*: _____
 - A copy is attached.
 - b. A court judgment of parentage on *(date)*: _____ in *(county)*: _____
 - A copy is attached.

- 6 I am married to the child's parent. Date of marriage: _____

- 7 I believe I am the parent of the child and request that the court find that I am the presumed parent of the child.
 - a. The child lived with me from _____ to _____ and from _____ to _____.
 - b. I have told the following people that the child is mine:

Check here if you need more space. Attach a sheet of paper and write "JV-505, Item 7b—People I Have Told the Child Is Mine" at the top. Number of pages attached: ____

- c. I have participated in the following activities with the child *(for example, school, daycare, sports)*:

Check here if you need more space. Attach a sheet of paper and write "JV-505, Item 7c—Child's Activities" at the top. Number of pages attached: ____

Case Number: _____

Your name: _____

7 d. I have given the following money or things to the child:

Check here if you need more space. Attach a sheet of paper and write "JV-505, Item 7d—Things Given to Child" at the top. Number of pages attached: _____

e. The child has spent the following time with my family:

Check here if you need more space. Attach a sheet of paper and write "JV-505, Item 7e—Other Information" at the top. Number of pages attached: _____

f. Other information I want the court to know is:

Check here if you need more space. Attach a sheet of paper and write "JV-505, Item 7f—Other Information" at the top. Number of pages attached: _____

Date: _____

Type or print your name

▶ _____
Sign your name

Date: _____

Type or print your attorney's name

▶ _____
Signature of your attorney



Case Number:

Your name: _____

To the alleged parent of the child:

- As the child's alleged parent, you will not get services to help you get your child back. You will not automatically get the child to live with you or your relatives.
- If the judge finds that you are the child's parent, the judge may order services to help you get the child back, but does not have to order services for you.
- If you say that you are not the child's parent and will not take a test to find out if you are the parent, and do not want services to help you get the child back, you can fill out this form and not be a part of this case.
- You can have a trial and ask the judge to decide if you are the child's parent. You can pay a lawyer to be at the trial. If you cannot afford a lawyer, the judge may appoint one for you for free. At a trial, you can ask witnesses questions and give evidence to the judge.
- If you want the court to decide if you are the child's parent, fill out this form.

CHILD'S NAME: _____	CASE NUMBER: _____
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DISPOSITION—JUVENILE DELINQUENCY

- The court has read and considered the social study prepared by the probation officer and any other relevant evidence.
- The child has been detained and is at risk of entering foster care. The probation officer believes the child will be able to return home, and the social study includes a case plan as described in section 636.1 of the Welfare and Institutions Code.
- The probation officer has recommended initial or continuing placement in foster care, and the social study includes a case plan as described in section 706.6 of the Welfare and Institutions Code.

THE COURT FINDS AND ORDERS

- 1. Notice has been given as required by law.
- 2. The court takes judicial notice of all prior findings, orders, and judgments in this proceeding.
- 3. The court has previously sustained the petition alleging that the child violated the following:

<i>Section</i>	<i>Code</i>
a.	of the
b.	of the
c.	of the
d.	of the
e.	of the

4. The maximum time the child may be confined in secure custody for the offenses sustained in the petition before the court is *(specify)*: .

5. The maximum time the child may be confined in secure custody for the offenses sustained in the petition before the court, with the terms of all previously sustained petitions known to the court aggregated, is *(specify)*:

6. The following counts may be considered a misdemeanor or a felony. The court finds the child's violations:

<i>Count Number</i>	<i>Code Section</i>	<i>Misdemeanor</i>	<i>Felony</i>
a.		<input type="checkbox"/>	<input type="checkbox"/>
b.		<input type="checkbox"/>	<input type="checkbox"/>
c.		<input type="checkbox"/>	<input type="checkbox"/>
d.		<input type="checkbox"/>	<input type="checkbox"/>
e.		<input type="checkbox"/>	<input type="checkbox"/>

7. The child resides in *(specify)*: _____ County.

8. The case is transferred to *(specify)*: _____ County for disposition. Form JV-550, *Juvenile Court Transfer Orders*, will be completed and transmitted.

9. For the reasons stated on the record, the petition is dismissed in the interests of justice because the child does not need treatment or rehabilitation.

10. The child is placed on probation for up to six months under section 725(a) of the Welfare and Institutions Code under conditions described in the attachment form JV-624, *Terms and Conditions*.

11. The child is declared continued as a ward of the court.

CHILD'S NAME: 	CASE NUMBER:
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12. The child is to reside in the custody of
- a. parent (*name*): mother father
 - b. parent (*name*): mother father
 - c. legal guardian (*name*):
 - d. without probation supervision.
 - e. under the supervision of the probation officer.
 - f. under terms and conditions described in the attachment form JV-624, *Terms and Conditions*.
13. The child is to serve (*specify*): days months in juvenile hall
- a. and is remanded forthwith.
 - b. and is to report to (*name*): _____ by _____ a.m./p.m. on (*date*): _____
 - c. with credit for (*specify*): _____ days served.
14. The welfare of the child requires that physical custody be removed from the parent or guardian. (*Check only if applicable*):
- a. The child's parent or guardian has failed or neglected to provide, or is incapable of providing, proper maintenance, training, and education for the child.
 - b. The child has been on probation in the custody of the parent or guardian and has failed to reform.
15. (*Skip unless item 14 is checked.*)
- Reasonable efforts to prevent or eliminate the need for removal
- a. have been made.
 - b. have not been made.
16. (*Skip unless item 14 is checked.*)
- a. The probation officer will ensure provision of reunification services, and the following will participate in the reunification services specified in the case plan:
 Mother Biological father Legal guardian Presumed father
 Alleged father Indian custodian Other (*specify*): _____
 - b. Reunification services do not need to be provided to (*name*): _____ as the court finds by clear and convincing evidence that (*check one*):
 - (1) reunification services were previously terminated for that parent or not offered under section 300 et seq. of the Welfare and Institutions Code.
 - (2) that parent has been convicted of murder of another child of the parent voluntary manslaughter of another child of the parent aiding, abetting, attempting, conspiring, or soliciting to commit murder or manslaughter of another child of the parent felony assault resulting in serious bodily injury to the child or another child of the parent.
 - (3) the parental rights of that parent regarding a sibling of the child have been terminated involuntarily.
 - c. The child is ordered to continued in _____ the care, custody, and control of the probation officer for placement in a suitable relative's home or in a foster or group home.
 - d. The child is to be placed out of state at the following (*name and address*):
 - (1) In-state facilities are unavailable or inadequate to meet the needs of the child.
 - (2) The state Department of Social Services or its designee has performed initial and continuing inspection of the facility and has certified that it meets all California licensure standards, or has granted a waiver based on a finding that there is no adverse impact to health and safety.
 - (3) The requirements of section 7911.1 of the Family Code are met.

CHILD'S NAME: 	CASE NUMBER:
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16. e. Pending placement, the child is
- (1) detained in juvenile hall. If being housed in another county, please specify:
- (2) detained on home supervision in the home of
- (a) parent (*name*): mother father
- (b) parent (*name*): mother father
- (c) legal guardian (*name*):
- (d) other (*name and address*):
- (e) and is subject to electronic monitoring.
- f. The parent or legal guardian must cooperate in the completion and signing of necessary documents to qualify the child for any medical or financial benefits to which the child may be entitled.
- g. The county is authorized to pay for care, maintenance, clothing, and incidentals at the approved rate.
- h. The likely date by which the child may be returned to and safely maintained in the home or another permanent plan selected is (*specify*):
- i. The right of the parent/guardian to make educational decisions for the child is specifically limited. Form JV-535, *Order Limiting Parent's Right to Make Educational Decisions for the Child and Appointing Responsible Adult as Educational Representative—Juvenile*, will be completed and transmitted.
17. *Skip unless item 14 is checked.* The child is committed to the county juvenile ranch, camp, or forestry camp for
- a. _____ days. _____ months.
- b. until the requirements of the program have been satisfactorily completed.
- c. If being housed in another county, please specify:
18. *Skip unless item 14 is checked.* The child is committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice, and form JV-732, *Commitment to the California Department of Corrections and Rehabilitation, Division of Juvenile Justice*, will be completed and transmitted.
19. The child and legal parent are to pay a restitution fine as specified on the attached form.
20. The child, with his or her parent, is to pay restitution
- as described on the attached restitution order.
- to each victim (*name each*):
- a. _____ d. _____
- b. _____ e. _____
- c. _____ f. _____
- in the amount of \$ _____ in the amount and manner determined by the probation officer, with the opportunity for review by the court if disputed by the child or the parents.
21. The child, with his or her parents, is to pay a fine in the amount of \$ _____, plus a penalty assessment in the amount of \$ _____, for a total of \$ _____.
22. Terms regarding vehicles. The child must
- a. participate in and successfully complete (*specify*):
- b. only drive to and from school, work, and/or counseling programs.
- c. surrender license to court probation officer.

CHILD'S NAME: 	CASE NUMBER:
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23. The child's driver's license is
 suspended.
 revoked.
 delayed
 for a period of months. years.
 until 18 years of age.
24. Court will notify the Department of Motor Vehicles of the judgment.
25. Other (*specify*):
26. Other (*specify*):
27. The matter is continued to (*date*): _____ at _____ a.m./p.m. for
a. 15-day review of placement order (*if child is placed before that date, the court must be notified and the matter will be dropped from calendar*).
b. 6-month review (*within 6 months from the date the child enters foster care*).
c. permanency planning hearing.
d. other (*specify*): _____
28. All prior orders not in conflict remain in effect.
29. Child is advised of his or her right to appeal.

Date: _____

JUDICIAL OFFICER

The following attachments are incorporated by reference as findings and orders:

- Terms and Conditions* (JV-624)
- Juvenile Court Transfer Orders* (JV-550)
- Restraining Order—Juvenile* (JV-250)
- Commitment to the California Department of Corrections and Rehabilitation, Division of Juvenile Justice* (JV-732)
- Order for Restitution and Abstract of Judgment* (JV-790)
- Application and Order for Authorization to Administer Psychotropic Medication—Juvenile* (JV-220)
- Order Limiting Parent's Right to Make Educational Decisions for the Child and Appointing Responsible Adult as Educational Representative—Juvenile* (JV-535)
- Parentage—Findings and Judgment* (JV-501)
- Other orders

Additional attachments:

- Indian Child Welfare Act
 - Notices and Proofs of Service* (JV-135)
 - Responses from tribes or BIA
- Victim Identification Form
- Probation officer's case plan approved by the court
 - As submitted
 - As amended and stated on the record
- Other

This form may be used with form JV-180 to keep addresses confidential.

This information must be kept under seal in the court file. Only the court, the agency, and the child's attorney may look at this information.

① Your name: _____

Your telephone number: _____

Your address: _____

② Child's name: _____

Child's telephone number: _____

Child's address: _____

③ If known:

Caregiver's name: _____

Caregiver's telephone number: _____

Caregiver's address: _____

Clerk stamps date here when form is filed.

**DRAFT 6
09/26/06 mc
Not approved by the
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name and date of birth.

Child's name:

Date of birth:

Fill in case number if known:

Case Number:

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <hr/> <p style="text-align: center;">TELEPHONE NO.: _____ FAX NO. (Optional): _____</p> <p>E-MAIL ADDRESS (Optional): _____</p> <p>ATTORNEY FOR (Name): _____</p>	FOR COURT USE ONLY Draft 9 0907/06 mc Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
ORDER REGARDING ELIGIBILITY FOR SPECIAL IMMIGRANT JUVENILE STATUS	CASE NUMBER:

The court has reviewed the supporting material on file, heard the arguments of counsel, and found the following:

1. The child was brought under the jurisdiction of the juvenile court of the county of (specify):
and committed to the custody of a state agency on (specify date):
The child remains under this court's jurisdiction.

2. The child was deemed "eligible for long-term foster care"* on (specify date):

3. It is not in the best interest of the child to be returned to his or her parent's previous country of nationality or country of last habitual residence (specify):
It is in the child's best interest to remain in the United States.

4. The above findings were made by reason of the abuse neglect abandonment of the child.

Date: _____ JUDICIAL OFFICER

* Title 8, Code of Federal Regulations § 204.11(a) states: "Eligible for long-term foster care means that a determination has been made by the juvenile court that family reunification is no longer a viable option. A child who is eligible for long-term foster care will normally be expected to remain in foster care until reaching the age of majority, unless the child is adopted or placed in a guardianship situation. For the purposes of establishing and maintaining eligibility for classification as a special immigrant juvenile, a child who has been adopted or placed in guardianship situation after having been found dependent upon a juvenile court in the United States will continue to be considered eligible for long-term foster care."

Under California law, an order not offering reunification services under Welfare and Institutions Code section 361.5(b) or 727.2; an order terminating services under Welfare and Institutions Code section 366.21, 366.22, or 727.3; or a guardianship order under section 360 means that the child is "eligible for long-term foster care" for Special Immigrant Juvenile Status purposes.

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Juvenile Law: Miscellaneous Rules and Forms (amend Cal. Rules of Court, rules 5.536 [formerly rule 1415], 5.552 [formerly rule 1423], 5.570 [formerly rule 1432], 5.610 [formerly rule 1425], 5.630 [formerly rule 1429.5], 5.635 [formerly rule 1413], 5.690 [formerly rule 1455], 5.710–5.725 [formerly rules 1460-1463], 5.740 [formerly rule 1466], 5.785 [formerly rule 1492], and 5.810 [formerly rule 1496]; revise forms ADOPT-200, ADOPT-210, ADOPT-215, ADOPT-226, ADOPT-230, JV-180, JV-365, JV-501, JV-505, and JV-665; and adopt forms JV-182 and JV-224)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
1.	Ms. Sandy Almansa Supervising Legal Clerk II Superior Court of California, County of Stanislaus Modesto	AM	Y	1. ADOPT-200: Extend lines for hearing dates and times by one-eighth of an inch to accommodate clerks' stamps. 2. ADOPT-210: Where the signature is indicated to be signed at the hearing, it should be in bold letters, as this is a common error for many parties.	1. Agree to lengthen line to accommodate clerks' stamps. 2. Agree to add to instruction line "You must sign at the hearing in front of the judge."
2.	Ms. Grace Anders Program Manager Superior Court of California, County of Solano Fairfield	A	N	I have some concerns regarding the changes to the Restraining Orders. Will the change result in more applications for restraining orders through the juvenile process and if so, should there be additional resources allocated to handle the increases?	The changes may result in more applications for restraining orders through the juvenile court; however, these are orders that would have been obtained through family court, and can now be obtained in the court the petitioner is already before. Thus, it will be easier for the petitioner and will only be a shift of resources within the court.
3.	Mr. Michael Bays Chief Deputy Sacramento County Probation	N	N	JV-655, Disposition-Juvenile Delinquency: Although the court would be responsible to complete the form, it generates numerous inconsistencies with Sacramento County Probation process, protocol, and format. The document is cumbersome and requires an excessive amount of information.	This form was adopted for mandatory use effective January 1, 2006 after a targeted development and comment period. The revisions in this proposal were intended to correct minor substantive errors on specific portions of the form only.

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Juvenile Law: Miscellaneous Rules and Forms (amend Cal. Rules of Court, rules 5.536 [formerly rule 1415], 5.552 [formerly rule 1423], 5.570 [formerly rule 1432], 5.610 [formerly rule 1425], 5.630 [formerly rule 1429.5], 5.635 [formerly rule 1413], 5.690 [formerly rule 1455], 5.710–5.725 [formerly rules 1460-1463], 5.740 [formerly rule 1466], 5.785 [formerly rule 1492], and 5.810 [formerly rule 1496]; revise forms ADOPT-200, ADOPT-210, ADOPT-215, ADOPT-226, ADOPT-230, JV-180, JV-365, JV-501, JV-505, and JV-665; and adopt forms JV-182 and JV-224)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
4.	Ms. Liz Derouen Indian Child & Family Preservation Program Ukiah	A	AM	<p>1. Rule 5.690 (formerly rule 1455): Agree that the tribe should be included in preparation of the case plan.</p> <p>2. Rule 5.785 (formerly rule 1492): Agree that the tribe should be included in preparation of the case plan.</p> <p>3. ADOPT-200: The form should clarify that for independent adoptions where there is no parental consent or dependency jurisdiction, for example, an adoption by a stepparent, that the potential adoptive parents have complied with the requirements of the Indian Child Welfare Act.</p> <p>4. Include as part of the dispositional order when the child is at risk of entering or is in foster care that the court followed the requirements of the Indian Child Welfare Act including but not limited to: notice, active efforts, the appropriate evidentiary standards, expert witness requirements, and placement preferences.</p>	<p>1. No response required.</p> <p>2. No response required.</p> <p>3. Item 7 of this form contains a requirement and instruction that if the child may have Indian ancestry, the petitioner must attach From ADOPT-220, <i>Adoption of Possible Indian Child</i>.</p> <p>4. This comment goes beyond the scope of this proposal and raises issues necessitating circulation for comment. The committee will consider these for a future cycle.</p>
5.	Ms. Marilyn Dutkus Deputy County Counsel Humboldt County			JV-180: The new form should include the legal authority for the court to grant the relief	A points and authorities is not necessary for the court to determine if the requested change merits a

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				requested. Are pro-pers supposed to know to attach a points and authorities? There must be law cited to set the legal parameters for the request.	hearing. The relevant legal standards are contained in the court order denying or setting a hearing.
6.	Ms. Ana Espana Supervising Attorney San Diego County Department of the Public Defender San Diego	AM	Y	JV-365: Delete proposed amendments to item #4(a)(c). We support the intention behind these proposed amendments. However, there is no ability to enforce these requests after termination of jurisdiction.	Agree to delete the proposed amendment and consider in a future proposal.
7.	Ms. Janice Y. Fukai Law Offices of the Los Angeles County Alternate Public Defender Los Angeles			<p>1. Rules 5.690, 5.710, 5.715, 5.720, 5.725, and 5.740 (formerly rules 1455, 1460, 1461, 1462, 1463, and 1466): The amendments are acceptable provided that they make clear whether they are intended to apply to delinquency proceedings as well. These proposed rules make positive changes, primarily requiring courts to have the child actively involved in the development of the child’s case plan.</p> <p>2. Rules 5.785 and 5.810 (formerly rules 1492 and 1496): The proposed changes are acceptable if the below changes were implemented. The proposed change increases the time line to submit case plans in conformance with federal law to 60 days.</p>	<p>1. The delinquency rules of court add the requirement that the court determine if the child participated in the case plan development.</p> <p>2. The committee believes the time period to submit case plans must be changed from 30 to 60 days, as this extension is required by statute.</p>

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Juvenile Law: Miscellaneous Rules and Forms (amend Cal. Rules of Court, rules 5.536 [formerly rule 1415], 5.552 [formerly rule 1423], 5.570 [formerly rule 1432], 5.610 [formerly rule 1425], 5.630 [formerly rule 1429.5], 5.635 [formerly rule 1413], 5.690 [formerly rule 1455], 5.710–5.725 [formerly rules 1460-1463], 5.740 [formerly rule 1466], 5.785 [formerly rule 1492], and 5.810 [formerly rule 1496]; revise forms ADOPT-200, ADOPT-210, ADOPT-215, ADOPT-226, ADOPT-230, JV-180, JV-365, JV-501, JV-505, and JV-665; and adopt forms JV-182 and JV-224)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>While proponents argue that more time is needed to make a thorough assessment and case plan, practical concerns are (1) whether in fact more time will lead to more thorough case plans or will simply add delay and (2) whether the court and counsel will want the case plan before disposition, and thus waive time and agree to further detention. Because of this concern, we agree with the modification that time should not be increased.</p> <p>3. Rule 5.579 (formerly rule 1432): The proposed changes are unacceptable because there is currently no mandatory form for a modification pursuant to section 778. Thus, an attorney may file a petition in the form of a motion. This rule change would require use of a Judicial Council form, which is more suited for dependency than delinquency. Much of the information is not required by section 778.</p> <p>4. JV-655, <i>Disposition-Juvenile Delinquency</i>:</p> <p>a. In regards to the proposed changes, deleting the option of return to a parent pending placement is unacceptable.</p>	<p>3. The committee agrees to modify the rule to clarify that JV-180 is mandatory only for modification petitions pursuant to section 388. Form JV-740 Petition to Modify Previous Orders—Change of Circumstances can be used in delinquency proceedings.</p> <p>4.</p> <p>a. The committee disagrees with retaining the option of return to a parent pending placement of a child on this form. Returning a</p>

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Juvenile Law: Miscellaneous Rules and Forms (amend Cal. Rules of Court, rules 5.536 [formerly rule 1415], 5.552 [formerly rule 1423], 5.570 [formerly rule 1432], 5.610 [formerly rule 1425], 5.630 [formerly rule 1429.5], 5.635 [formerly rule 1413], 5.690 [formerly rule 1455], 5.710–5.725 [formerly rules 1460-1463], 5.740 [formerly rule 1466], 5.785 [formerly rule 1492], and 5.810 [formerly rule 1496]; revise forms ADOPT-200, ADOPT-210, ADOPT-215, ADOPT-226, ADOPT-230, JV-180, JV-365, JV-501, JV-505, and JV-665; and adopt forms JV-182 and JV-224)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>b. Other concerns with the delinquency form include:</p> <p>1. the form does not provide a place for the court to place the minor on informal probation pursuant to Welf. & Inst. Code § 654.</p>	<p>child home pending placement is inconsistent with the statutory provisions and case law governing youth removed from their parents’ physical custody. Before a child is placed out of the home, the court must find that continuance in the home of the parent or legal guardian is contrary to the child’s welfare. Once this finding is made it would be illogical to then return the child to that home.</p> <p>b.</p> <p>1. JV-655 is a Disposition form and informal probation pursuant to Welfare and Institutions Code section 654 is not a “disposition” as the petition has not been adjudicated. It is, in actuality, putting off jurisdiction, therefore this disposition form should not be used. JV-622 can be used for informal supervision cases.</p>

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Juvenile Law: Miscellaneous Rules and Forms (amend Cal. Rules of Court, rules 5.536 [formerly rule 1415], 5.552 [formerly rule 1423], 5.570 [formerly rule 1432], 5.610 [formerly rule 1425], 5.630 [formerly rule 1429.5], 5.635 [formerly rule 1413], 5.690 [formerly rule 1455], 5.710–5.725 [formerly rules 1460-1463], 5.740 [formerly rule 1466], 5.785 [formerly rule 1492], and 5.810 [formerly rule 1496]; revise forms ADOPT-200, ADOPT-210, ADOPT-215, ADOPT-226, ADOPT-230, JV-180, JV-365, JV-501, JV-505, and JV-665; and adopt forms JV-182 and JV-224)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>2. Finding 4 should have a place for credits of time in custody.</p> <p>3. Finding 5 should reflect the maximum term if minor is sent to DJJ under the court’s discretion, tracking Welf. & Inst. Code § 731 and should contain a place for the court to indicate that it is not aggregating the petition.</p> <p>4. Finding 12 should be revised to delete mother and father and should reflect parent in line with other changes recognizing that parents may both be mothers and fathers.</p> <p>5. Finding 14’s language is wrong and misleading. The court cannot detain a child merely because the parent or guardian has failed to provide or neglected to provide maintenance, etc. Further findings are necessary pursuant to Welf. & Inst. Code §636.</p>	<p>2. The committee agrees the form may need a place for custody credits, but that is beyond the scope of this proposal and would require comment in a future RUPRO cycle.</p> <p>3. JV-732 is to be attached to JV-665 when there is a DJJ commitment. Item 8 on JV-732 requires the maximum term so adding this to JV-665 would be duplicative.</p> <p>4. Findings 12 (a) and 12 (b) use the gender neutral “parent” and also permit the checking of the mother and father boxes on either or both lines. Mother or father can be checked twice if applicable.</p> <p>5. For dispositional purposes, Welf. & Inst. Code Section 726 permits taking a ward’s physical custody from the parent, if upon a hearing the court finds ONE of the following:</p>

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Juvenile Law: Miscellaneous Rules and Forms (amend Cal. Rules of Court, rules 5.536 [formerly rule 1415], 5.552 [formerly rule 1423], 5.570 [formerly rule 1432], 5.610 [formerly rule 1425], 5.630 [formerly rule 1429.5], 5.635 [formerly rule 1413], 5.690 [formerly rule 1455], 5.710–5.725 [formerly rules 1460-1463], 5.740 [formerly rule 1466], 5.785 [formerly rule 1492], and 5.810 [formerly rule 1496]; revise forms ADOPT-200, ADOPT-210, ADOPT-215, ADOPT-226, ADOPT-230, JV-180, JV-365, JV-501, JV-505, and JV-665; and adopt forms JV-182 and JV-224)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>Similarly, the court may not detain a Welf. & Inst. Code §601 minor, and the fact that the child is on probation and has “failed to reform” is not a finding that should be made without an evidentiary hearing, nor does it justify detaining a minor.</p> <p>6. Finding 15 allows a court to conclude that reasonable efforts have or have not been made without requiring the court to state on what basis it so finds. Such conclusions should include the court’s specification of what services have been offered, and which services are being offered.</p>	<ul style="list-style-type: none"> • The parent is incapable of providing or has failed/neglected to provide maintenance, training... • The minor has been tried on probation while in custody and failed to reform • The welfare of the minor requires custody be taken from parent <p>Finding 14. deals with disposition, and removal from a parent’s physical custody. Section 726 clearly permits removing a child from his/her parent’s custody for any ONE of the 3 reasons above if the court does so after a hearing. Detention findings are addressed using form JV-642.</p> <p>6. The committee agrees providing a place on the form to enter those findings should be considered in a future cycle. When making “reasonable efforts” findings to detain a minor, the court is to</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>7. Finding 16(I) should include a box indicating that the JV-535 has been completed, and the responsible adult should be specified on the disposition order.</p> <p>8. Finding 27. Court and counsel should receive notification that the child has been placed. The matter should not be “dropped from calendar,” but should have the review date set at that time.</p> <p>9. The attachments indicate that the probation officer’s case plan is approved either “as submitted” or “as amended on the record.”</p>	<p>“make reference to documentation” provided in the case plan submitted by probation and make findings on the record... which should include the nature and results of services provided. It is not necessary, however, the specifics be listed on the form.</p> <p>7. Item 16i. directs that JV-535 should be completed and JV-535 has a place for the appointee’s name.</p> <p>8. There is no need for a calendared “review” of the reason for placement delay when the child has been placed within 15 days. And the 6 month review should have already been set (usually, unless an exception) based upon the date the child was removed from the home. There is no statutory requirement the court and counsel be notified of placement.</p> <p>9. If the probation report is</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				There should be a third option, that is “not approved and probation is ordered to prepare a supplemental report.”	inadequate to proceed to disposition such that a supplemental report is required, the disposition form will not be completed and the matter will be continued for disposition.
8.	Ms. Janet Garcia Manager, Planning and Research Unit Superior Court of California, County of Los Angeles Los Angeles	A	Y	<i>No specific comment.</i>	No response required.
9.	Ms. Carole Greeley California Appellate Defense Counsel, Bay Area Dependency Chapter Fairfield	AM	Y	<p>1. JV-180: This form is confusing for petitioners who are asking to have a relationship with a sibling. It would probably be better to have one form for changing or setting aside an order and another form for asking to have a relationship with a sibling.</p> <p>2. JV-180: Item 8 does not include all of the persons who have a right to notice of a section 388 petition, and there is insufficient room for “other.” e.g., I have a case where there were five siblings who had a right to notice, as did their custodians.</p> <p>3. JV-180: Item 9 is unclear. Who is</p>	<p>1. This form was revised one year ago into plain language format to facilitate the filing of motions to establish sibling relationships. Item 1b allows the petitioner to indicate if the request is to establish a sibling relationship.</p> <p>2. Agree to add additional “other” line, however space and formatting preclude additional lines.</p> <p>3. Agree to change “everyone” to “all the people listed above” to</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>“everyone”? Rule 1432 says all parties. Does this mean everyone who has a right to notice?</p> <p>4. Rule 5.570 (formerly rule 1432): Further, I recently argued the rule of court is inconsistent with Welf. & Inst. Code section 388, since section 388 does not recognize an exception to the rule that if the petitioner has presented a sufficient petition, the court shall set a hearing.</p>	<p>indicate it is those entitled to notice who must agree, while continuing to use plain language on this form.</p> <p>4. The committee disagrees that the rule of court is inconsistent with the statute.</p>
10.	Mr. David Gutknecht Principal Management Analyst Superior Court of California, County of Riverside Riverside	A	Y	<p>1. ADOPT-200: Add lines to #15 for entry of termination date.</p> <p>2. JV-180: Add a box for the hearing date, time and department.</p>	<p>1. Agree to add lines to enter date parental rights were terminated.</p> <p>2. Spaces for the hearing date, time, and department already appear on this form on page 4, under Court Order.</p>
11.	Ms. Cheryl Kanatzar Deputy Executive Officer Superior Court of California, County of Ventura	AM	Y	<p>1. ADOPT-200: Item 10, specify which “birth” parent you are referring to, or provide space for both parents.</p> <p>2. ADOPT-215: Item 3. Specify you are asking for city, state, and county of birth.</p> <p>3. ADOPT-215: Item 12. Have separate lines</p>	<p>1. Agree to add space for name to specify which birth parent the petition is referring to.</p> <p>2. Agree to add “Place of birth.”</p> <p>3. Agree to separate lines for first,</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>for first, middle, and last names.</p> <p>4. JV-180: Make the order a separate form</p> <p>5. Rule 5.610 (Formerly Rule 1425): Transfers should be on mandatory form, not modified.</p> <p>6. JV-655: Agree with changes, but form should be optional.</p>	<p>middle, and last names.</p> <p>4. The committee does not agree with making the order a separate form. Rule 1432 requires the clerk to notice the hearing under rule 1407. Rule 1407 requires service of notice and the petition. Thus, the entire document-order for hearing and petition-must be served. For this reason, the committee recommends keeping the order and petition as one form.</p> <p>5. The committee agrees to add a subsection clarifying that the amendment does not affect the continued use of the original mandatory form by regional collaborations when a court is transferring a case to a court outside the collaboration or when a court accepts a transfer from a court outside the collaboration.</p> <p>6. This form was adopted for mandatory use effective January 1,</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
					2006 after a targeted development and comment period. The revisions in this proposal were intended to correct minor substantive errors on specific portions of the form only.
12.	Ms. Tressa S. Kenter and Ms. Debra Meyers Court Executive Officer and Chief of Staff Counsel Services Superior Court of California, County of San Bernardino San Bernardino	A	N	<i>No specific comment.</i>	No response required.
13.	Mr. Nelson Lu Deputy Public Defender San Joaquin County Public Defender Stockton	A	N	<i>No specific comment.</i>	No response required.
14.	Ms. Joan McCoy Court Appointed Special Advocate CASA of Fresno and Madera Counties Fresno	A	N	<i>No specific comment.</i>	No response required.
15.	Ms. Janet McKee, Chief Office of Vital Records California Department of Health Services Sacramento			<i>Adopt – 215, Adoption Order:</i> 1. Item 1 a. should ask for maiden name, if appropriate, which assists in preparing the amended birth certificate.	1. a. The committee agrees to amend the form to include the maiden name.

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>b. should delete reference to “skip this if you have a lawyer” on the address and phone number line. The lawyers often don’t have answers to our questions, so its necessary for us to call or write the adopting parents.</p> <p>c. should make the adopting parent’s phone number a mandatory inclusion, and should specify the form is asking for a daytime telephone number.</p> <p>2. Item 2 – should specify the form is requesting City, State and County of Birth, because we are often provided with the place of residence.</p> <p>3. Box for Court Name and Address should require courts to include their phone number in the event there are questions regarding the Order.</p> <p>4. Item 10 – should specify the adoptee’s first, middle and last name, rather than listing the name as one item, to avoid confusion when preparing birth certificate.</p>	<p>b. The committee agrees to amend the form to require the applicants address and phone number.</p> <p>c. The form can not mandate information, however the committee does agree to ask for the petitioners’ day time telephone number.</p> <p>2. The committee agrees to amend the form to specify that the information requested is for the place of birth of the child.</p> <p>3. The committee agrees to amend the form so that the court telephone number is among the information listed on the form.</p> <p>4. The committee agrees to amend the form to specify first, middle, and last name.</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
16.	Ms. Andrea Nelson Court Operations Director Superior Court of California, County of Butte	A	N	<p>1. JV-665: Request reconsideration of use as a mandatory form. Combining the findings after hearing with clerk’s minutes creates duplication and increase work. Along with the Court, the Probation Department also has computer generated forms and creating a form that is both the findings and order along with the clerk’s minute order will increase clerical and court time.</p> <p>2. ADOPT-215: Recommend that numbers 6 through 12 be removed as these elements are contained in the clerk’s minutes.</p>	<p>1. This form was adopted for mandatory use effective January 1, 2006 after a targeted development and comment period. The revisions in this proposal were intended to correct minor substantive errors on specific portions of the form only.</p> <p>2. The committee does not agree to remove these necessary findings from this mandatory statewide form.</p>
17.	Mr. James M. Owens Assistant County Counsel Los Angeles Office of County Counsel-Dependency Division Monterey Park	AM	N	<p>1. Rule 5.552 (Formerly Rule 1423): This proposed amendment would seemingly require that even an attorney of record, who requires a copy of a document contained in the juvenile case file, seek court permission in order to obtain a copy of that document. Amend by adding: “This rule is not meant to preclude a party or attorney for a party, while the case is pending, from obtaining a copy of a juvenile case file document that was previously disseminated during the proceedings.”</p>	<p>1. The committee agrees to modify the rule to not preclude a party or attorney for a party, while the case is pending, from obtaining a copy of a juvenile case file document that was previously disseminated during the proceedings.</p>

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				<p>2. Rule 5.570 (Formerly Rule 1432): Former (e), new (f), currently states, “the present custodian of a dependent child and the tribe of a dependent Indian child must be similarly notified.” This rule needs clarification by the insertion of the word “Indian” before “custodian” to be consistent with the rules of confidentiality and ICWA. This issue has come before the Court of Appeal, and in an unpublished opinion, the Court believed the current reading of the rule required notice to the foster parent of the child regardless of whether the child was Indian.</p> <p>3. Rule 5.690 (formerly rule 1455): What if the child is young (i.e., 3 or 4 years of age) and not able to comprehend what is happening, or an older child refuses to go to counseling or visitation?</p> <p>4. Rules 1460; 1461; 1462, 1466(b)(2)(3): what</p>	<p>2. The committee agrees to insert the word “Indian” before “custodian” to be consistent with the rules of confidentiality and ICWA.</p> <p>3. The committee agrees to add “unless the child was unable, unavailable, or unwilling to participate” to the rule. The committee further agrees to clarify the rules to indicate that children should be involved in the development of their case plans “as age and developmentally appropriate” as required by statute.</p> <p>4. The committee agrees to add “unwilling” to list of reasons court</p>

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				<p>if the child does not agree and refuses to sign the case plan? Amend the rule to add “unwilling” to list of reasons court can find to excuse child’s non-participation in case planning.</p> <p>5. Rule 1460(f)(10)(A), 1461(d)(3)(J)(i) and 1462(c)(13)(A): amend to read “a parent who has relinquished...” or “a parent, presumed or alleged, who has relinquished...”</p> <p>6. Rule 1460(f)(10)(B): “Father” should read “parent”.</p> <p>7. Form JV-180. a. Item 5 should read “what change occurred after the judge’s order?”</p> <p>b. Item 7 should correspond to the code and should read “why would the change you’re requesting be in the child’s best interest?” One</p>	<p>can find to excuse child’s non-participation in case planning.</p> <p>5. The committee recommends against deleting the list of all possible parents, as it would make the rule less clear.</p> <p>6. The committee agrees to amend this rule with gender neutral language.</p> <p>7. a. The committee does not agree to change this item as the suggested language is more complex than the existing language of “what changed after the judge’s order that would change the judge’s mind?” on this plain language form.</p> <p>b. The committee does not agree to change this item as the suggested language is more complex than the existing language of “why would</p>

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				<p>could otherwise argue that the new standard would be what is “better for the child” rather than what is in the child’s best interest.</p> <p>c. Under the box to check if more space is needed, add a box at the bottom to state, “List the attachments to support request.”</p> <p>d. Item 9 should be deleted. This is already within the prerogative of the court.</p> <p>e. Item 14(d) should read “the request does not show that it will be in the best interest of the child to change the order”</p> <p>8. Form JV-505, <i>Statement Regarding</i></p>	<p>the changes you are requesting be better for the child?” on this plain language form. This question should not change the standard, as the statute and rule remain the same. Additionally, the court order section of the form grants or denies a hearing on the request based on whether the request shows that it will be in the best interest of the child to change the order.</p> <p>c. The committee agrees to add “number of pages attached” at the end of this plain language form.</p> <p>d. The committee does not agree to delete this item. The petitioner should be able to tell the court that all parties agree and a hearing is not required.</p> <p>e. The committee agrees to change the language on this form to track the code section.</p> <p>8. The committee agrees to add biological to the description of the</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<i>Parentage:</i> Item 4 should be amended to read “request blood or DNA testing to determine if I am the <u>biological</u> parent.” this is what the blood/DNA tests will determine.	determination that blood or DNA testing will determine.
18.	Mr. Robert Patterson Attorney Minor’s Counsel of Santa Cruz Santa Cruz	A	N	<i>No specific comment.</i>	No response required.
19.	Mr. Mark Radoff & Ms. Maureen Geary Directing Attorney & Senior Attorney California Indian Legal Services Escondido	AM	Y	<p>1. Rule 5.690 (formerly rule 1455): Agree that the tribe should be included in preparation of the case plan.</p> <p>2. Rule 5.785 (formerly rule 1492): Agree that the tribe should be included in preparation of the case plan.</p> <p>3. ADOPT-200: The form should clarify that for independent adoptions where there is no parental consent or dependency jurisdiction, for example, an adoption by a stepparent, that the potential adoptive parents have complied with the requirements of the Indian Child Welfare Act.</p> <p>4. Include as part of the dispositional order when the child is at risk of entering or is in</p>	<p>1. No response required.</p> <p>2. No response required.</p> <p>3. Item 7 of this form contains a requirement and instruction that if the child may have Indian ancestry, the petitioner must attach form ADOPT-220, <i>Adoption of Possible Indian Child</i>.</p> <p>4. This comment goes beyond the scope of this proposal and raises issues necessitating circulation for</p>

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				foster care that the court followed the requirements of the Indian Child Welfare Act including but not limited to: notice, active efforts, the appropriate evidentiary standards, expert witness requirements, and placement preferences.	comment. The committee will consider these for a future cycle.
20.	Mr. Michael M. Roddy Superior Court of California, County of San Diego San Diego			1. San Diego Superior Court local rules allow another judicial officer to be cross-designated as a judge of the juvenile court to hear a WIC §827 petition. A specific order is issued cross-designating a judicial officer in another division to sit as a judge of the juvenile court for purposes of the 827 or an 828 petition; the judge to be cross-designated must agree to hear the petition; and cross-designation is only done for a judge of the San Diego Superior Court. The cross-designation procedure has worked well here, and we would like to have the rule allow our court the discretion to continue using our process. Allowing cross-designation of superior court judges from other divisions is a good practice because the judge hearing the case in the other division (e.g., criminal, civil, probate) usually will be in a better position to determine which parts of the juvenile case file, if any, are relevant and material to the case proceeding before that court. In contrast, the	1. The committee does not agree to allow judicial officers other than juvenile court judicial officers to determine what confidential juvenile court documents should be released to parties other than those automatically allowed to inspect the records by statute. The confidentiality rules were designed to protect the confidentiality interest of the dependent child. Which court is in the best position to determine which parts of the file are relevant and material to the proceeding outside of juvenile court is irrelevant. Rather, the legislature has entrusted the juvenile court with the determination of the best interests of the child whose records are subject to being disclosed. The juvenile court has both the

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				<p>juvenile court presiding judge would normally be less familiar with the facts and legal issues in the criminal, civil, or other case for which the information is sought. Further, cross-designation should be allowed to ease the heavy workload of the judicial officers in the juvenile court.</p> <p>2. Rule 5.710 (former rule 1460): should track WIC §16501.1(f)(1) and should read the child must be involved in developing the case plan “as age and developmentally appropriate.</p> <p>3. Rule 5.690 (former rule 1455): WIC § 16501.1 requires a child who is 12 years of age or older and in a permanent placement to be given the opportunity to review, sign, and receive a copy of the case plan. The proposed rules omit the requirement that the child be in a permanent placement.</p> <p>4. Various suggestions to correct grammatical and typographical errors, as well as improve plain language instructions.</p>	<p>“sensitivity and expertise” to make decisions about access to juvenile court records.</p> <p>2. The committee agrees to clarify the rules to indicate that children should be involved in the development of their case plans “as age and developmentally appropriate”</p> <p>3. Agree to add “and in a permanent placement” to the rules discussing case plan involvement of children 12 years of age and older.</p> <p>4. Agree to modify text to improve grammar and simplify instructions.</p>
21.	Mr. Gary Seiser	AM	Y	1. Rule 5.570 (former rule 1432(g): The	1. The committee does not agree to

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
	Senior Deputy County Counsel San Diego Office of County Counsel San Diego			<p>second sentence of this subdivision already exists in the current version of rule 1432(f), but it is incorrect. There is no requirement for clear and convincing evidence of a need to protect the child’s physical and emotional well-being before a child is moved to a higher level of care. Clear and convincing evidence is only needed for removal from a parent, and evidence of the need to protect the child is only needed for removal from a parent. All other placement decisions are made by a preponderance of the evidence as to the child’s best interest. Thus the second sentence should be deleted in its entirety. The third sentence should be modified to be consistent with existing law and Welfare and Institutions Code section 388 to read: “all other requests require a preponderance of the evidence to show a change in circumstances or new evidence, and that the requested modification is in the child’s best interest.</p> <p>2. Rule 5.710 (formerly rule 1460(f)(10)(B): The word “father” should be replaced with “parent” and the word “paternity” should be replaced with “parentage”.</p> <p>3. Rules 1461(d)(2)(B), 1462(c)(3)(C),</p>	<p>make these changes at this time. The suggested changes are beyond the scope of what was circulated for comment. The suggested modifications are to rule text that were not printed as part of the Invitation to Comment. Changes to the standards of proof need full consideration and comment from the juvenile court community before the committee can make a recommendation. The committee will consider circulating for comment in a future cycle.</p> <p>2. The committee agrees to change this rule to use gender neutral language.</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>1463(e)(6)(C), JV-365, box 5(f): All references to Welf. & Inst. §366.35 should be deleted. That section does not “define” out-of-home placement. It speaks of the implementation of the out-of-home-placement requirements for this issue. At this point, or at least by the time these rule modifications would go into effect, we should be pushing application of this portion of the rule in all cases in which the child has been in out-of-home care for six months or longer, regardless of the type of placement. Thus reference to Welf. & Inst. Code §366.35 is inappropriate and confusing and should be deleted.</p> <p>4. Rule 1463(a): The first sentence should be amended to delete the words “after January 1, 1989.” The rule applies to all dependent children.</p> <p>5. Rule 1463(e)(7): Adding this subdivision regarding the children’s case plan and involvement will be confusing to practitioners and the courts, since it implies additional requirements over and above those set forth in the statutes and rules for the “assessment” that is prepared for the WIC 366.26 hearing. Those</p>	<p>3. The committee agrees to delete the reference to Welf. & Inst. Code §366.35. The statute as written is confusing as it does not provide guidance to social workers regarding which children in out of home placement should be asked about individuals who are important to them. The committee agrees that this should be asked of all children in out of home care for six months or longer to facilitate relationships that last beyond the foster care years.</p> <p>4. The committee agrees to delete the words “after January 1, 1989” to make the rule applicable to all dependent children.</p> <p>5. The committee does not agree to delete this requirement from the rule on permanent plan hearings. At the permanent plan hearing, the court must do two things: select and implement a permanent plan, and in</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>already require a statement from the child concerning placement and the plan for adoption or guardianship unless the child is unable to provide a meaningful response. It may also be unclear whether the rule is implying the requirements of this subdivision are necessary for reaching a decision on the selection and implementation of a permanent plan, something neither the statutes nor subdivision requires, which may cause confusion. Since I believe this subdivision will cause more problems than it solves, I would recommend not adding this subdivision.</p> <p>6. ADOPT-226: The title of this form is for notice in adoption proceedings “for an Indian child.” Yet the form is for use in cases where it is not yet known if the child is an Indian child, but rather where the child may possibly be an Indian child. As such, the title of the form should be “Notice of Agency/Independent Adoption Proceedings for a Possible Indian Child”</p> <p>7. JV-365, Box 2: This box deals with a report verifying the child has received written information as required in Welf. & Inst. Code</p>	<p>most cases also review the status of the child. The court must review the case plan to determine a number of required findings at each status review. The rule does not specify that the case plan review by the court is necessary for selecting and implementing a permanent plan.</p> <p>6. The committee agrees to amend this form’s title to Notice of Agency/Independent Adoption Proceedings for a Possible Indian Child.</p> <p>7. The committee does not agree to amend the form to excuse providing</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>§391, which is required before terminating dependency jurisdiction for a child who reached the age of majority. It should be revised to recognize that sometimes the child will not have received the written information because the child is a runaway or has otherwise been unwilling to cooperate with the social services agency regarding receiving such information. (See <i>In re Holly H.</i> (2002) 104 Cal.App.4th 1324.) I would recommend the language be amended to read “Attached is a report verifying that the child has received written information concerning his or her dependency case, or the effort made to provide the child with that information-including information about...”</p> <p>8. Form JV-501: Box 1’s reference to someone being declared a legal parent should be revised. The question of parentage is whether someone is the biological or presumed parent of the child. Box 2 needs to be amended to reflect this as well, since a judgment of parentage normally implies biological parentage, not presumed parentage. I would recommend both boxes 1 and 2 be amended to say: “(Name)_____ is declared to be the []biological</p>	<p>the child with the statutorily required information based on a report of efforts made to provide that information, as this change would need to be made in a rule of court, not a form. The committee may consider circulating such a rule for comment in a future cycle.</p> <p>8. The committee disagrees with including only biological and presumed parents on this form. There are many levels of parentage in dependency law. Legal parents has existed on this form for many years for plain language reasons..</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>[]presumed parent of (List names and dates of birth of all children):”</p> <p>9. Form JV-505: Page 3. The first two bullet items in the section entitled “to alleged parents of the child” should be amended and made three bullet items to indicate that alleged parents do not get services and will not get the child to live with them or their relatives; that if the judge finds you are the biological parent but not the presumed parent, the judge may give you custody or placement, order services to help you get the child back, or consider placement with your relatives if it is in the best interest of the child; that if the judge finds you are the child’s presumed parent, the judge will order services to help you get the child back unless the child is either placed with the child’s other parent or services are denied under Welf. & Inst. Code §361.5(b) or (e)(1).</p>	<p>9. The committee does not agree to amend the form with the different forms of parentage as it would interfere with the form’s purpose of advising alleged parents in plain language.</p>
22.	Ms. Diane Wasznicky Family Law Section of the State Bar Executive Committee Sacramento	AM	N	<p>1. Rule 5.552 (Formerly Rule 1423): This proposed amendment would seemingly require that even an attorney of record, who requires a copy of a document contained in the juvenile case file, seek court permission in order to obtain a copy of that document. Amend by adding: “This rule is not meant to preclude a</p>	<p>1. The committee agrees to modify the rule to not preclude a party or attorney for a party, while the case is pending, from obtaining a copy of a juvenile case file document that was previously disseminated during the proceedings.</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>party or attorney for a party, while the case is pending, from obtaining a copy of a juvenile case file document that was previously disseminated during the proceedings.”</p> <p>2. Rule 5.570 (Formerly Rule 1432): Former (e), new (f), currently states, “the present custodian of a dependent child and the tribe of a dependent Indian child must be similarly notified.” This rule needs clarification by the insertion of the word “Indian” before “custodian” to be consistent with the rules of confidentiality and ICWA. This issue has come before the Court of Appeal, and in an unpublished opinion, the Court believed the current reading of the rule required notice to the foster parent of the child regardless of whether the child was Indian.</p> <p>3. Rule 5.690 (Formerly Rule 1455): What if the child is young (i.e., 3 or 4 years of age) and not able to comprehend what is happening, or an older child refuses to go to counseling or visitation?</p>	<p>2. The committee agrees to insert the word “Indian” before “custodian” to be consistent with the rules of confidentiality and ICWA.</p> <p>3. The committee agrees to add “unless the child was unable, unavailable, or unwilling to participate” to the rule. The committee further agrees to clarify the rules to indicate that children should be involved in the development of their case plans “as</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>4. Rules 5.710, 5.715, 5.720, 5.740 (formerly rules 1460; 1461; 1462, 1466): what if the child does not agree and refuses to sign the case plan? Amend the rule to add “unwilling” to list of reasons court can find to excuse child’s non-participation in case planning.</p> <p>5. Rules 5.710, 5.715, 5.720 (formerly rules 1460, 1461 and 1462): amend to read “a parent who has relinquished...” or “a parent, presumed or alleged, who has relinquished...”</p> <p>6. Rule 5.710 (formerly rule 1460): “Father” should read “parent”.</p> <p>7. Form JV-180.</p> <p>a. Item 5 should read “what change occurred after the judge’s order?”</p>	<p>age and developmentally appropriate” as required by statute.</p> <p>4. The committee agrees to add “unwilling” to list of reasons court can find to excuse child’s non-participation in case planning.</p> <p>5. The committee recommends against deleting the list of all possible parents, as it would make the rule less clear.</p> <p>6. The committee agrees to amend this rule with gender neutral language.</p> <p>7.</p> <p>a. The committee does not agree to change this item as the suggested language is more complex than the existing language of “what changed</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>b. Item 7 should correspond to the code and should read “why would the change you’re requesting be in the child’s best interest?” One could otherwise argue that the new standard would be what is “better for the child” rather than what is in the child’s best interest.</p> <p>c. Under the box to check if more space is needed, add a box at the bottom to state, “List the attachments to support request.”</p> <p>d. Item 9 should be deleted. This is already within the prerogative of the court.</p>	<p>after the judge’s order that would change the judge’s mind?” on this plain language form.</p> <p>b. The committee does not agree to change this item as the suggested language is more complex than the existing language of “why would the changes you are requesting be better for the child?” on this plain language form. This question should not change the standard, as the statute and rule remain the same. Additionally, the court order section of the form grants or denies a hearing on the request based on whether the request shows that it will be in the best interest of the child to change the order.</p> <p>c. The committee agrees to add “number of pages attached” at the end of this plain language form.</p> <p>d. The committee does not agree to delete this item. The petitioner should be able to tell the court that</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>e. Item 14(d) should read “the request does not show that it will be in the best interest of the child to change the order”</p> <p>8. Form JV-505, <i>Statement Regarding Parentage</i>: Item 4 should be amended to read “request blood or DNA testing to determine if I am the <u>biological</u> parent.” this is what the blood/DNA tests will determine.</p>	<p>all parties agree and a hearing is not required.</p> <p>e. The committee agrees to change the language on this form to track the code section.</p> <p>8. The committee agrees to add biological to the description of the determination that blood or DNA testing will determine.</p>
23.	Ms. Monique Wilson Administrative Services Manager DPSS Court Services Branch Riverside	A	Y	<i>No specific comment.</i>	No response required.

FAMILY CODE SECTION 297.5(a)

Assembly Bill 205 (Goldberg)

297.5. (a) Registered domestic partners shall have the same rights, protections, and benefits, and shall be subject to the same responsibilities, obligations, and duties under law, whether they derive from statutes, administrative regulations, court rules, government policies, common law, or any other provisions or sources of law, as are granted to and imposed upon spouses.

FAMILY CODE SECTION 9003

Senate Bill 302 (Scott)

9003. (a) In a stepparent adoption, the consent of either or both birth parents shall be signed in the presence of a notary public, court clerk, probation officer, qualified court investigator, or county welfare department staff member of any county of this state. The notary public, court clerk, probation officer, qualified court investigator, or county welfare department staff member before whom the consent is signed shall immediately file the consent with the clerk of the court where the adoption petition is filed. The clerk shall immediately notify the probation officer or, at the option of the board of supervisors, the county welfare department of that county.

(b) If the birth parent of a child to be adopted is outside this state at the time of signing the consent, the consent may be signed before a notary or other person authorized to perform notarial acts.

WELFARE AND INSITUTIONS CODE SECTION 213.5(a)

Assembly Bill 519 (Leno)

213.5. (a) After a petition has been filed pursuant to Section 311 to declare a child a dependent child of the juvenile court, and until the time that the petition is dismissed or dependency is terminated, upon application in the manner provided by Section 527 of the Code of Civil Procedure, the juvenile court may issue ex parte orders (1) enjoining any person from molesting, attacking, striking, sexually assaulting, stalking, or battering the child or any other child in the household; (2) excluding any person from the dwelling of the person who has care, custody, and control of the child; and (3) enjoining any person from behavior, including contacting, threatening, or disturbing the peace of the child, that the court determines is necessary to effectuate orders under paragraph (1) or (2). A court may also issue an ex parte order enjoining any person from contacting, threatening, molesting, attacking, striking, sexually assaulting, stalking, battering, or disturbing the peace of any parent, legal guardian, or current caretaker of the child, regardless of whether the child resides with that parent, legal guardian, or current caretaker, upon application in the manner provided by Section 527 of the Code of Civil Procedure.

WELFARE AND INSITUTIONS CODE SECTION 16500.1

Assembly Bill 1412 (Leno)

16500.1. (a) It is the intent of the Legislature to use the strengths of families and communities to serve the needs of children who are alleged to be abused or neglected, as described in Section 300, to reduce the necessity for removing these children from their home, to encourage speedy reunification of families when it can be

safely accomplished, to locate permanent homes and families for children who cannot return to their biological families, to reduce the number of placements experienced by these children, to ensure that children leaving the foster care system have support within their communities, to improve the quality and homelike nature of out-of-home care, and to foster the educational progress of children in out-of-home care.

(b) In order to achieve the goals specified in subdivision (a), the state shall encourage the development of approaches to child protection that do all of the following:

(1) Allow children to remain in their own schools, in close proximity to their families.

(2) Increase the number and quality of foster families available to serve these children.

(3) Use a team approach to foster care that permits the biological and foster family and the child to be part of that team.

(4) Use team decisionmaking in case planning.

(5) Provide support to foster children and foster families.

(6) Ensure that licensing requirements do not create barriers to recruitment of qualified, high-quality foster homes.

(7) Provide training for foster parents and professional staff on working effectively with families and communities.

(8) Encourage foster parents to serve as mentors and role models for biological parents.

(9) Use community resources, including community-based agencies and volunteer organizations, to assist in developing placements for children and to provide support for children and their families.

(10) Ensure an appropriate array of placement resources for children in need of out-of-home care.

(11) Ensure that no child leaves foster care without a lifelong connection to a committed adult.

(12) Ensure that children are actively involved in the case plan and permanency planning process.

(c) In carrying out the requirements of subdivision (b), the department shall do all of the following:

(1) Consider the existing array of program models provided in statute and in practice, including, but not limited to, wraparound services, as defined in Section 18251, children's systems of care, as provided for in Section 5852, the Oregon Family Unity or Santa Clara County Family Conference models, which include family conferences at key points in the casework process, such as when out-of-home placement or return home are considered, and the Annie E. Casey Foundation Family to Family initiative, which uses team decisionmaking in case planning, community-based placement practices requiring that children be placed in foster care in the communities where they resided prior to placement, and involve foster families as team members in family reunification efforts.

(2) Ensure that emergency response services, family maintenance services, family reunification services, and permanent placement services are coordinated with the implementation of the models described in paragraph (1).

(3) Ensure consistency between child welfare services program regulations and the program models described in paragraph (1).

(d) The department, in conjunction with stakeholders, including, but not limited to, county child welfare services agencies, foster parent and group home associations, the California Youth Connection, and other child advocacy groups, shall review the existing child

welfare services program regulations to ensure that these regulations are consistent with the legislative intent specified in subdivision (a). This review shall also determine how to incorporate the best practice guidelines for assessment of children and families receiving child welfare and foster care services, as required by Section 16501.2.

(e) The department shall report to the Legislature on the results of the actions taken under this section on or before January 1, 2002.

WELFARE AND INSITUTIONS CODE SECTION 16501.1(d)

Assembly Bill 2795 (Wolk)

(d) A written case plan shall be completed within a maximum of 60 days of the initial removal of the child or of the in-person response required under subdivision (f) of Section 16501 if the child has not been removed from his or her home, or by the date of the dispositional hearing pursuant to Section 358, whichever occurs first. The case plan shall be updated, as the service needs of the child and family dictate. At a minimum, the case plan shall be updated in conjunction with each status review hearing conducted pursuant to Section 366.21, and the hearing conducted pursuant to Section 366.26, but no less frequently than once every six months. Each updated case plan shall include a description of the services that have been provided to the child under the plan and an evaluation of the appropriateness and effectiveness of those services.

(1) It is the intent of the Legislature that extending the maximum time available for preparing a written case plan from 30 to 60 days will afford caseworkers time to actively engage families, and to solicit and integrate into the case plan the input of the child and the child's family, as well as the input of relatives and other interested parties.

(2) The extension of the maximum time available for preparing a written case plan from the 30 to 60 days shall be effective 90 days after the date that the department gives counties written notice that necessary changes have been made to the Child Welfare Services Case Management System to account for the 60-day timeframe for preparing a written case plan.

WELFARE AND INSITUTIONS CODE SECTION 16501.1(f)

Assembly Bill 1412 (Leno)

(f) The case plan shall be developed as follows:

(1) The case plan shall be based upon an assessment of the circumstances that required child welfare services intervention. The child shall be involved in developing the case plan as age and developmentally appropriate.

(2) The case plan shall identify specific goals and the appropriateness of the planned services in meeting those goals.

(3) The case plan shall identify the original allegations of abuse or neglect, as defined in Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the conditions cited as the basis for declaring the child a dependent of the court pursuant to Section 300, or all of these, and the other precipitating incidents that led to child welfare services intervention.

(4) The case plan shall include a description of the schedule of the social worker contacts with the child and the family or other

caretakers. The frequency of these contacts shall be in accordance with regulations adopted by the State Department of Social Services. If the child has been placed in foster care out of state, the county social worker or a social worker on the staff of the social services agency in the state in which the child has been placed shall visit the child in a foster family home or the home of a relative at least every 12 months and submit a report to the court on each visit. For children in out-of-state group home facilities, visits shall be conducted at least monthly, pursuant to Section 16516.5. At least once every six months, at the time of a regularly scheduled social worker contact with the foster child, the child's social worker shall inform the child of his or her rights as a foster child, as specified in Section 16001.9. The social worker shall provide the information to the child in a manner appropriate to the age or developmental level of the child.

(5) (A) When out-of-home services are used, the frequency of contact between the natural parents or legal guardians and the child shall be specified in the case plan. The frequency of those contacts shall reflect overall case goals, and consider other principles outlined in this section.

(B) Information regarding any court-ordered visitation between the child and the natural parents or legal guardians, and the terms and conditions needed to facilitate the visits while protecting the safety of the child, shall be provided to the child's out-of-home caregiver as soon as possible after the court order is made.

(6) When out-of-home placement is made, the case plan shall include provisions for the development and maintenance of sibling relationships as specified in subdivisions (b), (c), and (d) of Section 16002. If appropriate, when siblings who are dependents of the juvenile court are not placed together, the social worker for each child, if different, shall communicate with each of the other social workers and ensure that the child's siblings are informed of significant life events that occur within their extended family. Unless it has been determined that it is inappropriate in a particular case to keep siblings informed of significant life events that occur within the extended family, the social worker shall determine the appropriate means and setting for disclosure of this information to the child commensurate with the child's age and emotional well-being. These significant life events shall include, but shall not be limited to, the following:

(A) The death of an immediate relative.

(B) The birth of a sibling.

(C) Significant changes regarding a dependent child, unless the child objects to the sharing of the information with his or her siblings, including changes in placement, major medical or mental health diagnoses, treatments, or hospitalizations, arrests, and changes in the permanent plan.

(7) If out-of-home placement is made in a foster family home, group home or other child care institution that is either a substantial distance from the home of the child's parent or out of state, the case plan shall specify the reasons why that placement is in the best interest of the child. When an out-of-state group home placement is recommended or made, the case plan shall, in addition, specify compliance with Section 7911.1 of the Family Code.

(8) (A) If out-of-home services are used, or if parental rights have been terminated and the case plan is placement for adoption, the case plan shall include a recommendation regarding the

appropriateness of unsupervised visitation between the child and any of the child's siblings. This recommendation shall include a statement regarding the child's and the siblings' willingness to participate in unsupervised visitation. If the case plan includes a recommendation for unsupervised sibling visitation, the plan shall also note that information necessary to accomplish this visitation has been provided to the child or to the child's siblings.

(B) Information regarding the schedule and frequency of the visits between the child and siblings, as well as any court-ordered terms and conditions needed to facilitate the visits while protecting the safety of the child, shall be provided to the child's out-of-home caregiver as soon as possible after the court order is made.

(9) If out-of-home services are used and the goal is reunification, the case plan shall describe the services to be provided to assist in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail. The plan shall also consider the importance of developing and maintaining sibling relationships pursuant to Section 16002, and the desire and willingness of the caregiver to provide legal permanency for the child if reunification is unsuccessful.

(10) If out-of-home services are used, the child has been in care for at least 12 months, and the goal is not adoptive placement, the case plan shall include documentation of the compelling reason or reasons why termination of parental rights is not in the child's best interest. A determination completed or updated within the past 12 months by the department when it is acting as an adoption agency or by a licensed adoption agency that it is unlikely that the child will be adopted, or that one of the conditions described in paragraph (1) of subdivision (c) of Section 366.26 applies, shall be deemed a compelling reason.

(11) (A) Parents and legal guardians shall have an opportunity to review the case plan, and to sign it whenever possible, and then shall receive a copy of the plan. In any voluntary service or placement agreement, the parents or legal guardians shall be required to review and sign the case plan. Whenever possible, parents and legal guardians shall participate in the development of the case plan.

(B) Parents and legal guardians shall be advised that, pursuant to Section 1228.1 of the Evidence **Code**, neither their signature on the child welfare services case plan nor their acceptance of any services prescribed in the child welfare services case plan shall constitute an admission of guilt or be used as evidence against the parent or legal guardian in a court of law. However, they shall also be advised that the parent's or guardian's failure to cooperate, except for good cause, in the provision of services specified in the child welfare services case plan may be used in any hearing held pursuant to Section 366.21 or 366.22 as evidence.

(12) A child shall be given a meaningful opportunity to participate in the development of the case plan and state his or her preference for foster care placement. A child who is 12 years of age or older and in a permanent placement shall also be given the opportunity to review the case plan, sign the case plan, and receive a copy of the case plan.

(13) The case plan shall be included in the court report and shall be considered by the court at the initial hearing and each review hearing. Modifications to the case plan made during the period between review hearings need not be approved by the court if the

casework supervisor for that case determines that the modifications further the goals of the plan. If out-of-home services are used with the goal of family reunification, the case plan shall consider and describe the application of subdivision (b) of Section 11203.

(14) If the case plan has as its goal for the child a permanent plan of adoption or placement in another permanent home, it shall include a statement of the child's wishes regarding their permanent placement plan and an assessment of those stated wishes. The agency shall also include documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangements for the child; to place the child with an adoptive family, an appropriate and willing relative, a legal guardian, or in another planned permanent living arrangement; and to finalize the adoption or legal guardianship. At a minimum, the documentation shall include child-specific recruitment efforts, such as the use of state, regional, and national adoption exchanges, including electronic exchange systems, when the child has been freed for adoption.

(15) When appropriate, for a child who is 16 years of age or older, the case plan shall include a written description of the programs and services that will help the child, consistent with the child's best interests, prepare for the transition from foster care to independent living. The case plan shall be developed with the child and individuals identified as important to the child, and shall include steps the agency is taking to ensure that the child has a connection to a caring adult.

WELFARE AND INSITUTIONS CODE SECTION 16501.1(i-1)

Assembly Bill 1412 (Leno)

(i) When a child who is 10 years of age or older and who has been in out-of-home placement for six months or longer, the case plan shall include an identification of individuals, other than the child's siblings, who are important to the child and actions necessary to maintain the child's relationship with those individuals, provided that those relationships are in the best interest of the child. The social worker shall ask every child who is 10 years of age or older and who has been in out-of-home placement for six months or longer to identify individuals other than the child's siblings who are important to the child, and may ask any other child to provide that information, as appropriate. The social worker shall make efforts to identify other individuals who are important to the child, consistent with the child's best interests.

(j) The child's caregiver shall be provided a copy of a plan outlining the child's needs and services.

(k) The department, in consultation with the County Welfare Directors Association and other advocates, shall develop standards and guidelines for a model relative placement search and assessment process based on the criteria established in Section 361.3. These guidelines shall be incorporated in the training described in Section 16206. These model standards and guidelines shall be developed by March 1, 1999.

(l) The implementation and operation of the amendments to subdivision (i) enacted at the 2005-06 Regular Session shall be subject to appropriation through the budget process and by phase, as provided in Section 366.35.

WELFARE AND INSTITUTIONS CODE SECTION 366(a)&(e)

Assembly Bill 1412 (Leno)

366. (a) (1) The status of every dependent child in foster care shall be reviewed periodically as determined by the court but no less frequently than once every six months, as calculated from the date of the original dispositional hearing, until the hearing described in Section 366.26 is completed. The court shall consider the safety of the child and shall determine all of the following:

(A) The continuing necessity for and appropriateness of the placement.

(B) The extent of the agency's compliance with the case plan in making reasonable efforts to return the child to a safe home and to complete any steps necessary to finalize the permanent placement of the child, including efforts to maintain relationships between a child who is 10 years of age or older and who has been in an out-of-home placement for six months or longer, and individuals other than the child's siblings who are important to the child, consistent with the child's best interests.

(e) The implementation and operation of the amendments to subparagraph (B) of paragraph (1) of subdivision (a) enacted at the 2005-06 Regular Session shall be subject to appropriation through the budget process and by phase, as provided in Section 366.35.

WELFARE AND INSTITUTIONS CODE SECTION 366.1

Assembly Bill 1412 (Leno)

366.1. Each supplemental report required to be filed pursuant to Section 366 shall include, but not be limited to, a factual discussion of each of the following subjects:

(a) Whether the county welfare department social worker has considered child protective services, as defined in Chapter 5 (commencing with Section 16500) of Part 4 of Division 9, as a possible solution to the problems at hand, and has offered those services to qualified parents, if appropriate under the circumstances.

(b) What plan, if any, for the return and maintenance of the child in a safe home is recommended to the court by the county welfare department social worker.

(c) Whether the subject child appears to be a person who is eligible to be considered for further court action to free the child from parental custody and control.

(d) What actions, if any, have been taken by the parent to correct the problems that caused the child to be made a dependent child of the court.

(e) If the parent or guardian is unwilling or unable to participate in making an educational decision for his or her child, or if other circumstances exist that compromise the ability of the parent or guardian to make educational decisions for the child, the county welfare department or social worker shall consider whether the right of the parent or guardian to make educational decisions for the child should be limited. If the supplemental report makes that recommendation, the report shall identify whether there is a responsible adult available to make educational decisions for the child pursuant to Section 361.

(f) (1) Whether the child has any siblings under the court's jurisdiction, and, if any siblings exist, all of the following:

(A) The nature of the relationship between the child and his or her siblings.

(B) The appropriateness of developing or maintaining the sibling relationships pursuant to Section 16002.

(C) If the siblings are not placed together in the same home, why the siblings are not placed together and what efforts are being made to place the siblings together, or why those efforts are not appropriate.

(D) If the siblings are not placed together, the frequency and nature of the visits between siblings.

(E) The impact of the sibling relationships on the child's placement and planning for legal permanence.

(2) The factual discussion shall include a discussion of indicators of the nature of the child's sibling relationships, including, but not limited to, whether the siblings were raised together in the same home, whether the siblings have shared significant common experiences or have existing close and strong bonds, whether either sibling expresses a desire to visit or live with his or her sibling, as applicable, and whether ongoing contact is in the child's best emotional interests.

(g) Whether a child who is 10 years of age or older and who has been in an out-of-home placement for six months or longer has relationships with individuals other than the child's siblings that are important to the child, consistent with the child's best interests, and actions taken to maintain those relationships. The social worker shall ask every child who is 10 years of age or older and who has been in an out-of-home placement for six months or longer to identify any individuals other than the child's siblings who are important to the child, consistent with the child's best interest. The social worker may ask any other child to provide that information, as appropriate.

(h) The implementation and operation of the amendments to subdivision (g) enacted at the 2005-06 Regular Session shall be subject to appropriation through the budget process and by phase, as provided in Section 366.35.

**WELFARE AND INSTITUTIONS CODE SECTION 366.21(c),(g)&(m)
Assembly Bill 1412 (Leno)**

(c) At least 10 calendar days prior to the hearing, the social worker shall file a supplemental report with the court regarding the services provided or offered to the parent or legal guardian to enable him or her to assume custody and the efforts made to achieve legal permanence for the child if efforts to reunify fail, including, but not limited to, efforts to maintain relationships between a child who is 10 years of age or older and has been in out-of-home placement for six months or longer and individuals who are important to the child, consistent with the child's best interests; the progress made; and, where relevant, the prognosis for return of the child to the physical custody of his or her parent or legal guardian; and shall make his or her recommendation for disposition. If the child is a member of a sibling group described in paragraph (3) of subdivision (a) of Section 361.5, the report and recommendation may also take into account those factors described in subdivision (e) relating to the child's sibling group. If the recommendation is not to return the child to a parent or legal guardian, the report shall specify why the return of the child would be detrimental to the

child. The social worker shall provide the parent or legal guardian, counsel for the child, and any court-appointed child advocate with a copy of the report, including his or her recommendation for disposition, at least 10 calendar days prior to the hearing. In the case of a child removed from the physical custody of his or her parent or legal guardian, the social worker shall, at least 10 calendar days prior to the hearing, provide a summary of his or her recommendation for disposition to any foster parents, relative caregivers, and certified foster parents who have been approved for adoption by the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency or by a licensed county adoption agency, community care facility, or foster family agency having the physical custody of the child.

(g) If the time period in which the court-ordered services were provided has met or exceeded the time period set forth in paragraph (1), (2), or (3) of subdivision (a) of Section 361.5, as appropriate, and a child is not returned to the custody of a parent or legal guardian at the permanency hearing held pursuant to subdivision (f), the court shall do one of the following:

(1) Continue the case for up to six months for a permanency review hearing, provided that the hearing shall occur within 18 months of the date the child was originally taken from the physical custody of his or her parent or legal guardian. The court shall continue the case only if it finds that there is a substantial probability that the child will be returned to the physical custody of his or her parent or legal guardian and safely maintained in the home within the extended period of time or that reasonable services have not been provided to the parent or legal guardian. For the purposes of this section, in order to find a substantial probability that the child will be returned to the physical custody of his or her parent or legal guardian and safely maintained in the home within the extended period of time, the court shall be required to find all of the following:

(A) That the parent or legal guardian has consistently and regularly contacted and visited with the child.

(B) That the parent or legal guardian has made significant progress in resolving problems that led to the child's removal from the home.

(C) The parent or legal guardian has demonstrated the capacity and ability both to complete the objectives of his or her treatment plan and to provide for the child's safety, protection, physical and emotional well-being, and special needs.

For purposes of this subdivision, the court's decision to continue the case based on a finding or substantial probability that the child will be returned to the physical custody of his or her parent or legal guardian is a compelling reason for determining that a hearing held pursuant to Section 366.26 is not in the best interests of the child.

The court shall inform the parent or legal guardian that if the child cannot be returned home by the next permanency review hearing, a proceeding pursuant to Section 366.26 may be instituted. The court may not order that a hearing pursuant to Section 366.26 be held unless there is clear and convincing evidence that reasonable services have been provided or offered to the parent or legal guardian.

(2) Order that a hearing be held within 120 days, pursuant to

Section 366.26, but only if the court does not continue the case to the permanency planning review hearing and there is clear and convincing evidence that reasonable services have been provided or offered to the parents or legal guardians.

(3) Order that the child remain in long-term foster care, but only if the court finds by clear and convincing evidence, based upon the evidence already presented to it, including a recommendation by the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency or by a licensed county adoption agency, that there is a compelling reason for determining that a hearing held pursuant to Section 366.26 is not in the best interest of the child because the child is not a proper subject for adoption and has no one willing to accept legal guardianship. For purposes of this section, a recommendation by the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency or by a licensed county adoption agency that adoption is not in the best interest of the child shall constitute a compelling reason for the court's determination. That recommendation shall be based on the present circumstances of the child and may not preclude a different recommendation at a later date if the child's circumstances change.

If the court orders that a child who is 10 years of age or older remain in long-term foster care, the court shall determine whether the agency has made reasonable efforts to maintain the child's relationships with individuals other than the child's siblings who are important to the child, consistent with the child's best interests, and may make any appropriate order to ensure that those relationships are maintained.

(m) The implementation and operation of the amendments to subdivisions (c) and (g) enacted at the 2005-06 Regular Session shall be subject to appropriation through the budget process and by phase, as provided in Section 366.35.

WELFARE AND INSTITUTIONS CODE SECTION 366.22(a)&(e)
Assembly Bill 1412 (Leno)

366.22. (a) When a case has been continued pursuant to paragraph (1) of subdivision (g) of Section 366.21, the permanency review hearing shall occur within 18 months after the date the child was originally removed from the physical custody of his or her parent or legal guardian. The court shall order the return of the child to the physical custody of his or her parent or legal guardian unless the court finds, by a preponderance of the evidence, that the return of the child to his or her parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The social worker shall have the burden of establishing that detriment. The failure of the parent or legal guardian to participate regularly and make substantive progress in court-ordered treatment programs shall be prima facie evidence that return would be detrimental. In making its determination, the court shall review and consider the social worker's report and recommendations and the report and recommendations of any child advocate appointed pursuant to Section 356.5; shall consider the efforts or progress, or both, demonstrated by the parent or legal guardian and the extent to which he or she availed himself or herself of services provided; and shall make appropriate findings pursuant to subdivision (a) of Section 366.

Whether or not the child is returned to his or her parent or legal guardian, the court shall specify the factual basis for its decision. If the child is not returned to a parent or legal guardian, the court shall specify the factual basis for its conclusion that return would be detrimental.

If the child is not returned to a parent or legal guardian at the permanency review hearing, the court shall order that a hearing be held pursuant to Section 366.26 in order to determine whether adoption, guardianship, or long-term foster care is the most appropriate plan for the child. However, if the court finds by clear and convincing evidence, based on the evidence already presented to it, including a recommendation by the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency or by a licensed county adoption agency, that there is a compelling reason, as described in paragraph (2) of subdivision (g) of Section 366.21, for determining that a hearing held under Section 366.26 is not in the best interest of the child because the child is not a proper subject for adoption and has no one willing to accept legal guardianship, then the court may, only under these circumstances, order that the child remain in foster care. If the court orders that a child who is 10 years of age or older remain in long-term foster care, the court shall determine whether the agency has made reasonable efforts to maintain the child's relationships with individuals other than the child's siblings who are important to the child, consistent with the child's best interests, and may make any appropriate order to ensure that those relationships are maintained. The hearing shall be held no later than 120 days from the date of the permanency review hearing. The court shall also order termination of reunification services to the parent or legal guardian. The court shall continue to permit the parent or legal guardian to visit the child unless it finds that visitation would be detrimental to the child. The court shall determine whether reasonable services have been offered or provided to the parent or legal guardian. For purposes of this subdivision, evidence of any of the following circumstances shall not, in and of themselves, be deemed a failure to provide or offer reasonable services:

(1) The child has been placed with a foster family that is eligible to adopt a child, or has been placed in a preadoptive home.

(2) The case plan includes services to make and finalize a permanent placement for the child if efforts to reunify fail.

(3) Services to make and finalize a permanent placement for the child, if efforts to reunify fail, are provided concurrently with services to reunify the family.

(e) The implementation and operation of the amendments to subdivision (a) enacted at the 2005-2006 Regular Session shall be subject to appropriation through the budget process and by phase, as provided in Section 366.35.

WELFARE AND INSTITUTIONS CODE SECTION 366.3(e)

Assembly Bill 1412 (Leno)

(e) Except as provided in subdivision (f), at the review held every six months pursuant to subdivision (d), the reviewing body shall inquire about the progress being made to provide a permanent home for the child, shall consider the safety of the child, and shall determine all of the following:

(1) The continuing necessity for and appropriateness of the

placement.

(2) Identification of individuals other than the child's siblings who are important to a child who is 10 years of age or older and has been in out-of-home placement for six months or longer, and actions necessary to maintain the child's relationship with those individuals, provided that those relationships are in the best interest of the child. The social worker shall ask every child who is 10 years of age or older and who has been in out-of-home placement for six months or longer to identify individuals other than the child's siblings who are important to the child, and may ask any other child to provide that information, as appropriate. The social worker shall make efforts to identify other individuals who are important to the child, consistent with the child's best interests.

(3) The continuing appropriateness and extent of compliance with the permanent plan for the child, including efforts to maintain relationships between a child who is 10 years of age or older and who has been in out-of-home placement for six months or longer and individuals who are important to the child and efforts to identify a prospective adoptive parent or legal guardian, including, but not limited to, child-specific recruitment efforts and listing on an adoption exchange.

(i) The implementation and operation of the amendments to subdivision (e) enacted at the 2005-06 Regular Session shall be subject to appropriation through the budget process and by phase, as provided in Section 366.35.

WELFARE AND INSTITUTIONS CODE SECTION 366.35

Assembly Bill 1412 (Leno)

366.35. (a) The implementation and operation of the amendments to subparagraph (B) of paragraph (1) of subdivision (a) of Section 366, subdivision (g) of Section 366.1, subdivisions (c) and (g) of Section 366.21, subdivision (a) of Section 366.22, paragraph (3) of, and subparagraph (A) of paragraph (4) of, subdivision (c) of Section 366.26, paragraphs (2) and (3) of subdivision (e) of Section 366.3, and subdivision (i) of Section 16501.1 enacted at the 2005-06 Regular Session shall be phased in, consistent with the child's best interests, as follows:

(1) The first phase of expansion shall apply to a child who is 10 years of age or older and placed with a nonrelative for six months or longer.

(2) The second phase of expansion shall apply to a child who is 10 years of age or older and placed with a nonrelative or in permanent placement relative care for six months or longer.

(3) The final phase of expansion shall apply to a child who is 10 years of age or older and who has been in out-of-home placement for six months or longer.

(b) All phases of subdivision (a) shall be subject to appropriation through the budget process. Those appropriations shall apply only to the state's share of costs. Counties shall remain responsible for their nonfederal share of costs.