JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee
Hon. Jerilyn L. Borack and Hon. Susan D. Huguenor, Cochairs
Melissa Ardaiz, Associate Attorney, 415-865-7567,
melissa.ardaiz@jud.ca.gov

DATE: October 2, 2008

SUBJECT: Juvenile Law: Miscellaneous Rule and Form Changes (amend Cal. Rules of Court, rules 5.570, 5.640, and 5.725; revise forms JV-180, JV-219-INFO, JV-320, and JV-732; and adopt forms JV-183 and JV-184) (Action Required)

Issue Statement

Various Judicial Council advisory committee members, court personnel, members of the public, and Administrative Office of the Courts (AOC) staff have identified issues in rules and forms concerning ambiguous language, typographical errors, changes in the law, and ease of form use. The proposed rule and form changes are necessary to comply with statutory mandates and to improve rule language and clarity.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2009, make the following rule and form changes to comply with current statutory mandates and to improve rule language and clarity:

1. Amend rule 5.640 of the California Rules of Court and revise *Information About Psychotropic Medication Forms* (form JV-219-INFO) to bring each into compliance with current law regarding the administration of psychotropic medication;

2. Amend rule 5.570 of the California Rules of Court to correct typographical errors and revise *Request to Change Court Order* (form JV-180) to make it more user-friendly and to separate the court orders from the request itself;

3. Adopt *Court Order on Form JV-180,* Request to Change Court Order (form JV-183) and *Order After Hearing on Form JV-180,* Request to Change Court Order (form JV-184) to clarify the court's findings and orders relevant to form JV-180 and to separate the court orders from the request itself; and

4. Amend rule 5.725(e) of the California Rules of Court and revise *Orders Under Welfare and Institutions Code Sections 366.26, 727.3, 727.31* (form JV-320) to bring each into compliance with the new statutory exception to termination of parental rights outlined in Welfare and Institutions Code section 366.26(c)(1)(A) and to make minor technical changes; and

5. Revise *Commitment to the California Department of Corrections and Rehabilitation, Division of Juvenile Justice* (form JV-732) to comply with statutory requirements in Welfare and Institutions Code section 731(c) and recent case law.

The text of the proposed revisions of rules 5.570, 5.640, and 5.725 of the California Rules of Court is attached at pages 8–11.

Proposed changes to forms JV-180, JV-219-INFO, JV-320, and JV-732 and proposed new forms JV-183 and JV-184 are attached at pages 12–25.

The text of Assembly Bill 1514 is attached at pages 42–43.

The text of Welfare and Institutions Code sections 366.26, 731, and 739.5 are attached at pages 44–49.

Rationale for Recommendation

This proposal makes changes to rules and forms with respect to several juvenile law issues. Each issue will be addressed separately.

Psychotropic medications

The committee recommends amending rule 5.640 of the California Rules of Court and revising *Information About Psychotropic Medication Forms* (form JV-219-INFO) to bring each into compliance with current law. New Welfare and Institutions Code section 739.5, effective January 1, 2008, states that only a juvenile court judicial officer can authorize the administration of psychotropic medication to a ward of the juvenile court who is removed from the custody of the parent and placed in foster care. (Assem. Bill 1514 [Maze]; Stats. 2007, ch. 120.) Current rule 5.640 allows local jurisdictions to adopt a local rule of court so that the juvenile court judicial officer can authorize the administration of psychotropic medication to a child declared a ward of the court and removed from the custody of a parent. Any court that adopted such a local rule had to comply with the procedure to obtain authorization outlined in rule 5.640.

The proposed amendments to rule 5.640 and form JV-219-INFO incorporate the provisions of section 739.5 and clarify that only the juvenile court judicial officer has the authority to make orders regarding the administration of psychotropic medication to a child once that child is declared a ward of the court and removed from the custody of the parents or guardian for placement in foster care, as defined in Welfare and Institutions Code section 727.4. The amendments also mandate the use of the Judicial Council psychotropic medication forms in such situations.

Request to change court order

The committee proposes splitting the *Request to Change Court Order* (form JV-180) into three separate forms.[1] The current form contains both the request to change the court order and the court order itself. It is necessary to separate these forms to ease the entry of information into the statewide California Court Case Management System currently under development as well as into local court case management systems. Therefore, the proposed *Request to Change Court Order* (form JV-180) would be used for requests to change the court order, to terminate the court's jurisdiction, or to establish a sibling relationship. A proposed new form, *Court Order on Form JV-180,* Request to Change Court Order (form JV-183), would be used after reviewing the request and allows the court to deny the request, grant the request, or order a hearing. If the court orders a hearing, a proposed new form, *Order After Hearing on Form JV-180,* Request to Change Court Order (form JV-184), should be used.

The committee also recommends making structural and clarifying changes to form JV-180, as explained in further detail in the Comments From Interested Parties section, below.

The committee further proposes that the court order on the request (proposed new form JV-183) should comply with the recommendations provided by the California appellate courts. In the case *In re C.J.W.* (2007) 157 Cal.App.4th 1075, the Court of Appeal, Fourth Appellate District, stated that, "We observe that the required form JV-180 is itself internally inconsistent and ambiguous on the issue of whether a hearing is being held." (*Id.* at p. 1080.) The court recommended that "form JV-180 be reformed to avoid the kind of problems created here." (*Id.* at p. 1082.) The Court of Appeal, Second Appellate District, in *In re Lesly G* (2008) 162 Cal.App.4th 904, also noted that "To us, the form appears not only internally inconsistent but legally infirm . . . [in permitting] a court, after

[1] When the proposal was circulated for public comment, the Family and Juvenile Law Advisory Committee proposed splitting the current *Request to Change Court Order* into two separate forms: the request to change the court order (form JV-180) and the court order itself (proposed new form JV-181). After reviewing the comments, the committee believes that it is necessary to separate current form JV-180 into three forms: the request to change the court order (form JV-180), the court order on the JV-180 request (proposed new form JV-183), and an order after hearing on the JV-180 request (proposed new form JV-184). The substance in proposed new forms JV-183 and JV-184 is the same as the substance that was included in proposed new form JV-181, with minor modifications.

finding that a petitioner's section 388 petition had made a prima facie showing, to require the petitioner to request the hearing guaranteed by statute." (*Id.* at p. 914.) The proposed new *Court Order on Form JV-180,* Request to Change Court Order (form JV-183) addresses these concerns.

Finally, the committee proposes amending rule 5.570 to correct several minor typographical errors.

Selection of a permanent plan
The committee proposes amending rule 5.725(e) and revising *Orders Under Welfare and Institutions Code Sections 366.26, 727.3, 727.31* (form JV-320) to incorporate the new statutory exception to the termination of parental rights outlined in Welfare and Institutions Code section 366.26(c)(1)(A). Senate Bill 703 (Ducheny) (Stats. 2007, ch. 583) and Assembly Bill 298 (Maze) (Stats. 2007, ch. 565) amended Welfare and Institutions Code section 366.26, effective January 1, 2008. The new exception in section 366.26(c)(1)(A), states that the court shall terminate parental rights unless "[t]he child is living with a relative who is unable or unwilling to adopt the child because of circumstances that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of providing the child with a stable and permanent environment through legal guardianship, and the removal of the child from the custody of his or her relative would be detrimental to the emotional well-being of the child. For purposes of an Indian child, 'relative' shall include an 'extended family member,' as defined in the federal Indian Child Welfare Act (25 U.S.C. Sec. 1903(2))."

The committee also recommends amending rule 5.725 and revising form JV-320 to make various technical and clarifying changes. The changes to rule 5.725 include changing the "application of rule" section to add a reference to rule 5.485 in order to clarify current procedures for Indian children, to delete outdated references to the Civil Code, and to include wards (for whom the rule applies) and changing section (e)(1) to track the statutory language. The changes to form JV-320 include incorporating the additional exceptions to termination of parental rights for Indian children from Welfare and Institutions Code section 366.26(c)(1)(B)(iv) and (vi) and making technical changes to ensure that the court makes all necessary findings and orders and that the form is consistent with current practice.

Maximum time of confinement
The committee proposes revising *Commitment to the California Department of Corrections and Rehabilitation, Division of Juvenile Justice* (form JV-732) to comply with the statutory requirements in Welfare and Institutions Code section 731(c) and recent case law. (*In re Carlos E.* (2005) 127 Cal.App.4th 1529; *In re Jacob J.* (2005) 130 Cal.App.4th 429; *In re Alex N.* (2005) 132 Cal.App.4th 18.) The proposed changes clarify that the court is required to set a ward's maximum time of physical confinement at the

California Department of Corrections and Rehabilitation, Division of Juvenile Justice (DJJ), based on the facts and circumstances of the matter that brought the ward under the jurisdiction of the juvenile court.

The committee also proposes revising form JV-732 to allow the court to indicate the ward's educational status and any existing exceptional needs. The proposed boxes require the court to make findings regarding whether or not a youth has exceptional education needs on the youth's commitment to the DJJ. DJJ requested the inclusion of a check box allowing for the possibility that a youth does not have exceptional needs to ensure that the issue was affirmatively considered. An option indicating a lack of exceptional needs has been included to avoid any confusion as to the needs of youth committed to DJJ's care. In addition, upon review following the comment period, the committee recommends revising item 12 of the form to read "The court requests that the youth be considered for programming related to _____". Although this text did not circulate for comment, the committee believes this edit would be non-controversial because the underlying substance of the information requested would not change. The revision merely allows the court to specify the type of programming rather the specific program name offered by the DJJ.

Alternative Actions Considered

The proposed changes are necessary to bring the rules and forms into compliance with governing law and to promote clarity and ease of use. No alternative actions were considered.

Comments From Interested Parties

The invitation to comment on the proposal was circulated from April 21, 2008, through June 20, 2008, 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 24 comments. No commentators disagreed with the proposal; 11 commentators agreed with the proposed changes; 13 commentators agreed with the proposal if modified and suggested both technical and substantive changes.

Request to change court order

Most of the comments received concerned proposed revised *Request to Change Court Order* (form JV-180) and proposed new form JV-181 (now proposed new forms JV-183 and JV-184). Many of the comments were technical and structural in nature, such as suggestions to change the title of form JV-180, reorder the information requested in the form, revise the instructions, and split proposed new *Court Order for JV-180* (form JV-181) into two separate forms (see footnote 1).

In response to these comments, the committee has made a number of additional changes to the forms to improve clarity and consistency. As noted above, form JV-180 has been revised and separated into three forms: form JV-180, proposed new form JV-183, and proposed new form JV-184. Form JV-180 has undergone revisions to make the form more user-friendly, including the addition of check boxes to allow the persons filling out the form to immediately identify themselves and their purpose in filling out the request. Form JV-183 allows the court to deny the request, to grant the request, or to order a hearing. If the court orders a hearing, form JV-184 should be used as the order after hearing.

Psychotropic medications
Two commentators commented on rule 5.640 and *Information About Psychotropic Medication Forms* (form JV-219-INFO). One commentator submitted mostly technical changes, which the committee recommends incorporating into the proposal. Another commentator requested the addition of a check box on form JV-219-INFO to indicate whether the minor's attorney and parents and/or guardian agree with the request for psychotropic medications. The committee does not agree that a check box is necessary. It would create undue delays in the filing of the application to determine whether the parents and/or guardian and the minor's attorney agree with the request.

Selection of a permanent plan
Five commentators commented on rule 5.725 and *Orders Under Welfare and Institutions Code Sections 366.26, 727.3, 727.31* (form JV-320). The committee recommends incorporating those changes that are technical in nature into the proposal. The committee does not agree that it is necessary to incorporate the commentators' suggested changes to form JV-320 to require the court to restate its findings related to the Indian Child Welfare Act, if the child is an Indian child, and to add a provision directing the Social Services Agency to notify the Child Support Agency of the termination of parental rights. These changes are beyond the scope of the current proposal.

Maximum time of confinement
Two commentators commented on *Commitment to the California Department of Corrections and Rehabilitations, Division of Juvenile Justice* (form JV-732). One commentator expressed concern that form JV-732 allows a check box to indicate that the youth did not have exceptional needs without demonstrating how this conclusion was reached. The committee does not believe that it is necessary to indicate how this conclusion was reached since, as part of the court's findings and orders, it is presumably based on evidence that was presented to the court. In addition, item 11d of this section provides a check box if "it does not appear that a determination has been made regarding any exceptional needs the youth may have."

Another commentator suggested adding a reference in form JV-732 to the case *In re Joseph M.* (2007) 150 Cal.App.4th 889, since it addresses computing the maximum

confinement time. The committee did not incorporate this change as Judicial Council forms typically do not contain case references.

The full text of the comments and the committee's responses are attached at pages 26–41.

Implementation Requirements and Costs
Implementation of the new and revised forms will require standard reproduction costs.

Attachments

Rules 5.570, 5.640, and 5.725 of the California Rules of Court are amended, effective January 1, 2009, to read:

Rule 5.570. Request to change court order

(a) Contents of petition (§§ 388, 778)

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

(1)–(3) ***

(4) The address of the child, unless confidential under ~~(b)~~ (c);

(5) The name and residence address of the parent or guardian or an adult relative of the child, if appropriate ~~under circumstances described in rule 5.524~~ to receive notice following the procedures found in Welfare and Institutions Code sections 291 and 297(c);

(6)–(10) ***

(b)–(i) *

Rule 5.640. Psychotropic medications

(a) Definition (§§ 369.5~~(b)~~(d), 739.5(d))

***

(b) Authorization to administer (§§ 369.5, 739.5)

(1) Once a child is declared a dependent child of the court and is removed from the custody of the parents or guardian, only a juvenile court judicial officer is authorized to make orders regarding the administration of psychotropic medication to the child.

(2) Once a child is declared a ward of the court, removed from the custody of the parents or guardian, and placed into foster care, as defined in Welfare and Institutions Code section 727.4, only a juvenile court judicial officer is authorized to make orders regarding the administration of psychotropic medication to the child.

(c) Procedure to obtain authorization

(1) *Application Regarding Psychotropic Medication* (form JV-220), *Prescribing Physician's Statement—Attachment* (form JV-220(A)), *Proof of Notice: Application Regarding Psychotropic Medication* (form JV-221), *Opposition to Application Regarding Psychotropic Medication* (form JV-222), and *Order Regarding Application for Psychotropic Medication* (form JV-223) must be used to obtain authorization to administer psychotropic medication to a dependent child of the court who is removed from the custody of the parents or guardian, or to a ward of the court who is removed from the custody of the parents or guardian and placed into foster care.

(2)–(4)***

(5) *Application Regarding Psychotropic Medication* (form JV-220) may be completed by the prescribing physician, medical office staff, child welfare services staff, probation officer, or the child's caregiver. The physician prescribing the administration of psychotropic medication for the ~~dependent~~ child must complete and sign *Prescribing Physician's Statement—Attachment* (form JV-220(A)).

(6)–(8) ***

(9) The court may grant the application without a hearing or may set the matter for hearing at the court's discretion. If the court sets the matter for a hearing, the clerk of the court must provide notice of the date, time, and location of the hearing to the parents or legal guardians, their attorneys of record, the dependent child if 12 years of age or older, a ward of the juvenile court of any age, the child's attorney of record, the child's current caregiver, the child's social worker, the social worker's attorney of record, the child's Child Abuse Prevention and Treatment Act guardian ad litem, and the child's Court Appointed Special Advocate, if any, at least two court days before the hearing. Notice must be provided to the child's probation officer and the district attorney, if the child is a ~~delinquent child~~ ward of the juvenile court.

(d)–(g) ***

(h) Section 601–602 wardships; local rules

A local rule of court may be adopted providing that authorization for the administration of such medication to a child declared a ward of the court under sections 601 and 602 and removed from the custody of the parent or guardian for placement in a facility that is not considered a foster care

placement may be similarly restricted to the juvenile court. If the local court adopts such a local rule, then the procedures under this rule apply; any reference to social worker also applies to probation officer.

Rule 5.725. Selection of permanent plan (§§ 366.26, 727.31)

(a) Application of rule

This rule applies to children who have been declared dependents or wards of the juvenile court.

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

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

(3) ***

(4) For termination of the parental rights of an Indian child, the procedures in this rule and in rule 5.485 must be followed.

(b)–(d) *

(e) Conduct of hearing

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

(1) Order parental rights terminated and the child placed for adoption if the court determines, by clear and convincing evidence, that it is likely the child will be adopted, unless:

(A) ***

(B) The child is living with a relative who is unable or unwilling to adopt the child because of circumstances that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of providing the child with a stable and permanent environment through legal guardianship, and removal from the home of the relative would be detrimental to the emotional well-being of the child. For an Indian child, "relative" includes an "extended family member," as defined in the federal Indian Child Welfare Act (25 U.S.C. §1903(2)); or

~~(B)~~ (C) The court finds a compelling reason to determine that termination would be detrimental to the child because of the existence of one of the following circumstances:

(i)–(iii) ***

(iv) The child is living with a ~~relative or~~ foster parent or Indian custodian who is unable or unwilling to adopt the child because of exceptional circumstances, but who is willing and capable of providing the child with a stable and permanent home, and removal from the home of the ~~relative or~~ foster parent or Indian custodian would be detrimental to the emotional well-being of the child. This exception does not apply to (1) a child under 6 or (2) a child who has a sibling under 6 who is also a dependent and with whom the child should be placed permanently; or

(v) ***

(2)–(9) ***

(f)–(i) *

JV-180 Request to Change Court Order

This form can be used to request a change in a court order, to ask the court to dismiss your case, or to ask the court to establish a relationship with your sibling. After filling out this form, bring it to the clerk of the court.

Clerk stamps date here when form is filed.

DRAFT 18
08/12/08 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:

Child's Name:

Fill in case number, if known:

Case Number:

1 Your information:

a. You are the:
☐ child ☐ mother ☐ father ☐ legal guardian
☐ foster parent ☐ relative *(specify):*_____
☐ social worker ☐ probation officer ☐ attorney
☐ other _____

b. Your name: _____
c. Your address: _____
d. Your city, state, zip code: _____
e. Your telephone number: _____
f. *If you are an attorney:*
Your client's name: _____
Your client's address *(if confidential, see item 3):* _____
_____
Your client's relationship to the child: _____
Your State Bar number: _____

2 Type of request *(check the appropriate box below and add specific details in items 6–9, as applicable):*

a. ☐ I am asking the court to change a court order.
b. ☐ I am asking the court to terminate jurisdiction.
c. ☐ I am asking to have a relationship with my brother or sister and
I am related to the child ☐ on the mother's side ☐ on the father's side.
I am a ☐ blood relative ☐ relative by adoption ☐ relative by marriage.

3 *If you want to keep your address confidential, fill out* Confidential Information (Request to Change Court Order) *(form JV-182) and do not write the address on this form.*

☐ *Check here if form JV-182 is attached.*

4 Child's information:

a. Child's name: _____
b. Date of birth: _____
c. Child's attorney *(if known):* _____
d. The child lives with or in *(check all that apply):*
☐ parent ☐ legal guardian ☐ relative
☐ foster home ☐ group home ☐ I don't know

e. Name of person the child lives with or place where the child lives _____
Child's address : _____
☐ *Check here if unknown.*

Case Number:

Child's name: _____

5 Information about parents, legal guardians, and others:

a. Names of child's parents or legal guardians:

_____

☐ *Check here if unknown.*

b. Address of parent/legal guardian: _____

☐ *Check here if unknown.*

c. Address of parent/legal guardian: _____

☐ *Check here if unknown.*

d. Child's Indian tribe *(if applicable and known):* _____

e. Child's Court Appointed Special Advocate *(if applicable and known):* _____

f. Child's education surrogate *(if applicable and known):* _____

g. Child's social worker *(if applicable and known):* _____

If you are asking to have a relationship with a brother or sister but not asking for a changed court order, you may skip to item 8.

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

_____

_____

_____

_____

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

_____

_____

_____

_____

8 What order or orders do you want the judge to make now?

_____

_____

_____

_____

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

_____

_____

_____

_____

10 ☐ *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:

Case Number:

Child's name: _____

11 I have sent a copy of my request to the people listed below, as applicable. I have checked the correct boxes on the right 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 386 and rules 5.524 and 5.570 of the California Rules of Court.

	Name	Agree	Disagree	Don't Know	Not Applicable
Child *(if 10 years old, or older):*		☐	☐	☐	☐
Child's attorney:		☐	☐	☐	☐
Parent:		☐	☐	☐	☐
Parent:		☐	☐	☐	☐
Legal guardian:		☐	☐	☐	☐
Legal guardian:		☐	☐	☐	☐
Social worker:		☐	☐	☐	☐
Current caregiver/foster parent:		☐	☐	☐	☐
Preadoptive parent:		☐	☐	☐	☐
Court Appointed Special Advocate:		☐	☐	☐	☐
Indian tribe:		☐	☐	☐	☐
Indian custodian:		☐	☐	☐	☐
Sibling *(if dependent and over the age of 10):*		☐	☐	☐	☐
Sibling's caregiver:		☐	☐	☐	☐
Sibling's attorney:		☐	☐	☐	☐
Attorney for parent/legal guardian:		☐	☐	☐	☐
Attorney for parent/legal guardian:		☐	☐	☐	☐
County counsel:		☐	☐	☐	☐
Other:		☐	☐	☐	☐

12 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.*

13 If anyone disagrees with your request, please explain why *(if known):*

_____

_____

_____

14 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*

JV-183 Court Order on Form JV-180, *Request to Change Court Order*

The court will complete this form after reviewing the Request to Change Court Order *(form JV-180) and either grant the request, deny the request, or set a hearing on the request.*

After reading and considering the *Request to Change Court Order* (form JV-180) filed by:

Name: _____

on *(date):* _____

Clerk stamps date here when form is filed.

DRAFT 12
08/12/08 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:

Child's Name:

Fill in case number:

Case Number:

The Court Finds and Orders:

1 ☐ All parties and attorneys agree to the request. The request is granted:

a. ☐ as requested in item 8 of form JV-180.

b. ☐ as follows *(state specific modifications):*

_____

2 The request is denied because:

a. ☐ The request is not signed.

b. ☐ The request does not state new evidence or a change of circumstances.

c. ☐ The proposed change of order, recognition of sibling relationships, or termination of jurisdiction does not promote the best interest of the child.

d. ☐ Other *(state the specific reason):* _____

3 The court orders a hearing on the form JV-180 request because the best interest of the child may be promoted by the request. The hearing will take place on *(date):* _____ at *(time):* _____ *(circle one)* a.m./p.m. in department _____ of the Superior Court of _____ County located at _____

Date: _____

▶ _____
Judicial officer

JV-184 Order After Hearing on Form JV-180, *Request to Change Court Order*

Clerk stamps date here when form is filed.

DRAFT 5
08/12/08 mc
Not approved by the Judicial Council

After reading and considering the *Request to Change Court Order* (form JV-180) filed by:

Name: _____

on *(date):* _____

and considering the evidence at the hearing held on *(date):* _____

in department _____ of the

Superior Court of _____ County,

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name:

Child's Name:

Fill in case number:

Case Number:

The Court Finds and Orders:

1 ☐ The request is denied because:

_____

2 ☐ The request is granted *(specify, if necessary):*

_____

3 ☐ The request is granted as modified *(state specific modifications):*

_____

4 Other orders:

_____

Date: _____

▶ _____
Judicial officer

JV-219-INFO Information About Psychotropic Medication Forms

Use the Judicial Council forms listed below when requesting an order regarding psychotropic medication. Local forms may be used to provide additional information to the court.

JV-220, *Application Regarding Psychotropic Medication*
JV-220(A), *Prescribing Physician's Statement—Attachment*
JV-221, *Proof of Notice: Application Regarding Psychotropic Medication*
JV-222, *Opposition to Application Regarding Psychotropic Medication*
JV-223, *Order Regarding Application for Psychotropic Medication*

General Instructions

1. Use psychotropic medication forms when a child is under the jurisdiction of the juvenile court and living in an out-of-home placement and the child's physician is asking for an order:
   a. giving permission for the child to receive a psychotropic medication that is not currently authorized *or*
   b. renewing an order for a psychotropic medication that was previously authorized for the child because the order is due to expire.

2. Use of the forms is mandatory for a child who is a dependent of the juvenile court and living in an out-of-home placement.

3. Use of the forms is mandatory for a child who is a ward of the juvenile court and living in a foster care placement, as defined in Welfare and Institutions Code section 727.4.

4. Use of the forms is optional for a child who is a ward of the juvenile court and living in an out-of-home facility that is not considered a foster care placement as defined in Welfare and Institutions Code section 727.4, unless use of the forms is required by a local rule of court.

5. Use of the forms is not required if the court has previously entered an order giving the child's parent the authority to approve or deny the administration of psychotropic medication to the child.

6. Form JV-220(A), *Prescribing Physician's Statement—Attachment*, must be completed and signed by the prescribing physician and forwarded to the person responsible for completing form JV-220, *Application Regarding Psychotropic Medication*, as provided for in local court rules or local practice protocols. The completed JV-220(A), with all its attachments, must be attached to JV-220 when it is filed with the court.

7. The person or persons responsible for providing notice under local court rules or local practice protocols must complete, sign, and file with the court form JV-221, *Proof of Notice: Application Regarding Psychotropic Medication.*

JV-220, *Application Regarding Psychotropic Medication*

1. This form gives the court basic information about where the child lives and whether the current situation has caused the child to be moved to a temporary location such as a psychiatric hospital, a juvenile hall, a shelter home, or respite care. It also provides the name and contact information for the child's social worker or probation officer.

2. This form may be completed by the prescribing physician, the medical office staff, the child welfare services staff, the probation department staff, or the child's caregiver. If completed by a staff person from the medical office, the child welfare services agency, the probation department, or the child's caregiver, he or she must check the appropriate box, type or print his or her name, and sign the form. If completed by the prescribing physician, he or she must check the appropriate box and complete and sign JV-220(A).

JV-220(A), *Prescribing Physician's Statement—Attachment*

1. This form must be completed and signed by the prescribing physician, who must provide information related to the administration of the psychotropic medication, including the child's diagnosis, relevant medical history, other therapeutic services, the psychotropic medication to be administered, and the basis for the psychotropic medication recommendation.

2. Prior court authorization must be obtained before a psychotropic medication not currently authorized is given to a child except in an emergency situation. An emergency situation occurs when a physician finds that the child requires psychotropic medication because of a mental condition and the purpose of the medication is to protect the life of the child or others, prevent serious harm to the child or others, or to treat current or imminent substantial suffering and it is impractical to obtain prior authorization from the court. Court authorization must be sought as soon as practical but never more than two court days after the emergency administration of the psychotropic medication.

JV-221, *Proof of Notice: Application Regarding Psychotropic Medication*

1. This form provides verification of the notice required by rule 5.640 of the California Rules of Court.

2. This form must be completed and signed by the person or persons responsible for providing notice as required by local court rules or local practice protocols. A separate signature line is provided on each page of the form to accommodate those courts in which the provision of notice is shared between agencies—for example, when local court rule or local practice protocol requires the child welfare services agency to provide notice to the parent or legal guardian and the caregiver and the juvenile court clerk's office to provide notice to the attorneys and CASA volunteer. If one agency does all the required noticing, only one signature is required on page 2 of the form.

JV-222, *Opposition to Application Regarding Psychotropic Medication*

1. This form must be used when the parent or guardian, the attorney of record for a parent or guardian, the child, the child's attorney, or the child's CAPTA guardian ad litem does not agree that the child should take the recommended psychotropic medication.

2. Within two court days of receiving notice of the application regarding psychotropic medication, the parent or guardian, his or her attorney, the child, the child's attorney, or the child's CAPTA guardian ad litem who disagrees must complete, sign, and file form JV-222 with the clerk of the juvenile court.

3. The court will make a decision about the child's psychotropic medication after reading the application and its attachments and any opposition filed on time. The court is not required to set a hearing when an opposition is filed. If the court does set the matter for a hearing, the juvenile court clerk must provide notice of the date, time, and location of the hearing to the parents or legal guardians, their attorneys, the child if 12 years of age or older, the child's attorney, the child's current caregiver, the child's social worker, and the social worker's attorney at least two court days before the date set for the hearing. In delinquency matters, the clerk also must provide notice to the child regardless of his or her age, the child's probation officer, and the district attorney.

JV-223, *Order Regarding Application for Psychotropic Medication*

This form contains the court's findings and orders about psychotropic medications.

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address):*	*FOR COURT USE ONLY*
TELEPHONE NO.: FAX NO. *(Optional):* E-MAIL ADDRESS *(Optional):* ATTORNEY FOR *(Name):*	**DRAFT 12** **08/12/08 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:	
ORDERS UNDER WELFARE AND INSTITUTIONS CODE SECTIONS 366.26, 727.3, 727.31	CASE NUMBER:

Child's name:
Date of birth: Age:
Parent's name *(if known):* ☐ Mother ☐ Father
Parent's name *(if known):* ☐ Mother ☐ Father

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

2. ☐ The court has read and considered the assessment prepared under Welfare and Institutions Code section 366.21(i) or 366.22(b) and the report and recommendation of the
   ☐ social worker ☐ probation officer ☐ and other evidence.

3. ☐ The court has considered the wishes of the child, consistent with the child's age, and all findings and orders of the court are made in the best interest of the child.

THE COURT FINDS AND ORDERS

4. a. ☐ Notice has been given as required by law.
   b. ☐ This case involves an Indian child and the court finds that notice has been given to the parents, Indian custodian, Indian child's tribe, and the Bureau of Indian Affairs (BIA) in accordance with Welfare and Institutions Code section 224.2; the original certified mail receipts, return cards, copies of all notices, and any responses to those notices are in the court file.

5. ☐ The child is 10 years or older and is not present; the court finds that the child was properly notified of the right to be present.

6. ☐ The court takes judicial notice of all prior findings, orders, and judgments in this proceeding.

7. ☐ The court previously made a finding denying or terminating reunification services under Welfare and Institutions Code sections 361.5, 366.21, 366.22, 727.2, or 727.3, for
   ☐ Parent *(name):* ☐ Mother ☐ Father
   ☐ Parent *(name):* ☐ Mother ☐ Father

CHILD'S NAME:	CASE NUMBER:

8. a. ☐ There is clear and convincing evidence that it is likely the child will be adopted.

b. ☐ This case involves an Indian child and the court finds by evidence beyond a reasonable doubt, including the testimony of one or more qualified expert witnesses, that continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. *(If item 8a or 8b is checked, go to item 9* ***unless*** *item 10, 11, or 12 is applicable. If item 8a or 8b is not checked, go to item 14 or 15.)* **The fact that the child is not placed in a preadoptive home or with a person or family prepared to adopt the child is not a basis for concluding that the child is unlikely to be adopted.**

9. ☐ The parental rights of

a. ☐ Parent *(name):* ☐ Mother ☐ Father

b. ☐ Parent *(name):* ☐ Mother ☐ Father

c. ☐ Alleged fathers *(names):*

d. ☐ Unknown mother ☐ All unknown fathers

are terminated, adoption is the child's permanent plan, and the child is referred to the California Department of Social Services or a local licensed adoption agency for adoptive placement.

e. **The adoption is likely to be finalized by *(date):***

(If item 9 is checked, go to items 16, 17, 18, 19, and 20.)

10. ☐ The child is living with a relative who is unable or unwilling to adopt the child because of circumstances that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of providing the child with a stable and permanent environment through legal guardianship. Removal of the child from the custody of his or her relative would be detrimental to the emotional well-being of the child. *(If item 10 is checked, go to item 14 or 15.)*

11. ☐ Termination of parental rights would be detrimental to the child for the following reasons *(If item 11 is checked, check reasons below and go to item 14 or 15):*

a. ☐ The parents or guardians have maintained regular visitation and contact with the child, and the child would benefit from continuing the relationship.

b. ☐ The child is 12 years or older and objects to termination of parental rights.

c. ☐ The child is placed in a residential treatment facility, adoption is unlikely or undesirable, and continuation of parental rights will not prevent a permanent family placement if the parents cannot resume custody when residential care is no longer needed.

d. ☐ The child is living with a foster parent or Indian custodian who is unable or unwilling to adopt the child because of exceptional circumstances that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of providing the child with a stable and permanent environment. Removal of the child from the physical custody of the foster parent or Indian custodian would be detrimental to the emotional well-being of the child. This clause does not apply to any child who is either

(1) under the age of 6; or

(2) a member of a sibling group with at least one child under the age of 6 and the siblings are or should be placed together.

e. ☐ There would be substantial interference with the child's sibling relationship.

f. ☐ The child is an Indian child and there is a compelling reason for determining that termination of parental rights would not be in the best interest of the child, including, but not limited to:

(1) Termination of parental rights would substantially interfere with the child's connection to his or her tribal community or the child's tribal membership rights.

(2) The child's tribe has identified guardianship or another permanent plan for the child.

12. ☐ Termination of parental rights would not be detrimental to the child, but no adoptive parent has been identified or is available, and the child is difficult to place because the child *(if item 12 is checked, check reasons below and go to item 13):*

a. ☐ is a member of a sibling group that should stay together.

b. ☐ has a diagnosed medical, physical, or mental disability.

c. ☐ is 7 years or older.

CHILD'S NAME:	CASE NUMBER:

13. a. ☐ Termination of parental rights is not ordered at this time. Adoption is the permanent placement goal, and efforts are to be made to locate an appropriate adoptive family. A report to the court is due by *(date, not to exceed 180 days from the date of this order):*

(If item 13a is checked, provide for visitation in items 13b and 13c as appropriate, and go to items 16, 17, 18, 19, and 20.)

b. ☐ Visitation between the child and

☐ Parent *(name):* ☐ Mother ☐ Father
☐ Parent *(name):* ☐ Mother ☐ Father
☐ Legal guardian *(name):*
☐ Other *(name):*

is scheduled as follows *(specify):*

c. ☐ Visitation between the child and *(names):*
is detrimental to the child's physical or emotional well-being and is terminated.

14. ☐ The child's permanent plan is legal guardianship. *(Name):*
is appointed legal guardian of the child, and *Letters of Guardianship* will issue. *(If item 14 is checked, provide for visitation in items 14a and 14b as appropriate, and go to item 14c or 14d.)*

a. ☐ Visitation between the child and

☐ Parent *(name):* ☐ Mother ☐ Father
☐ Parent *(name):* ☐ Mother ☐ Father
☐ Legal guardian *(name):*
☐ Other *(name):*

is scheduled as follows *(specify):*

b. ☐ Visitation between the child and *(names):*
is detrimental to the child's physical or emotional well-being and is terminated.

c. ☐ Dependency ☐ Wardship is terminated.

d. ☐ Dependency ☐ Wardship is not terminated. The likely date for termination of the dependency or wardship is *(date):* *(If this item is checked, go to items 16, 17, 18, 19, and 20.)*

The juvenile court retains jurisdiction of the guardianship under Welfare and Institutions Code section 366.4.

15. a. ☐ The child's permanent plan is an identified placement with *(name of placement):*

with a specific goal of *(specify):*

(1) ☐ returning home
(2) ☐ adoption
(3) ☐ legal guardianship
(4) ☐ permanent placement with a fit and willing relative
(5) ☐ a less restrictive foster care setting
(6) ☐ independent living with identification of a caring adult to serve as a lifelong connection

The child's specific goal is likely to be achieved by *(date):*

(If item 15a is checked, provide for visitation in items 15b and 15c as appropriate, and go to items 16, 17, 18, 19, and 20.)

CHILD'S NAME:	CASE NUMBER:

b. ☐ Visitation between the child and

☐ Parent *(name):* ☐ Mother ☐ Father

☐ Parent *(name):* ☐ Mother ☐ Father

☐ Legal guardian *(name):*

☐ Other *(name):*

is scheduled as follows *(specify):*

c. ☐ Visitation between child and *(names):*
is detrimental to the child's physical or emotional well-being and is terminated.

16. ☐ The child's placement is necessary.

17. ☐ The child's placement is appropriate.

18. ☐ The agency has complied with the case plan by making reasonable efforts, including whatever steps are necessary to finalize the permanent plan. If this case involves an Indian child, the court finds that the agency has made active efforts to provide remedial and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have been proven unsuccessful.

19. ☐ The services set forth in the case plan include those needed to assist the child age 16 or older in making the transition from foster care to independent living. *(This finding is required only for a child 16 years or older.)*

20. ☐ The child remains a ☐ dependent ☐ ward of the court. *(If this box is checked, go to items 21 and 22 if applicable, and items 23 and 24.)*

21. ☐ All prior orders not in conflict with this order will remain in full force and effect.

22. ☐ Other *(specify):*

23. ☐ Next hearing date: Time: Dept.: Room:

a. ☐ Continued hearing under section 366.26 for receipt of report on attempts to locate an adoptive family

b. ☐ Six-month postpermanency review

24. The ☐ Parent *(name):* ☐ Mother ☐ Father

☐ Parent *(name):* ☐ Mother ☐ Father

☐ Child

☐ Other *(name):*

have been advised of their appeal rights (under Cal. Rules of Court, rule 5.585).

Date: _____

_____
JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address):*	*FOR COURT USE ONLY*
TELEPHONE NO. *(Optional):* FAX NO. *(Optional):* E-MAIL ADDRESS *(Optional):* ATTORNEY FOR *(Name):*	**DRAFT 9** **08/12/08 mc** **Not approved by the Judicial Council**
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
YOUTH'S NAME: PARENT'S NAME:	
COMMITMENT TO THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, DIVISION OF JUVENILE JUSTICE	CASE NUMBER: JUVENILE:

1. a. Youth's name:
   b. Youth's date of birth:

2. a. Date of hearing: Dept.: Room:
   b. Judicial officer *(name):*
   c. Persons present:
   ☐ Youth ☐ Youth's attorney ☐ Mother ☐ Father ☐ Guardian ☐ Deputy district attorney
   ☐ Others as reflected on the attached minute order

THE COURT FINDS AND ORDERS:

3. The youth was under the age of 18 years at the time of the commission of the offense for which the youth is being committed to the Division of Juvenile Justice.

4. The mental and physical condition and qualifications of this youth render it probable that the youth will benefit from the reformatory discipline or other treatment provided by the Division of Juvenile Justice.

5. a. ☐ The youth is committed to the Division of Juvenile Justice for a 90-day period of observation and diagnosis.
   b. ☐ The youth is committed to the Division of Juvenile Justice for acceptance.
   c. ☐ The youth is a ward of the Division of Juvenile Justice under a prior commitment; and
   ☐ is recommitted to the Division of Juvenile Justice; or
   ☐ is returned to the Division of Juvenile Justice with the following recommendation:
   ☐ the parole status of the youth be revoked;
   ☐ the parole status of the youth not be revoked; or
   ☐ the parole status of the youth will be determined by the Division of Juvenile Justice.

6. The youth has been declared a ward of the court and is committed based on the following sustained petitions:

	Sustained Petition Date	Offense	Code	Degree	707(b)	Enhancement	Term
a.							
b.							

Form Adopted for Mandatory Use
Judicial Council of California
JV-732 [Rev. January 1, 2009]

Welfare and Institutions Code, §§ 707.2, 731 et seq., 1730 et seq., 1755.3, 1755.4;
Cal. Rules of Court, rules 5.790, 5.795, 5.805
www.courtinfo.ca.gov

YOUTH'S NAME:	CASE NUMBER: JUVENILE:

	Sustained Petition Date	Offense	Code	Degree	707(b)	Enhancement	Term
6. c.							
d.							
e.							

☐ Continued in attachment 6.

7. The youth has credit for days in secure custody.

8. Confinement period:
   a. ☐ The maximum period of confinement is *(state years and months):*
   b. ☐ The court has considered the individual facts and circumstances of the case in determining the maximum period of confinement.

9. The youth is ordered to pay a restitution fine of *(state dollar amount):* $

10. ☐ The youth is ordered to pay victim restitution as stated in attachment 10.

11. Exceptional needs:
   a. ☐ The youth is an individual with exceptional needs.
   b. ☐ The youth has an individualized education program and it:
      ☐ is included as attachment 11b.
      ☐ will be furnished to the Division of Juvenile Justice when obtained.
   c. ☐ The youth is not an individual with exceptional needs.
   d. ☐ It does not appear that a determination has been made regarding any exceptional needs the youth may have.

12. ☐ The court requests that the youth be considered for programming related to .

13. ☐ The court requests that a copy of the Clinical Summary Report be sent to the youth's attorney *(provide name and address of attorney):*

14. The probation officer is directed to forward a copy of the youth's medical records to the Division of Juvenile Justice before delivery.

YOUTH'S NAME:	CASE NUMBER: JUVENILE:

15. Youth ☐ has ☐ has not been prescribed psychotropic medication.
    Type and dosage of medication *(specify):*

☐ Additional documentation provided in attachment 15.

16. Such psychotropic medication, if still necessary based on an evaluation by a Division of Juvenile Justice physician, may be continued for a period not to exceed 60 days from the date of delivery to the Division of Juvenile Justice reception center and clinic.

Date:

JUDICIAL OFFICER

SPR08-39

Juvenile Law: Miscellaneous Rule and Form Changes (amend Cal. Rules of Court, rules 5.570, 5.640, and 5.725; revise forms JV-180, JV-219-INFO, JV-320, and JV-732; adopt forms JV-183 and JV-184)

All comments are verbatim unless indicated by an asterisk (*)

	List of All Commentators, Overall Positions on the Proposal, and General Comments			
	Commentator	**Position**	**Comment**	**Committee Response**
1.	Advokids Margaret Coyne Executive Director Corte Madera	AM	See comments on specific provisions below.	
2.	Grace Andes Court Services Program Manager Superior Court of Solano County	AM	See comments on specific provisions below.	
3.	Donna Burt Division Manager, Juvenile Division Superior Court of Riverside County	A	No narrative comments submitted.	No response required.
4.	California Department of Social Services Sharon DeRego, LCSW Staff Services Manager Sacramento	AM	See comments on specific provisions below.	
5.	California Department of Social Services West Irvin, Manager Sacramento	A	No narrative comments submitted.	No response required.
6.	Child Welfare Services, San Diego Corey Kissel, Program Specialist San Diego	A	See comments on specific provisions below.	
7.	Carole Greeley Attorney	AM	See comments on specific provisions below.	

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR08-39

Juvenile Law: Miscellaneous Rule and Form Changes (amend Cal. Rules of Court, rules 5.570, 5.640, and 5.725; revise forms JV-180, JV-219-INFO, JV-320, and JV-732; adopt forms JV-183 and JV-184)

All comments are verbatim unless indicated by an asterisk (*)

	List of All Commentators, Overall Positions on the Proposal, and General Comments			
	Commentator	**Position**	**Comment**	**Committee Response**
	Fairield			
8.	Haislip W. Hayes II Deputy Public Defender Imperial County Public Defender	A	No narrative comments submitted.	No response required.
9.	Cheryl Kanatzar Deputy Executive Officer Superior Court of Ventura County	A	No narrative comments submitted.	No response required.
10.	Los Angeles County Alternate Public Defender Janice Y. Fukai Alternate Public Defender	AM	See comments on specific provisions below.	
11.	Los Angeles County District Attorney's Office Jennifer C. McDonald Deputy District Attorney	AM	See comments on specific provisions below.	
12.	Linda McFadden Presiding Juvenile Judge Superior Court of Stanislaus County	AM	See comments on specific provisions below.	
13.	Hon. Michael Nash Presiding Juvenile Court Judge Superior Court of Los Angeles County	A	No narrative comments submitted.	No response required.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR08-39

Juvenile Law: Miscellaneous Rule and Form Changes (amend Cal. Rules of Court, rules 5.570, 5.640, and 5.725; revise forms JV-180, JV-219-INFO, JV-320, and JV-732; adopt forms JV-183 and JV-184)

All comments are verbatim unless indicated by an asterisk (*)

	List of All Commentators, Overall Positions on the Proposal, and General Comments			
	Commentator	**Position**	**Comment**	**Committee Response**
14.	Orange County Bar Association Cathrine Castaldi, President Newport Beach	A	No narrative comments submitted.	No response required.
15.	James M. Owens Assistant County Counsel Office of the County Counsel— Dependency Division Monterey Park	AM	See comments on specific provisions below.	
16.	Jeffrey Rolston Court Services Supervisor Superior Court of San Mateo County	A	See comments on specific provisions below.	
17.	Nicholas Soter Attorney Soter & Park San Francisco	AM	See comments on specific provisions below.	
18.	Mary C. Sullivan Attorney Dependent Family Advocates Ventura	AM	See comments on specific provisions below.	

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR08-39

Juvenile Law: Miscellaneous Rule and Form Changes (amend Cal. Rules of Court, rules 5.570, 5.640, and 5.725; revise forms JV-180, JV-219-INFO, JV-320, and JV-732; adopt forms JV-183 and JV-184)

All comments are verbatim unless indicated by an asterisk (*)

	List of All Commentators, Overall Positions on the Proposal, and General Comments			
	Commentator	**Position**	**Comment**	**Committee Response**
19.	Superior Court of Fresno County Patty Wallace Rixman Director of Court Operations	AM	No narrative comments submitted.	No response required.
20.	Superior Court of Los Angeles County	A	No narrative comments submitted.	No response required.
21.	Superior Court of Sacramento County Robert Turner ASO II	A	No narrative comments submitted.	No response required.
22.	Superior Court of San Diego County Michael M. Roddy Executive Officer	AM	See comments on specific provisions below.	
23.	Hon. Rebecca L. Wightman Commissioner Superior Court of San Francisco County	AM	See comments on specific provisions below.	
24.	Cynthia Wojan Juvenile Court Coordinator Superior Court of Solano County	A	See comments on specific provisions below.	

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR08-39

Juvenile Law: Miscellaneous Rule and Form Changes (amend Cal. Rules of Court, rules 5.570, 5.640, and 5.725; revise forms JV-180, JV-219-INFO, JV-320, and JV-732; adopt forms JV-183 and JV-184)

All comments are verbatim unless indicated by an asterisk (*)

Rule 5.640 and form JV-219-INFO—Psychotropic Medication		
Commentator	**Comment**	**Committee Response**
Linda McFadden Presiding Juvenile Judge Superior Court of Stanislaus County	I would like to see a check box on the psychotropic medication request form indicating whether the minor's attorney and parents/guardians agree with the request. In a number of cases, I have reviewed the request prior to the time for them to file an objection.	The committee does not believe that a check box is necessary. It would lead to undue delays in the filing of the application to require the applicant to determine whether the parents and/or guardian and the minor's attorney agree with the request so that the information could be included on the application.
Michael M. Roddy Executive Officer Superior Court of San Diego County	1. Rule 5.640(b)(2). This language should be modeled after the language in Welfare and Institutions Code section 739.5 and therefore changed slightly. It should state "Once a child is declared a ward of the court, removed from the custody of the parents or guardian, and placed into foster care … ." 2. Rule 5.640(c)(1). Change "for placement in" to "and placed into" so that the last few lines read " … or to a ward of the court who is removed from the custody of the parents or guardian and placed into foster care." 3. Form JV-219-INFO, Page 2, item 3. Add the language, after "the social worker's attorney" on the fifth line "and the child's Court Appointed Special Advocate, if any."	1. The committee agrees to make this change. 2. The committee agrees to make this technical change. 3. The committee does not agree with this suggestion. The filing of an opposition by the child's Court Appointed Special Advocate is not authorized by rule 5.640 of the California Rules of Court or by Welfare and Institutions Code sections 369.5 or 739.5.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

SPR08-39

Juvenile Law: Miscellaneous Rule and Form Changes (amend Cal. Rules of Court, rules 5.570, 5.640, and 5.725; revise forms JV-180, JV-219-INFO, JV-320, and JV-732; adopt forms JV-183 and JV-184)

All comments are verbatim unless indicated by an asterisk (*)

Rule 5.570 and Forms JV-180 and JV-181—Request to Change Court Order		
Commentator	**Comment**	**Committee Response**
Advokids Margaret Coyne Executive Director Corte Madera	1. PROPOSED JV FORM 180, SECTION 2 Section 2 heading should be labeled "Petitioner Information", not "Your information." It is confusing. 2. PROPOSED JV FORM 180, SECTION 2 Keep 2(a)-(e) for petitioner information, and in (f) request the attorney's name, address, telephone number and state bar number, i.e., (f)"If you are an attorney filling out this form for a client, complete the following information: Your name, address, telephone and State Bar Number". The attorney's information should not go in Item 2 because the attorney is not the petitioner. 3. PROPOSED JV FORM 180 SECTION 2(e) " Your relationship to the child: I am related to the child on the mother's side on the father's side. I am a blood relative relative by adoption relative by marriage". The language above is not supported by the language or intent of § 388, which states, "the petition shall state petitioner's relationship to OR INTEREST IN THE CHILD". The proposed language suggests that the petitioner must be a biological or adoptive relative, and may mislead or discourage "other	1. Form JV-180 became a plain language form, effective January 1, 2008. The purpose of changing the Judicial Council forms to plain language forms was to make them easier to use by simplifying the terminology. "Petitioner" is a legal term, and the committee prefers using "Your" to make it clear that the information requested is that of the person filling out the form. 2. The committee agrees that item 2 is organized in a confusing manner and should be restructured. The committee reorganized this section so that the person completing the form identifies his or her role first (i.e., child, parent, attorney, etc.) and thereafter enters any personal information required. 3. The committee clarified the language to avoid confusion. Item 1a now allows the petitioner to state their relationship to or interest in the child. Item 2c, the check box for requesting a relationship with a sibling, now includes language to indicate the type of relationship.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

Rule 5.570 and Forms JV-180 and JV-181—Request to Change Court Order		
Commentator	**Comment**	**Committee Response**
	persons HAVING AN INTEREST IN THE CHILD " from seeking to apply, i.e siblings, the dependent minor, foster parents, NREFMs, or other advocates for the child. Omit all the proposed language above. It is unnecessary and most misleading. Section 2(e) should simply ask for "Relationship to or interest in the child" 4. PROPOSED JV FORM 181 SECTION 2(b) "The facts do not support what is requested." This language is vague, unnecessary, and not supported by the language in §388. Please omit. 5. PROPOSED JV FORM 181 SECTION 2 (d) "The request does not show that it will be in the best interest of the child to change the order". This proposed language is not supported by the language or intent of § 388. § 388 states "If it appears that the best interests of the child MAY be promoted by the proposed change of order, recognition of a sibling relationship, or termination of jurisdiction, THE COURT SHALL order that a hearing be held." It is inappropriate to suggest that the court can make the best interests determination on the basis of the petition. The language should be changed to reflect the actual language of the statute, i.e., "The request does not show that changing the order MAY promote the best interests of the child."	4. The committee agrees to strike this language. 5. To make this section clearer, the committee has changed the language to “The proposed change or order, recognition of sibling relationships, or termination of jurisdiction does not promote the best interest of the child.” This is consistent with California Rules of Court, rule 5.570(d), which states “if he petition fails to state a change of circumstances or new evidence that may require a change of order or a termination of jurisdiction, or that the requested modification would promote the best interest of the child, the court may deny the application ex parte.”
Grace Andes Court Services Program Manager Superior Court of Solano County	I agree with the proposed changes, but suggest changes to the JV-180 form. 1. Remove “if known” by the case number. It encourages parties to leave this blank.	1. The committee does not agree to change this language. “If known” is used on this form to assist

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

Rule 5.570 and Forms JV-180 and JV-181—Request to Change Court Order		
Commentator	**Comment**	**Committee Response**
		unrepresented litigants in filing the form even if they don't have all of the information.
	2. Item #2 is confusing. Consider revising and separating the Attorney information. Why would the attorney representing the party have any relationship with the child? The instructions tell the attorney to complete items a-e with their information.	2. The committee agrees that item 2 is confusing and has reorganized this item.
	3. Remove all (if known) references and replace with a check box and unknown. Otherwise, the court will not know if the information is unknown, or the party just skipped that item.	3. The committee agrees to remove all (if known) references, with the exception of the one pertaining to the case number. The committee has added a check box to indicate whether the information is unknown instead.
	4. The instructions in the text box under j is very confusing. Consider reordering the information in some way to clarify the instructions.	4. The committee agrees to revise the language and clarify the instructions.
	5. Consider adding a certificate of mailing. If the clerk of the court is required to serve this document, addresses are required. Consider adding address information for all parties.	5. The committee does not recommend adding a certificate of mailing as it is not standard protocol to do so on Judicial Council forms. The certificate of mailing is a local court issue.
California Department of Social Services Sharon DeRego, LCSW Staff Services Manager Sacramento	We would like to add on the JV 180 form #2f that the statement should include Probation Officers and Social Workers not just Attorneys since in practice this form is completed by these officials. However, my concern is that the form doesn't look like it even takes into account that SW's and PO's complete this form and that it is either completed by the petitioners or by their attorney. My question is whether SW's and PO's should be included here on this form if they are not "legal professionals" like paralegals or attorneys who are authorized	The committee agrees that form JV-180 should clearly indicate that social workers and probation officers may file the form. Item 1 has been reorganized to include a check box for every person who may file the form, including a checkbox for both a "social worker" and a "probation officer".

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

Rule 5.570 and Forms JV-180 and JV-181—Request to Change Court Order		
Commentator	**Comment**	**Committee Response**
	to complete these legal forms for their clients. I know that in practice SW's and PO's complete lots of legal forms for their clients because it pertains to their job and responsibilities and is sometimes just easier to complete instead of getting county counsel or their petitioners to complete them but I wanted to make sure that the suggestion we were making is appropriate.	
Carole Greeley Attorney Fairield	1. JV-180 title - should be "request to change order, terminate jurisdiction, or establish sibling relationship", or you should have a separate form for each of these objectives. 2. The type of request should mention termination of jurisdiction. 3. JV-180(3)(f) address of parent should be "address of parent or legal guardian." 4. JV-180 order should be "denied because ----", since it can be denied for various reasons.	1. The committee agrees that the purpose of the form should be clarified. Rather than change the title, the committee has revised the instructions at the top of form JV-180 to clarify that the form can be used "to request a change in a court order, to ask the court to dismiss your case, or to ask the court to establish a relationship with your sibling." 2. The committee agrees and has added a check box addressing termination of jurisdiction in the "Type of request" section. 3. The committee agrees that the "Address of parent" section should also include a reference to the "legal guardian." 4. The committee believes that the commentator is referring to proposed form JV-181 (new proposed form JV-184). The committee added space for the court to explain why the request is denied or granted.
Jeffrey Rolston Court Services Supervisor Superior Court of San Mateo County	I like the new JV-181 Court Order, however it would be nice to also have a Court Order After Hearing for JV-180. Most of the information on page 2 of the order could be the after hearing order and page 1 would be the ex-parte order made by the	The committee agrees that this is confusing and will break the form into multiple orders. Form JV-181 was created to separate the request to change the court order (form JV-180) from the court order itself (proposed form

Rule 5.570 and Forms JV-180 and JV-181—Request to Change Court Order		
Commentator	**Comment**	**Committee Response**
	court. It would make it easier for pro per parties to understand. If the JV-181 is used for the order after court, the parties may be confused when the first page of the order they receive is blank except for the file stamp.	JV-181). This was considered a better approach to fit the purposes of the new California Court Case Management System (CCMS). However, the committee agrees that these forms should be further split to ensure clarity. The committee therefore recommends that formerly proposed form JV-181 be split into two forms: proposed new forms JV-183, Court Order on the JV-180, and JV-184, Order After Hearing on the JV-180.
Nicholas Soter Attorney Soter & Park San Francisco	1. I agree that the JV 180 form needs to be modified. I agree that there should be a separate form for the order. I think there should be a box for the attorney's address on the front. 2. I think that the section on the positions of the other parties causes a lot of problems, as sometimes those parties' positions are unknowable (it is a dismissed case, with no attorneys). 3. Also, there needs to be uniform compliance with the filing of these petitions so that they are not immediately filed with the court, but rather "lodged" for review by the Judicial Officer who will then indicate whether the matter deserves a hearing (change of circumstances, best interests), and what kind of hearing it will be (with testimony, or only on the papers). Service of the lodged, then filed, jv180 should be done by the clerk, not the attorneys.	1. The committee agrees to add a line for the attorney's address to the front of the form. 2. The purpose of having the section on the positions of the parties is to satisfy California Rule of Court, rule 5.570(f), which states that the court may order the modification without a hearing if all of the parties agree. Therefore, section 11 allows the person completing the form to indicate who agrees or disagrees with the request. There are also check boxes to indicate if the person completing the form doesn't know the answer or if it is inapplicable. 3. The committee addresses this issue by separating the request to change the court order from the court orders. This is also a local court issue that can be addressed with court policies or rules of court, if necessary.
Mary C. Sullivan	1. On JV-180 3rd page 8 – I would like to make it as a proof of	1. It is not standard protocol to include a proof of service

SPR08-39

Juvenile Law: Miscellaneous Rule and Form Changes (amend Cal. Rules of Court, rules 5.570, 5.640, and 5.725; revise forms JV-180, JV-219-INFO, JV-320, and JV-732; adopt forms JV-183 and JV-184)

All comments are verbatim unless indicated by an asterisk (*)

Rule 5.570 and Forms JV-180 and JV-181—Request to Change Court Order		
Commentator	**Comment**	**Committee Response**
Attorney Dependent Family Advocates Ventura	service because although it reads – that the people have been sent a copy it does not indicate when & I usually submit JV-180 with a proof of service- I don't think it matters who agrees or disagrees- if everyone agrees then we provide a stipulation to the court anyway. 2. Usually if a parent is represented notice is given only to parent's attorney. Social services usually contacts parents but not always. So does the box need to be filled out for parent- if it is filled out as to the parent agrees? Since it is under 8 does that mean they were sent a copy (also). 3. Finally I think a box for attorney for mother and attorney for father should be added. Unless attorney for name/relations to child is box we attorneys for parents should use…if so my response would too long & not fit into space. (for example): Attorney for (name/relationship to child) Jane Smith mother, Mary C. Sullivan, attorney 4. Also form need place for hearing Date & Time on 1st page.	within the form requesting a change of court order. There is a separate Judicial Council juvenile form for proof of service. 2. The statute and the rule are silent on the issue of who receives notice of the petition. However, since the court may order the modification without a hearing if all parties stipulate to the request, someone has to give a copy of the petition to the parties. That person should be the petitioner, if the petitioner is an attorney, or the clerk, if it is appropriate. 3. The committee agrees and has changed the language to "Attorney for parent/legal guardian" for clarification. 4. The time and date of the hearing is located on proposed new forms JV-183 and JV-184.
Cynthia Wojan Juvenile Court Coordinator Superior Court of Solano County	The JV-181 is confusing. Page one and page two contain a signature line for the judge and conceivably you could have page one completed when a hearing is ordered and then page two completed after the hearing is held. Would you have two copies of the JV-181 filed, the first with page one completed, and the second with page two complete? It seems that page	The committee agrees that proposed form JV-181 should be modified. The committee has split formerly proposed form JV-181 into two forms: form JV-183, Court Order on the JV-180, and form JV-184, Order After Hearing on the JV-180, to address the issue.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

Rule 5.570 and Forms JV-180 and JV-181—Request to Change Court Order		
Commentator	**Comment**	**Committee Response**
	two, since it contains post hearing orders, could be a stand alone document entitled Findings and Orders after Hearing on JV-180.	

Rule 5.725 and Form JV-320 — Selection of a Permanent Plan		
Commentator	**Comment**	**Committee Response**
Child Welfare Services, San Diego Corey Kissel, Program Specialist San Diego	The changes suggested in this section for form revision are clarification changes. The proposed changes do not impact CWS San Diego. In 2007, there were two bills that were passed (SB 703, 2007 and AB 298, 2007) and San Diego has incorporated these changes into the 2008 recommendation sets that social workers attach to their court reports. The 2008 recommendation sets have not been published yet but should be published by the end of June 2008.	No response required.
Carole Greeley Attorney Fairield	Rule 5.725 (e) (1)(C)(iv) -- Indian custodian should be "non-relative Indian custodian."	The committee declined to make this change. The committee understands the desire to clarify that relative Indian custodians would fall under rule 5.725(e)(1)(B). However, as currently drafted, the language follows the language of Welfare and Institutions Code section 366.26(c)(1)(B)(iv).
James M. Owens Assistant County Counsel Office of the County Counsel-Dependency Division Monterey Park	Form JV-320 1. 4b-Recommendation: It is an important reminder to the court to restate its ICWA notice findings when the case involves an Indian child. As such, it seems a fitting place to add a section in this form that indicates: that Indian heritage was claimed; that the investigation/notice is proper and that the court finds that	1. The committee does not agree with the recommended change. While there may be certain advantages to having the court ensure that ICWA issues were properly considered and dealt with at earlier stages in the proceedings, this would be a substantive addition

Rule 5.725 and Form JV-320 — Selection of a Permanent Plan		
Commentator	**Comment**	**Committee Response**
	the ICWA does not apply or that an Indian child is not involved; and that no notice is necessary. By modifying this form, many problems that arise after the termination of parental right when the record is silent as to ICWA and/or when the record says heritage was claimed but the record does not reflect that any findings were made may be avoided. 2. 8b-Recommendation: Add: "[A]nd the court finds by clear and convincing evidence that active efforts were made as required by section Welf. & Inst. Code §361.7 and by evidence beyond a reasonable doubt…"	and beyond the scope of the current proposal. The committee will consider this issue further and, if appropriate, submit for circulation in a future comment cycle. 2. The committee believes that "active efforts" findings are sufficiently covered in item 18 of the form and that this addition is not necessary.
Superior Court of San Diego County Michael M. Roddy Executive Officer	Form JV-320 1. In the case caption box where the Welfare and Institutions Code sections (applicable legal authority) are identified, add section 361.7 as appropriate legal authority. 2. Item 8b. There is a typographical error. It should read " .. custody of the child by the parent or Indian custodian … " 3. Item 11d. Change "stable and permanent home" to "stable and permanent environment." Commentator references section 366.26(c)(1)(B)(iv) as support for this.	1. The committee agrees that section 361.7 is relevant legal authority and has added section 361.7 to the list of legal references in the lower right-hand corner of the form in the footer. The committee does not agree with adding section 361.7 to the case caption. It is unnecessary to add every statute that is pertinent to the termination of parental rights in the case caption box. The most common relevant statutes are listed in the title while the others are listed in the lower right-hand corner. 2. The committee agrees that this is a typographical error and has made the correction. 3. The committee agrees that the word "environment" rather than "home" more closely tracks the language of the statute. The committee adopts this change.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

Rule 5.725 and Form JV-320 — Selection of a Permanent Plan		
Commentator	**Comment**	**Committee Response**
	4. Item 11d(2). Change "the" to "a" so that it reads "a member of a sibling group." 5. Item 18. Change "rehabilitative services" to "rehabilitative programs." 6. Item 18. Change "these efforts have proven successful" to "that these efforts have been proven successful."	4. The committee agrees and has made the recommended language change. 5. The committee agrees that "rehabilitative programs" is more appropriate terminology and has made the recommended language change. 6. The committee agrees and has made the recommended language change.
Hon. Rebecca L. Wightman Commissioner Superior Court of San Francisco County	Due to the large numbers of cross-over cases between juvenile and child support, I would strongly recommend adding a set provision in the Order Terminating Parental Rights that directs the Title IV-A agency (Human Services Agency) to notify the Title IV-D agency (Child Support) of the termination of parental rights in writing in all cases in which there has been a referral to the IV-D agency. As a Title IV-D Commissioner, I often find that the Child Support Agency does not get timely information (or any information at all) re: termination of parental rights, which can profoundly affect the parties' (who are often in pro per) rights and responsibilities. This lack of communication between the agencies can cause unnecessary orders to be made and creates a huge inefficiency in the court process. This is a golden opportunity to start getting some uniformity in requiring the exchange of important information in these cross-over issues.	While the committee believes that this is a good suggestion, it would create an additional workload on the courts and would need to be circulated in a future comment cycle.

Form JV-732 —Maximum time of confinement		
Commentator	**Comment**	**Committee Response**
Los Angeles County Alternate Public Defender Janice Y. Fukai Alternate Public Defender	I have a concern with the recommendation to revise form JV-732 to comply with Welfare and Institutions Code section 731(c) and recent case law that clarifies the requirement that a ward's maximum time of confinement at DJJ be based on the facts and circumstances of the matter that brought the ward under the jurisdiction of the juvenile court. I find form JV-732 (11)(c) objectionable because it does not appear that there is any way to know how the court could come to this conclusion, how this was determined, or whether or not information had even been provided to the court. Our concern is that this box will be checked merely because no evidence has been put forth rather than because a finding was made based upon evidence presented that the youth has no exceptional needs. There should be a requirement that there would be wording that demonstrates how this conclusion was reached.	The committee does not believe that it is necessary to revise the language in item 11 to indicate how a conclusion was reached that the youth did not have exceptional needs. Item 11 is part of the court's findings and orders, and, as such, is presumably based on evidence that was presented to the court. In addition, item 11d provides a check box if "it does not appear that a determination has been made regarding any exceptional needs the youth may have."
Los Angeles County District Attorney's Office Jennifer C. McDonald Deputy District Attorney	In reference to proposed amendments to Form JV-732, paragraph 8 requests the "maximum period of confinement" in compliance with Welfare and Institutions Code section 731, subdivision (b). Because there has been confusion as to the correct computation of the minimum term which may be imposed, a use note or comment referring to *In re Joseph M.* (2007) 150 Cal.App.4th 889 which held that in setting the maximum confinement time, the court may not impose a term "less than the minimum adult term," would be appropriate.	Judicial Council forms typically do not contain case references, and the committee declined to make this change.

SPR08-39

Juvenile Law: Miscellaneous Rule and Form Changes (amend Cal. Rules of Court, rules 5.570, 5.640, and 5.725; revise forms JV-180, JV-219-INFO, JV-320, and JV-732; adopt forms JV-183 and JV-184)

All comments are verbatim unless indicated by an asterisk (*)

Rule 5.640 and form JV-219-INFO—Psychotropic Medication		
Commentator	**Comment**	**Committee Response**
Linda McFadden Presiding Juvenile Judge Superior Court of Stanislaus County	I would like to see a check box on the psychotropic medication request form indicating whether the minor's attorney and parents/guardians agree with the request. In a number of cases I have reviewed the request prior to the time for them to file an objection.	The committee does not believe that a check box is necessary. It would lead to undue delays in the filing of the application to require the applicant to determine whether the parents and/or guardian and the minor's attorney agree with the request so that the information could be included on the application.
Michael M. Roddy Executive Officer Superior Court of San Diego County	1. Rule 5.640(b)(2). This language should be modeled after the language in Welfare and Institutions Code section 739.5 and therefore changed slightly. It should state "Once a child is declared a ward of the court, removed from the custody of the parents or guardian, and placed into foster care … ." 2. Rule 5.640(c)(1). Change "for placement in" to "and placed into" so that the last few lines read " … or to a ward of the court who is removed from the custody of the parents or guardian and placed into foster care." 3. Form JV-219-INFO, Page 2, item 3. Add the language, after "the social worker's attorney" on the fifth line "and the child's Court Appointed Special Advocate, if any."	1. The committee agrees to make this change. 2. The committee agrees to make this technical change.. 3. The committee does not agree with this suggestion. The filing of an opposition by the child's Court Appointed Special Advocate is not authorized by rule 5.640 of the California Rules of Court or by Welfare and Institutions Code sections 369.5 or 739.5.

Positions: A = Agree; AM = Agree if modified; N = Do not agree.

BILL NUMBER: AB 1514 CHAPTERED
BILL TEXT

CHAPTER 120
FILED WITH SECRETARY OF STATE JULY 20, 2007
APPROVED BY GOVERNOR JULY 20, 2007
PASSED THE SENATE JUNE 28, 2007
PASSED THE ASSEMBLY JULY 9, 2007
AMENDED IN SENATE JUNE 20, 2007
AMENDED IN ASSEMBLY APRIL 9, 2007

INTRODUCED BY Assembly Member Maze

FEBRUARY 23, 2007

An act to add Section 739.5 to the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1514, Maze. Juveniles: psychotropic medication.

Existing law authorizes only a juvenile court judicial officer to make orders regarding the administration of psychotropic medications for a dependent child who has been removed from the physical custody of his or her parent.

This bill, likewise, would provide, with respect to a ward of the court who has been placed in foster care, that only a juvenile court judicial officer is authorized to make orders regarding the administration of psychotropic medications.

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

SECTION 1. Section 739.5 is added to the Welfare and Institutions Code, to read:

739.5. (a) If a minor who has been adjudged a ward of the court under Section 601 or 602 is removed from the physical custody of the parent under Section 726 and placed into foster care, as defined in Section 727.4, only a juvenile court judicial officer shall have authority to make orders regarding the administration of psychotropic medications for that minor. The juvenile court may issue a specific order delegating this authority to a parent upon making findings on the record that the parent poses no danger to the minor and has the capacity to authorize psychotropic medications. Court authorization for the administration of psychotropic medication shall be based on a request from a physician, indicating the reasons for the request, a description of the minor's diagnosis and behavior, the expected results of the medication, and a description of any side effects of the medication. On or before July 1, 2008, the Judicial Council shall adopt rules of court and develop appropriate forms for implementation of this section.

(b) (1) The agency that completes the request for authorization for the administration of psychotropic medication is encouraged to complete the request within three business days of receipt from the physician of the information necessary to fully complete the request.

(2) Nothing in this subdivision is intended to change current local practice or local court rules with respect to the preparation and submission of requests for authorization for the administration of psychotropic medication.

(c) Within seven court days from receipt by the court of a completed request, the juvenile court judicial officer shall either approve or deny in writing a request for authorization for the administration of psychotropic medication to the minor, or shall, upon a request by the parent, the legal guardian, or the minor's attorney, or upon its own motion, set the matter for hearing.

(d) Psychotropic medication or psychotropic drugs are those medications administered for the purpose of affecting the central nervous system to treat psychiatric disorders or illnesses. These medications include, but are not limited to, anxiolytic agents, antidepressants, mood stabilizers, antipsychotic medications, anti-Parkinson agents, hypnotics, medications for dementia, and psychostimulants.

(e) Nothing in this section is intended to supersede local court rules regarding a minor's right to participate in mental health decisions.

➡§ 366.26. Hearings terminating parental rights or establishing guardianship of children adjudged dependent children of court

(a) This section applies to children who are adjudged dependent children of the juvenile court pursuant to subdivision (d) of Section 360. The procedures specified herein are the exclusive procedures for conducting these hearings; Part 2 (commencing with Section 3020) of Division 8 of the Family Code is not applicable to these proceedings. Section 8616.5 of the Family Code is applicable and available to all dependent children meeting the requirements of that section, if the postadoption contact agreement has been entered into voluntarily. For children who are adjudged dependent children of the juvenile court pursuant to subdivision (d) of Section 360, this section and Sections 8604, 8605, 8606, and 8700 of the Family Code and Chapter 5 (commencing with Section 7660) of Part 3 of Division 12 of the Family Code specify the exclusive procedures for permanently terminating parental rights with regard to, or establishing legal guardianship of, the child while the child is a dependent child of the juvenile court.

(b) At the hearing, which shall be held in juvenile court for all children who are dependents of the juvenile court, the court, in order to provide stable, permanent homes for these children, shall review the report as specified in Section 361.5, 366.21, or 366.22, shall indicate that the court has read and considered it, shall receive other evidence that the parties may present, and then shall make findings and orders in the following order of preference:

(1) Terminate the rights of the parent or parents and order that the child be placed for adoption and, upon the filing of a petition for adoption in the juvenile court, order that a hearing be set. The court shall proceed with the adoption after the appellate rights of the natural parents have been exhausted.

(2) Appoint a relative or relatives with whom the child is currently residing as legal guardian or guardians for the child, and order that letters of guardianship issue.

(3) On making a finding under paragraph (3) of subdivision (c), identify adoption as the permanent placement goal and order that efforts be made to locate an appropriate adoptive family for the child within a period not to exceed 180 days.

(4) Appoint a nonrelative legal guardian for the child and order that letters of guardianship issue.

(5) Order that the child be placed in long-term foster care, subject to the periodic review of the juvenile court under Section 366.3.

In choosing among the above alternatives the court shall proceed pursuant to subdivision (c).

(c)(1) If the court determines, based on the assessment provided as ordered under subdivision (i) of Section 366.21 or subdivision (b) of Section 366.22, and any other relevant evidence, by a clear and convincing standard, that it is likely the child will be adopted, the court shall terminate parental rights and order the child placed for adoption. The fact that the child is not yet placed in a preadoptive home nor with a relative or foster family who is prepared to adopt the child, shall not constitute a basis for the court to conclude that it is not likely the child will be adopted. A finding under subdivision (b) or paragraph (1) of subdivision (e) of Section 361.5 that reunification services shall not be offered, under subdivision (e) of Section 366.21 that the whereabouts of a parent have been unknown for six months or that the parent has failed to visit or contact the child for six months or that the parent has been convicted of a felony indicating parental unfitness, or, under Section 366.21 or 366.22, that the court has continued to remove the child from the custody of the parent or guardian and has terminated reunification services, shall constitute a sufficient basis for termination of parental rights. Under these circumstances, the court shall terminate parental rights unless either of the following applies:

(A) The child is living with a relative who is unable or unwilling to adopt the child because of circumstances that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of providing the child with a stable and permanent environment through legal guardianship, and the removal of the child from the custody of his or her relative would be detrimental to the emotional well-being of the child. For purposes of an Indian child, “relative” shall include an “extended family member,” as defined in the federal Indian Child Welfare Act (25 U.S.C. Sec. 1903(2)).

(B) The court finds a compelling reason for determining that termination would be detrimental to the child due to one or more of the following circumstances:

(i) The parents have maintained regular visitation and contact with the child and the child would benefit from continuing the relationship.

(ii) A child 12 years of age or older objects to termination of parental rights.

(iii) The child is placed in a residential treatment facility, adoption is unlikely or undesirable, and continuation of parental rights will not prevent finding the child a permanent family placement if the parents cannot resume custody when residential care is no longer needed.

(iv) The child is living with a foster parent or Indian custodian who is unable or unwilling to adopt the child because of exceptional circumstances, that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of providing the child with a stable and permanent environment and the removal of the child from the physical custody of his or her foster parent or Indian custodian would be detrimental to the emotional well- being of the child. This clause does not apply to any child who is either (I) under six years of age or (II) a member of a sibling group where at least one child is under six years of age and the siblings are, or should be, permanently placed together.

(v) There would be substantial interference with a child's sibling relationship, taking into consideration the nature and extent of the relationship, including, but not limited to, whether the child was raised with a sibling in the same home, whether the child shared significant common experiences or has existing close and strong bonds with a sibling, and whether ongoing contact is in the child's best interest, including the child's long-term emotional interest, as compared to the benefit of legal permanence through adoption.

(vi) The child is an Indian child and there is a compelling reason for determining that termination of parental rights would not be in the best interest of the child, including, but not limited to:

(I) Termination of parental rights would substantially interfere with the child's connection to his or her tribal community or the child's tribal membership rights.

(II) The child's tribe has identified guardianship, long-term foster care with a fit and willing relative, or another planned permanent living arrangement for the child.

If the court finds that termination of parental rights would be detrimental to the child pursuant to clause (i), (ii), (iii), (iv), (v), or (vi), it shall state its reasons in writing or on the record.

(2) The court shall not terminate parental rights if:

(A) At each hearing at which the court was required to consider reasonable efforts or services, the court has found that reasonable efforts were not made or that reasonable services were not offered or provided.

(B) In the case of an Indian child:

(i) At the hearing terminating parental rights, the court has found that active efforts were not made as required in Section 361.7.

(ii) The court does not make a determination at the hearing terminating parental rights, supported by evidence beyond a reasonable doubt, including testimony of one or more "qualified expert witnesses" as defined in Section 224.6, that the continued custody of the child by the parent is likely to result in serious emotional or physical damage to the child.

(3) If the court finds that termination of parental rights would not be detrimental to the child pursuant to paragraph (1) and that the child has a probability for adoption but is difficult to place for adoption and there is no identified or available prospective adoptive parent, the court may identify adoption as the permanent placement goal and without terminating parental rights, order that efforts be made to locate an appropriate adoptive family for the child, within the state or out of the state, within a period not to exceed 180 days. During this 180-day period, the public agency responsible for seeking adoptive parents for each child shall, to the extent possible, ask each child who is 10 years of age or older, to identify any individuals, other than the child's siblings, who are important to the child, in order to identify potential adoptive parents. The public agency may ask any other child to provide that information, as appropriate. During the 180-day period, the public agency shall, to the extent possible, contact other private and public adoption agencies regarding the availability of the child for adoption. During the 180-day period, the public agency shall conduct the search for adoptive parents in the same manner as prescribed for children in Sections 8708 and 8709 of the Family Code. At the expiration of this period, another hearing shall be held and the court shall proceed pursuant to paragraph (1) or (4) of subdivision (b). For purposes of this section, a child may only be found to be difficult to place for adoption if there is no identified or available prospective adoptive parent for the child because of the child's membership in a sibling group, or the presence of a diagnosed medical, physical, or mental handicap, or the child is the age of seven years or more.

(4)(A) If the court finds that adoption of the child or termination of parental rights is not in the best interest of the child, because one of the conditions in clause (i), (ii), (iii), (iv), (v), or (vi) of subparagraph (B) of paragraph (1) or in paragraph (2) applies, the court shall either order that the present caretakers or other appropriate persons shall become legal guardians of the child or order that the child remain in long-term foster care. Legal guardianship shall be considered before long-term foster care, if it is in the best interests of the child and if a suitable guardian can be found. A child who is 10 years of age or older, shall be asked to identify any individuals, other than the child's siblings, who are important to the child, in order to identify potential guardians. The agency may ask any other child to provide that information, as appropriate.

(B) If the child is living with a relative or a foster parent who is willing and capable of providing a stable and permanent environment, but not willing to become a legal guardian, the child shall not be removed from the home if the court finds the removal would be seriously detrimental to the emotional well-being of the child because the child has substantial psychological ties to the relative caretaker or foster parents.

(C) The court shall also make an order for visitation with the parents or guardians unless the court finds by a preponderance of the evidence that the visitation would be detrimental to the physical or emotional well-being of the child.

(5) If the court finds that the child should not be placed for adoption, that legal guardianship shall not be established, and that there are no suitable foster parents except exclusive-use homes available to provide the child with a stable and permanent environment, the court may order the care, custody, and control of the child transferred from the county welfare department to a licensed foster family agency. The court shall consider the written recommendation of the county welfare director regarding the suitability of the transfer. The transfer shall be subject to further court orders.

The licensed foster family agency shall place the child in a suitable licensed or exclusive-use home that has been certified by the agency as meeting licensing standards. The licensed foster family agency shall be responsible for supporting the child and providing appropriate services to the child, including those services ordered by the court. Responsibility for the support of the child shall not, in and of itself, create liability on the part of the foster family agency to third persons injured by the child. Those children whose care, custody, and control are transferred to a foster family agency shall not be eligible for foster care maintenance payments or child welfare services, except for emergency response services pursuant to Section 16504.

(d)—(o) ***

§ 731. Minors violating laws defining crime and adjudged ward of court; orders court may issue; notice of recall; maximum confinement period

(a) If a minor is adjudged a ward of the court on the ground that he or she is a person described by Section 602, the court may order any of the types of treatment referred to in Sections 727 and 730 and, in addition, may do any of the following:

(1) Order the ward to make restitution, to pay a fine up to two hundred fifty dollars ($250) for deposit in the county treasury if the court finds that the minor has the financial ability to pay the fine, or to participate in uncompensated work programs.

(2) Commit the ward to a sheltered-care facility.

(3) Order that the ward and his or her family or guardian participate in a program of professional counseling as arranged and directed by the probation officer as a condition of continued custody of the ward.

(4) Commit the ward to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, if the ward has committed an offense described in subdivision (b) of Section 707 and is not otherwise ineligible for commitment to the division under Section 733.

(b) The Division of Juvenile Facilities shall notify the Department of Finance when a county recalls a ward pursuant to Section 731.1. The division shall provide the department with the date the ward was recalled and the number of months the ward has served in a state facility. The division shall provide this information in the format prescribed by the department and within the timeframes established by the department.

(c) A ward committed to the Division of Juvenile Facilities may not be held in physical confinement for a period of time in excess of the maximum period of imprisonment that could be imposed upon an adult convicted of the offense or offenses that brought or continued the minor under the jurisdiction of the juvenile court. A ward committed to the Division of Juvenile Facilities also may not be held in physical confinement for a period of time in excess of the maximum term of physical confinement set by the court based upon the facts and circumstances of the matter or matters that brought or continued the ward under the jurisdiction of the juvenile court, which may not exceed the maximum period of adult confinement as determined pursuant to this section. This section does not limit the power of the Board of Parole Hearings to retain the ward on parole status for the period permitted by Section 1769.

§ 739.5. Psychotropic medications; authorization based on physician request; agency completion of request; time for decision on request

(a) If a minor who has been adjudged a ward of the court under Section 601 or 602 is removed from the physical custody of the parent under Section 726 and placed into foster care, as defined in Section 727.4, only a juvenile court judicial officer shall have authority to make orders regarding the administration of psychotropic medications for that minor. The juvenile court may issue a specific order delegating this authority to a parent upon making findings on the record that the parent poses no danger to the minor and has the capacity to authorize psychotropic medications. Court authorization for the administration of psychotropic medication shall be based on a request from a physician, indicating the reasons for the request, a description of the minor's diagnosis and behavior, the expected results of the medication, and a description of any side effects of the medication. On or before July 1, 2008, the Judicial Council shall adopt rules of court and develop appropriate forms for implementation of this section.

(b)(1) The agency that completes the request for authorization for the administration of psychotropic medication is encouraged to complete the request within three business days of receipt from the physician of the information necessary to fully complete the request.

(2) Nothing in this subdivision is intended to change current local practice or local court rules with respect to the preparation and submission of requests for authorization for the administration of psychotropic medication.

(c) Within seven court days from receipt by the court of a completed request, the juvenile court judicial officer shall either approve or deny in writing a request for authorization for the administration of psychotropic medication to the minor, or shall, upon a request by the parent, the legal guardian, or the minor's attorney, or upon its own motion, set the matter for hearing.

(d) Psychotropic medication or psychotropic drugs are those medications administered for the purpose of affecting the central nervous system to treat psychiatric disorders or illnesses. These medications include, but are not limited to, anxiolytic agents, antidepressants, mood stabilizers, antipsychotic medications, anti-Parkinson agents, hypnotics, medications for dementia, and psychostimulants.

(e) Nothing in this section is intended to supersede local court rules regarding a minor's right to participate in mental health decisions.