

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

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San Francisco, California 94102-3688

**Report**

TO: Members of the Judicial Council

FROM: Administrative Office of the Courts  
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DATE: November 1, 2006

SUBJECT: Technical Changes to Forms to Conform to the Reorganization and  
Renumbering of the California Rules of Court (revise forms JV-299,  
JV-300, and JV-305)

Issue Statement

The California Rules of Court and Standards of Judicial Administration, along with statutes enacted by the Legislature, provide the basic framework for court procedure, practice, and administration in California. At its June 30, 2006, business meeting, the Judicial Council approved reorganization and renumbering of the California Rules of Court and Standards of Judicial Administration to improve the organization, format, and style of all the rules and standards by reorganizing them into appropriate titles that follow the progression of cases from filing through trial and posttrial. This reorganization will go into effect on January 1, 2007. Three Judicial Council forms that contain a reference to a rule need to be revised as a result of the reorganization and renumbering. These forms were inadvertently left out of the package of forms that the council approved at its October 20, 2006, meeting.

Recommendation

Staff of the Administrative Office of the Courts (AOC) recommend that, effective January 1, 2007, the Judicial Council approve revisions to forms JV-299, JV-300, and JV-305 to update the rule numbers referenced on the forms to reflect the new rule numbers approved by the Judicial Council in the renumbering and reorganization of the California Rules of Court and Standards of Judicial Administration.

The proposed forms are attached at pages 4–8.

### Rationale for Recommendation

Many Judicial Council forms contain text referencing rules of court. This proposal includes three Judicial Council forms that contain references to rules. These three forms, JV-299, JV-300, and JV-305, were inadvertently left out of the proposal for technical changes to forms to conform to the rules reorganization that the council approved at its October 20, 2006, business meeting.

Given the renumbering of most of the rules of court, it is necessary to revise any Judicial Council form containing a rule reference to ensure consistency between the rules and forms. References to California Rules of Court are typically contained in the bottom right-hand corner of the form, or occasionally within the body of the form.

In addition to revising the rule numbers in the forms, the following additional technical changes to the footers of the forms are proposed to ensure consistency and clarity:

1. In the bottom right-hand corner of the forms, where parties are directed to the relevant law for the procedure described in the form, listing statutory references before references to the California Rules of Court;
2. In the bottom right-hand corner of the forms, ensuring that references to the California Rules of Court read “Cal. Rules of Court”;
3. In the bottom left-hand corner of the forms, clarifying whether the form is “Approved for Optional Use” or “Adopted for Mandatory Use”; and
4. Generally updating the formatting and font of the footer.

The revised forms are attached. The text of the proposed reorganization of the California Rules of Court is available online at [www.courtinfo.ca.gov/rules/reorg.htm](http://www.courtinfo.ca.gov/rules/reorg.htm).

### Alternative Actions Considered

The proposed revisions to the Judicial Council forms are necessary for accuracy and consistency with the reorganized and renumbered California Rules of Court and Standards of Judicial Administration. No alternative actions were considered.

### Comments From Interested Parties

The proposed technical changes to the Judicial Council forms were not circulated for comment. Under rule 6.22(d)(2)<sup>1</sup> of the California Rules of Court, the Rules and Projects Committee has the authority to recommend that the Judicial Council adopt a rule without prior circulation “[i]f the proposal presents a nonsubstantive technical change or correction or a minor substantive change that is unlikely to create controversy.” The changes to the Judicial Council forms are nonsubstantive technical changes and corrections to conform the forms to the reorganization and renumbering of the rules and standards and to update the form and format of the footers.

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<sup>1</sup> Effective January 1, 2007, current rule 6.22 will be renumbered to rule 10.22.

### Implementation Requirements and Costs

The proposed revisions will result in standard reproduction costs. All Judicial Council forms that contain references to the California Rules of Court must be revised. Courts, counties, and litigants must expend resources to reproduce the revised forms. It is necessary, however, to revise these Judicial Council forms to incorporate the renumbering of the California Rules of Court adopted by the Judicial Council on June 30, 2006, and to ensure consistency among the rules and forms produced by the judicial branch.

Attachments

**How does the juvenile court decide if I am a de facto parent?**

Only the juvenile court can decide if you are a de facto parent. The judge will apply case law and rule 5.502(10). He or she will consider the care you gave the child and how long you did it. Also, the judge will decide if you can help the court understand what is best for the child—the child’s best interests. If you have harmed the child or put the child at risk, the judge will likely decide that you are not a de facto parent.

If the judge decides you are not a de facto parent, you may still tell the judge what you feel or know about the child by filing JV-290, the *Caregiver Information Form*, or, if you are not the current caregiver, by sending a letter to the court.

**De Facto Parent Pamphlet**

**You have been taking care of a child who has been declared a dependent of the juvenile court. You want to be more involved in the child’s court case and are considering becoming a de facto parent.**

This pamphlet describes:

- What your rights are if the juvenile court decides you are a de facto parent
- What is a de facto parent
- How to apply to the juvenile court to see if you are a de facto parent and
- How the juvenile court decides if you are a de facto parent.

If you want additional information or have specific questions, you may want to consult with an attorney. Call your local Bar Association to ask for a referral.

**What are my rights as a de facto parent?**

You have the following rights if a juvenile court judge finds that you are a de facto parent:

- To be present at dependency proceedings (Note: as a caregiver you can go to all dependency review and permanency hearings even if you are not a de facto parent.)
- To be represented by a lawyer, if you hire one. (In some cases the court may appoint a lawyer at no cost to you if the judge thinks it is necessary.)

- To present evidence and cross-examine witnesses and
- To participate as a party in the disposition hearing and any hearing after that.

You can learn more about these rights by reading rule 5.534(e) of the California Rules of Court (available on the California Courts Web site: [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)).

Remember: A de facto parent is not the same as a parent.

You do not have the right to:

- Reunification services
- Attorney fees (But in some cases the judge may give you an attorney, and the court will pay the fees.)
- Rehearing (You cannot ask for another hearing if you don't agree with the judge's decision, but you may have a right to an appeal.)

### **What is a “de facto parent”?**

You may be a de facto parent if:

- The child is a dependent of the juvenile court.
- You are or have been taking care of the child every day.
- You have been acting as the child's parent.
- You are meeting (or have met) the child's needs for food, shelter, and clothing. You have also met the child's needs for care and affection.

No law says exactly what a “de facto parent” needs to be. Judges make this decision based on other court cases and on rule 5.502(10) of the California Rules of Court. You can read the rule on the California Courts Web site: [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov).

### **How do I apply for de facto parent status?**

To apply, fill out the following forms: JV-295 and JV-296.

Form JV-295 asks for your name, address, and phone number. On the form, you tell the judge that you or someone else wants to be the child's de facto parent. If you are asking for someone else, you need to write that person's information on the form. Then you sign and date the form. If you have an attorney, he or she will sign the form too.

On form JV-296, you say why you think the judge should decide that you or the other person named on JV-295 are a de facto parent. List important things you did for the child and how often you did them. This is so the judge has all the information he or she needs to make a decision. Give information like:

- How long you have cared for the child
- What you do with the child
- What you do for the child
- How much you care for the child
- What you know about the child's special needs, desires, hopes
- How you can meet the child's needs.

You can also attach letters from others who know you and the child. For example: teachers, therapists, pediatricians, spiritual advisors, etc.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p style="text-align: center;"><b>DRAFT 1</b></p> <p style="text-align: center;"><b>10/31/06 mc</b></p> <p style="text-align: center;"><b>Not approved by the Judicial Council</b></p>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
<p style="text-align: center;"><b>NOTICE OF HEARING ON SELECTION OF A PERMANENT PLAN</b></p>	CASE NUMBER:

NOTICE TO (name and address):

**—IMPORTANT NOTICE—**

**A hearing under Welfare and Institutions Code section 366.26 has been set for the date and time below. At the hearing the court will terminate parental rights and free the children for adoption, or establish legal guardianship or identified placement with a specific goal. You have the right to be present at this hearing.**

1. A hearing will be held

on (date):	at (time):	in Dept.:	Room:
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located at  court address above  other (specify address):

2. At the hearing, the court will consider the recommendation of the social worker or probation officer and make an order concerning the following children (names):

3. THE  SOCIAL WORKER  PROBATION OFFICER RECOMMENDS

- a.  Termination of parental rights and implementation of a plan of adoption.
- b.  Establishment of a legal guardianship.
- c.  Identified placement \_\_\_\_\_ with a specific goal (specify): \_\_\_\_\_

4. TO THE PARENTS, GUARDIANS, AND CHILDREN:

- a. **You have the right to be present at the hearing, to present evidence, and to be represented by an attorney. In a dependency matter, the court will appoint an attorney for you if you cannot afford one.**
- b. Prior to the hearing, the social worker or probation officer will prepare an assessment report with recommendations. Parents and guardians must be provided with a copy of this report. The  social worker's  probation officer's report dated: \_\_\_\_\_  is  is not attached.
- c. If the court orders termination of parental rights, the order may be final.
- d. The court will proceed with this hearing whether or not you are present.

Date: \_\_\_\_\_  
(TYPE OR PRINT NAME)

▶  
\_\_\_\_\_  
(SIGNATURE OF PETITIONER)

# IMPORTANT NOTICE

**A hearing under Welfare and Institutions Code section 366.26 has been set for the date and time stated on the other side of this form.**

**At the hearing the court may:**

- terminate parental rights and free the child for adoption**
- or**
- establish legal guardianship**
- or**
- place the child in a planned permanent living arrangement.**

**You have the right to be present at this hearing and have an attorney represent you.**



#### **Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms) for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civil Code, § 54.8.)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  <hr/> TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>  <b>DRAFT 1</b>  <b>10/31/06 mc</b>  <b>Not approved by the Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
<b>CITATION FOR PUBLICATION UNDER WELFARE AND INSTITUTIONS CODE SECTION 294</b>	CASE NUMBER:

1. To (names of persons to be notified, if known, including names on birth certificate):

and anyone claiming to be a parent of (child's name):

born on (date):

at (name of hospital or other place of birth and city and state):

2. A hearing will be held

on (date):	at (time):	in Dept.:	Room:
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located at  court address above  other (specify address):

3. At the hearing the court will consider the recommendations of the social worker or probation officer.

4. The social worker or probation officer will recommend that your child be freed from your legal custody so that the child may be adopted. If the court follows the recommendation, all your parental rights to the child will be terminated.

**5. You have the right to be present at the hearing, to present evidence, and you have the right to be represented by an attorney. If you do not have an attorney and cannot afford to hire one, the court will appoint an attorney for you.**

**6. If the court terminates your parental rights, the order may be final.**

**7. The court will proceed with this hearing whether or not you are present.**

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy



**Requests for Accommodations**

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