

Judicial Council of California • Administrative Office of the Courts

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www.courts.ca.gov/policyadmin-invitationstocomment.htm

INVITATION TO COMMENT SPR13-23

Title	Action Requested
Juvenile Dependency: Revoke Information Forms to be Replaced by Information Pamphlets	Review and submit comments by June 19, 2013
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Revoke forms JV-050 and JV-055	January 1, 2014
Proposed by	Contact
Family and Juvenile Law Advisory Committee	Tracy Kenny, 916-263-2838
Hon. Kimberly J. Nystrom-Geist, Cochair	tracy.kenny@jud.ca.gov
Hon. Dean T. Stout, Cochair	

Executive Summary and Origin

There are currently two Judicial Council forms that provide basic information to parents about the dependency court process. The Family and Juvenile Law Advisory Committee proposes revoking these forms and instead making information available to parents through a variety of more effective means, including an orientation video, a more comprehensive pamphlet, and additional informational materials to be developed as needed by the committee, all of which could be made available at court locations and online. The committee believes that this change will provide parents with more accurate and up-to-date information about the dependency process while relieving courts of the expense of copying the existing forms.

The Proposal

Information designed to inform parents about the dependency court can be found on *Information for Parents (Juvenile Dependency)* (form JV-050) and *Juvenile Court—The Dependency Court: How It Works*, (form JV-055). These forms were originally developed in the late 1990s, before the widespread use of the Internet as an information source. In the intervening years the public has grown to look to the Internet for information in various media, and these forms are no longer the primary information source that the courts provide to parents. Although these forms contain basic summary information for parents about what to expect when their children are subject to a dependency petition, providing information through a Judicial Council form has a number of drawbacks. First, when procedures change, these documents can be updated only via the formal rules revision process, which is labor-intensive and takes at least a year to complete. As a result,

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

these forms, which were last revised in 2001, have become outdated and are therefore less helpful to the parents who receive them. Second, the format of the forms requires that they be very brief and provide only very summary information even though parents would be better served by having access to more explanatory information, which could be posted online in the self-help section of the California Courts website. Finally, the cost of publishing a new informational pamphlet for parents could be borne by federal grant funds administered by the Administrative Office of the Courts (AOC), and copies could be distributed to the courts that request them, thereby saving local courts the cost of reproducing the current forms.

Alternatives Considered

The committee considered developing materials in addition to two forms proposed for revocation but determined that the information that the forms seek to provide does not need to be part of an official Judicial Council form and that eliminating those forms would improve efficiency and allow for the creation of informational materials that can be updated more expeditiously and at a lower cost to the trial courts.

Implementation Requirements, Costs, and Operational Impacts

Implementation of this proposal will require the AOC, under the guidance of the Family and Juvenile Law Advisory Committee, to develop and disseminate replacement informational materials for parents in dependency courts. Those materials are currently under development and should be finalized and in place before the current forms are revoked. Revocation of the current forms will allow trial courts to rely on the AOC to publish the materials on the California Courts website and print copies for the courts to offer to parents subject to dependency court intervention. The AOC's efforts will reduce the costs to the courts of providing informational material.

Request for Specific Comments

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

- Does the proposal reasonably achieve the stated purpose?
- Would this proposal have an impact on public's access to the courts? If a positive impact, please describe. If a negative impact, what changes might lessen the impact?
- What (if any) information should be provided to parents at the initiation of their case that is not included in the two forms proposed to be revoked?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide costs savings? If so, please quantify. If not, what changes might be made that would provide savings, or greater savings?
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?

- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- If this proposal would be cumbersome or difficult to implement in a court of your size, what changes would allow the proposal to be implemented more easily or simply in a court of your size?

Attachments and Links

1. Judicial Council forms JV-050 and JV-055 proposed to be revoked, at pages 4–9

Additional Information:

_____ County Juvenile Court

Address of the juvenile court

Phone number of the juvenile court



You can get more information about where your child is and about the court processes from your child's social worker or your local child welfare agency. The following is a list of local helpful telephone numbers:

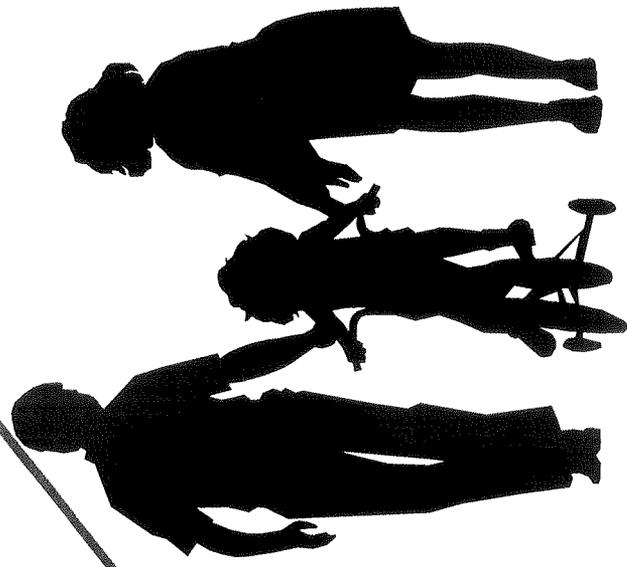
Social worker: _____

Other useful numbers to be provided by the county

_____ County

JUVENILE COURT

INFORMATION FOR PARENTS



Form Approved by the
Judicial Council of California
JV-050 [New January 1, 1989]

REVOKED

Dear Parent or Guardian:

PLEASE READ THIS INFORMATION.

1. Why is this matter being investigated?

There have been one or more reports about the safety of your child; a police officer or social worker must investigate to see if your child's safety and protection require official intervention through the juvenile court.

2. If my child was taken from me, why?

Your child may have been taken from you and placed in protective custody because a police officer or social worker believes it necessary for the protection of your child. Some of the reasons may be:

- a. Your child had inadequate care or supervision;
- b. Your child was neglected or abused or molested;
- c. Your child was left with someone who could not or would not provide adequate care.

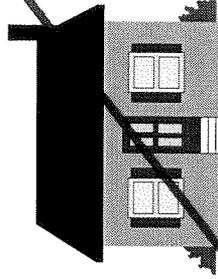
3. If my child is not with me, where is my child?

Your child may be at a county shelter or in a temporary foster home. The social worker will provide additional information or give you a number to call to find out more about the arrangements that have been made for your child's care and about your future contact with your child. To learn more, call your child's social worker at the number on the back of this pamphlet during regular business hours.

4. Will my child be returned to me?

It is possible that your child will be returned to you. The social worker assigned to investigate the case will

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review information about you, your home, and your child and will act according to what appears to be the best way to make sure your child is safe. If your child is not returned to you, your child may be temporarily placed with:

- a. Your child's other legal parent (if you are not living together);
- b. A relative;
- c. A foster or shelter home.



5. What about relatives?

The law requires that you tell the social worker the names, addresses, phone numbers, and other information about your child's other legal parent or other relatives who may be able to care for your child. The social worker will contact them, see if they can provide for your child, and determine if the home will be safe for your child. In this way, your child may not have to go to someone your child and you do not know.

6. What happens now?

If the social worker believes your child is not safe, the social worker will file papers in juvenile court, asking the court to declare your child to be a dependent of the court and to make orders regarding the care, custody, and supervision of your child.

The first paper filed is called a "petition," and it must be filed within two court days (regular work days) of the time your child was taken from you or within a reasonable time if your child remains with you.

You will be notified of the date, time, and place of the first court hearing.

It is very important for you to come to court for this hearing.

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REVOKED

SOME IMPORTANT THINGS FOR YOU TO REMEMBER:

1. The social worker cannot give you legal advice but will explain procedures.



2. If you have additional questions about the process, please ask your lawyer or the judge.

3. You must tell the court and the social worker where your mail should be sent so you will receive all the important documents about your child. If you change your mailing address, you must tell your social worker immediately.

Additional Information:

Some important telephone numbers:

Social worker: _____

Juvenile court: _____

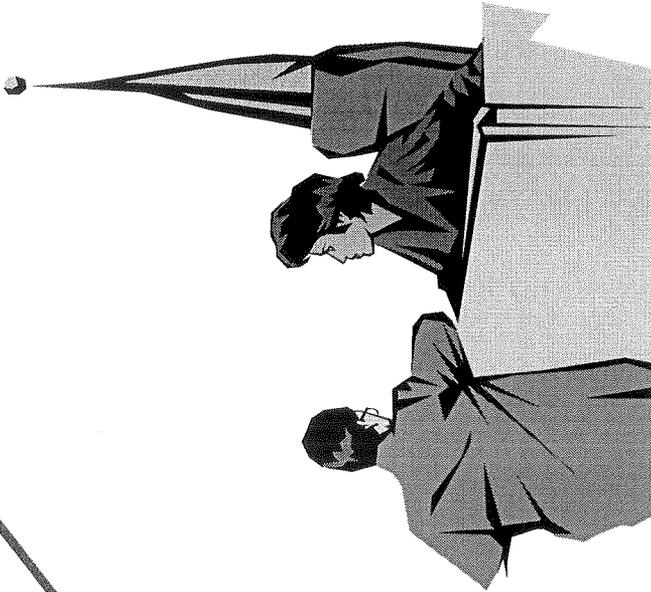
Lawyer: _____

The date of my next hearing is:

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County
JUVENILE COURT

**THE DEPENDENCY COURT:
HOW IT WORKS**



Form Approved for Optional Use
Judicial Council of California
JV-055 (Rev. January 1, 2001)

REVOKED



One of the goals of the dependency court is to have the matter regarding your child resolved as quickly as possible. We need your help and cooperation to do that. The court has become involved with you and your child because certain things have happened in your life that led to this involvement; you will be required to follow specific steps to end court involvement. You must follow these steps within certain time limits. The steps and the time limits will be explained to you.

If your child becomes a dependent of the court, that means that the court will make orders for you, for your child, and for the social worker, so that your child will be protected. In most cases, you will have an opportunity to end court involvement.

As a court dependent:

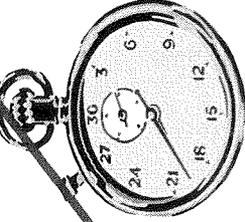
1. The court may allow your child to reside in your home under court supervision; or
2. The court may place your child outside of your home.

If, during the time your child is a dependent of the court, reunification services are not ordered, or reunification efforts fail, your child could be adopted.

The specific reasons you are in court are stated in the petition and in other papers you may have received.

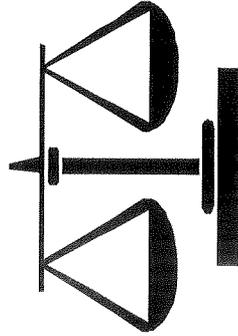
PLEASE READ THE PETITION CAREFULLY.

6. How does the court make a permanent plan for my child?



- a. If the court decides that your child will not be returned to you and another plan for the child is required, the court **MUST** set a hearing within four months to decide what should happen to your child.
- b. At that hearing, the court has only three choices, in the following order of preference:
 - (1) To terminate your parental rights and order the child placed for adoption ("Terminating your parental rights" means that legally you are no longer the child's parent);
 - (2) To appoint a legal guardian for your child; or
 - (3) To place your child in long-term foster care.

If a relative adopts your child, you, the adoptive parent(s), and the child may agree to postadoption contact between you and your child. Your lawyer can explain this "Kinship Adoption Agreement" to you if adoption by a relative is the permanent plan.



RETURN

c. If your child was **under three years old** when he or she was first removed from your care, and you have not participated regularly in court ordered treatment, or if you have not contacted or visited your child for the last six months, the court can end services. If a brother or sister of the child under three was also removed, services may end for that child also.

d. If your child was **over three years old**, and the child is not returned to you after six months, the court can order services for six more months.



e. Services to reunify your child with you will end after 12 months unless the court decides there is a **substantial probability** that your child can be returned to you by the end of 18 months from the time the police officer or social worker took your child away.

f. If services are ended, the court will set a hearing to make a permanent plan for the child.

In order for the court to consider returning your child to you, you must follow the orders of the court without delay.

BECAUSE if the court orders a hearing for a permanent plan, your child will not be returned to you and there will be NO more assistance by the social worker or the court to help you reunify with your child.

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1. Do I need a lawyer?

You have the right to have a lawyer represent you in court, and the first court hearing in your case may be postponed for a short time so that you may hire one. If you cannot afford a lawyer, the court may appoint one for you. You may have to repay the court for the costs of your lawyer according to your ability to pay.



2. Will anyone else have a lawyer?

The county counsel may be representing the social worker and the court may also appoint a lawyer to represent your child. The lawyer's job is to represent the interests of your child. A Court Appointed Special Advocate, called a CASA volunteer, may also be appointed by the court to assist your child.

3. What will happen at the first hearing?

a. If your child has been taken away from you, at the first court hearing the judge will decide whether your child will be returned to you until the next court hearing, or whether your child will remain away from you.



b. Be sure to tell the social worker or your lawyer about any of the child's relatives who might be able to care for your child until the next hearing (or longer) if your child is not returned to you at the first hearing.

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Returning

- c. In most cases you will be able to have visits with your child if the child is not returned to you.
- 4. What happens then?**
- a. You have a right to have a trial where the judge will decide whether the statements in the petition are true.
- b. If there is to be a trial, a date will be set for that trial.

c. Whether your child is with you or not, if you admit that all or part of the statements in the petition are true, or allow the judge to make a decision based on the reports presented, there will not be a trial on those issues.

The social worker will prepare a report for the court, based on an investigation that will include talking to you and to others. The report will include recommendations about where your child should be living for the next six months (when the next court hearing will be held) and what you and others can do to help solve the problems that brought you and your child into court.

If the judge decides that the statements in the petition are true, the judge will probably make your child a dependent child of the court, which means that your control over your child will be limited and the child may be removed from your custody.

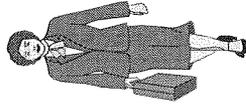
There will be a case plan that will be worked out by you and the social worker; this plan will be presented to the court. The court will *probably* order that all or part of the case plan be carried out. The case plan may include such things as the following:

- Parenting classes
- Individual counseling
- Family counseling
- Treatment for abuse of alcohol and other drugs



- Special programs and classes
- Visitation with your child

If your child is removed from your custody and there is a case plan ordered, the social worker will be required to include in the case plan: (1) services to help you reunify with your child and (2) services to achieve legal permanence for your child should reunification fail. Legal permanence may include adoption or appointment of a legal guardian.



If, at any time after your child is removed from you, you decide that you are not interested in reunifying with your child, you can talk with your social worker. You should also talk with your lawyer, who can explain your right to (1) waive reunification services, (2) relinquish your parental rights, and (3) assist in the development of a permanent plan for your child.

5. What do I need to do then?

- The social worker and others will be required to assist you to obtain the services listed in your case plan.

It is important that you get started on your case plan as soon as possible. Following the case plan, within the required time lines, is the key to reunification with your child.

- The court will review your case at least every six months. At the first review hearing, the court will consider whether court dependency for your child is still required and, if your child has been removed from your home, whether your child may be returned home.

