



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 25, 2013

Title	Agenda Item Type
Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as rule 5.649; approve Judicial Council form JV-535(A); revise forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540	January 1, 2014
	Date of Report
	October 11, 2013
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Recommended by	
Family and Juvenile Law Advisory Committee	
Hon. Jerilyn L. Borack, Cochair	
Hon. Kimberly J. Nystrom-Geist, Cochair	

Executive Summary

The Family and Juvenile Law Advisory Committee recommends amending 11 California Rules of Court, approving one new Judicial Council form for optional use, and revising nine existing forms. These rules and forms guide juvenile-court practice and establish procedures for the court, parties, and agencies seeking to ensure the access of children and youth before the juvenile court to legally mandated educational, developmental, and other services. Almost all the recommended amendments and revisions respond to statutory changes enacted in the past three years. Additional recommended changes respond to requests from judicial officers, court staff, and juvenile-court justice partners.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2014:

1. Amend rule 5.502 to replace the term *educational representative* with the standard, nationally recognized term *educational rights holder*; to expand the definition of the term to include persons who hold decisionmaking rights without appointment; to add the authority to make developmental-services decisions and to act on behalf of certain nonminors and nonminor dependents; to add definitions of *Indian child* and *Indian child's tribe* consistent with statute to address existing uncertainty; to define *nonminors* as a class of persons distinct from nonminor dependents; to define *transition dependent*; and to make technical corrections to the definitions of *court-ordered services* and *domestic partner*.
2. Amend rule 5.518(e) to delete an obsolete reference to amended rule 5.651 and to incorporate language consistent with the amendment to that rule.
3. Amend rule 5.534 to provide for the appointment of an educational rights holder when the court both limits the rights of a parent or guardian to make developmental-services decisions and finds that an appointment would be in the best interests of a nonminor or nonminor dependent who has chosen not to make educational or developmental-services decisions or has been deemed by the court to be incompetent; and to make technical corrections to provisions relating to the burden of proof, de facto parents, relatives, the right to and appointment of counsel, and the court's authority to require an agency to file periodic reports.
4. Amend rule 5.575 to reflect the court's authority to join an agency at any stage of the proceedings and on behalf of a nonminor or nonminor dependent as well as a child, to clarify procedures and timelines, and to correct cross-references.
5. Renumber rule 5.650(a) as rule 5.649 and add new subdivisions (b)–(e) to specify the court's authority to limit parental rights to make decisions regarding developmental services as well as education; to distinguish the court's authority to limit parental rights to make educational or developmental-services decisions from the authority and procedures for appointing an educational rights holder; to distinguish a limitation at or after disposition from a temporary limitation before disposition; and to specify that, if the court limits parental decisionmaking rights or appoints a rights holder, the party requesting the limitation or appointment—or, if no request is made, the attorney for the child or youth—is required to file a completed form JV-535 for the court's signature unless otherwise directed by the court.
6. Amend rule 5.650(b)–(e) to change its title to “Appointed educational rights holder”; to clarify the procedures for appointing an educational rights holder for a child and the circumstances in which an appointment need not be made; to incorporate procedures for appointing a rights holder for a nonminor or nonminor dependent youth; to specify the

court's duty to determine whether a responsible adult related or known to the child is available to serve as the educational rights holder before appointing an unknown adult; to specify the requirement that, if the court must temporarily make educational or developmental-services decisions for a child before disposition because it cannot identify a responsible adult, then the court must order every effort made to identify a responsible adult to make future decisions; to reflect changes to the statutory authority and duties of an educational rights holder; to clarify the limits of the rights holder's term of service; to require that form JV-535 be served after a hearing only when the form includes new information or any information different from that on the JV-535 form filed after the previous hearing; to require that, if served, the form be served on an Indian child's tribe;¹ and to simplify the rule, promote clarity, and make technical changes.

7. Amend rule 5.651 to change its title to "Educational and developmental-services rights"; to reflect the applicability of all state and federal laws conferring rights to educational or developmental services; to reflect the rule's application to children and to nonminor and nonminor dependent youth; to incorporate consideration of developmental-services needs into the judicial inquiry required at the detention, dispositional, and all regularly scheduled review and permanency hearings; to update the report requirements to include information about developmental services needed or received; to incorporate statutory amendments to the right of the child or youth to attend the school of origin; and to clarify the procedures for judicial review of a proposed change of placement that could result in removal from the school of origin.
8. Amend rule 5.660(d) to incorporate the requirement that the child's attorney provide his or her contact information to specified educational liaisons in any manner specified in section 317(e) of the Welfare and Institutions Code.²
9. Amend rules 5.695 and 5.790 to reflect the statutory requirements that the court consider, at the dispositional hearing, a dependent's or ward's educational and developmental-services needs, whether to limit parental decisionmaking rights, and, if applicable, whether to appoint a rights holder; to render the requirements for judicial review of the agency's family-finding investigation consistent with one another, with rule 5.637, and with sections 309 and 628; and to remove superfluous language.
10. Amend rules 5.695 and 5.708 to incorporate the requirement that the court order that the caregiver and, if he or she is 16 years of age or older, the child or youth receive his or her birth certificate when reunification services are denied or terminated.³

¹ *Juvenile Law: Psychotropic Medications*, item A25 on the council's agenda, also addresses procedures for notice to an Indian child's tribe.

² All further statutory references are to the Welfare and Institutions Code unless otherwise specified.

³ In *Juvenile Law: Minor Changes for Statutory Compliance*, item A24 on the council's agenda, the committee has proposed additional amendments to rule 5.695(h) in response to Senate Bill 1064 (Stats. 2012, ch. 845).

11. Amend rules 5.708 and 5.810 to reflect the statutory requirements that the court consider, at each statutory review or permanency hearing, a dependent's, ward's, or nonminor dependent youth's educational and developmental-services needs; whether to limit parental decisionmaking rights; and, if applicable, whether to appoint a rights holder.
12. Approve *Attachment to Order Designating Educational Rights Holder* (form JV-535(A)) for optional use in courts that prefer not to develop local processes and forms to document required findings and orders. The proposed form includes findings and orders needed to support a limitation of parental decisionmaking rights and the appointment of an educational rights holder in a variety of circumstances.
13. Revise *Request to Change Court Order* (form JV-180) to replace the term *child's education surrogate* with *educational rights holder*; to add a line to record the rights holder's position on the requested change, if relevant; to strike the requirement that the person completing the form declare that if he or she lies on the form, then he or she is guilty of a crime; to allow its application to youth over 18 years of age; and to clarify the form to make it simpler to use.
14. Revise *Your Child's Health and Education* (form JV-225) to solicit information about the child's need for and receipt of developmental services, hospitalization, and vision correction; to permit attachment of additional sheets; to allow its application to youth over 18 years of age; and to strike the declaration that a person completing the form is guilty of a crime if he or she lies on the form.
15. Revise *Consent to Release Education Information* (form JV-227) to confirm its applicability to nonminor and nonminor dependent youth.
16. Rename *Findings and Orders Limiting Right to Make Educational Decisions for the Child, Appointing Educational Representative, and Determining Child's Educational Needs* (form JV-535) as *Order Designating Educational Rights Holder* and revise it to permit the court to clearly identify any educational rights holder, regardless of whether the rights holder is appointed or holds the rights by default or by operation of law; to allow its application to youth over 18 years of age; to specify the rights holder's relationship to the child or youth; to specify the authority and duties of an appointed rights holder; and to simplify the form by removing information not needed by the rights holder or the local educational agency to perform their respective legal obligations. These revisions are intended to simplify and clarify the form, thereby promoting its consistent, widespread, and effective use.
17. Revise *Local Educational Agency Response to JV-535—Appointment of Surrogate Parent* (form JV-536) to render it consistent with statutory and rule amendments as well as proposed forms JV-535 and JV-535(A).

18. Revise *Educational Representative or Surrogate Parent Information* (form JV-537) and rename it *Educational Rights Holder Statement* to render it consistent with statutory and rule amendments as well as proposed forms JV-535 and JV-535(A), and to allow its application to youth over 18 years of age.
19. Revise *Findings and Orders Regarding Transfer From School of Origin* (form JV-538) to render it consistent with statutory and rule amendments as well as proposed forms JV-535 and JV-535(A), and to allow its application to youth over 18 years of age.
20. Revise *Request for Hearing Regarding Child's Education* (form JV-539) and rename it *Request for Hearing Regarding Access to Services* to render it consistent with statutory and rule amendments as well as proposed forms JV-535 and JV-535(A), and to allow its application to youth over 18 years of age.
21. Revise *Notice of Hearing on Joinder—Juvenile* (form JV-540) to render it consistent with statutory requirements and rule amendments.

Previous Council Action

The Judicial Council, effective January 1, 2008, amended rules 5.502, 5.518, 5.534, 5.650, 5.695, and 5.790 of the California Rules of Court; adopted rule 5.651; revised *Your Child's Health and Education* (form JV-225), *Findings and Orders Limiting Right to Make Educational Decisions for the Child, Appointing Educational Representative, and Determining Child's Educational Needs* (form JV-535), and *Local Educational Agency Response to JV-535—Appointment of Surrogate Parent* (form JV-536); and approved *Educational Representative or Surrogate Parent Information* (form JV-537), *Findings and Orders Regarding Transfer From School of Origin* (form JV-538), and *Request for Hearing Regarding Child's Education* (form JV-539) to assist the juvenile court in performing its oversight role of ensuring that children who are dependents or wards of the juvenile court receive the educational services to which they are entitled under state and federal law.

Effective January 1, 2002, the Judicial Council adopted rule 1434 (now rule 5.575) of the California Rules of Court and *Notice of Hearing on Joinder—Juvenile* (form JV-540) to specify a procedure for notice and conduct of a hearing to join an agency as a party to juvenile-court proceedings.

Effective January 1, 1996, the Judicial Council adopted rule 1438 (now rule 5.660) in response to the mandate of Senate Bill 783 (Stats. 1994, ch. 1073), which required the council to adopt rules of court regarding the appointment of counsel in dependency proceedings, including minimum standards of experience and education. The council has amended rule 5.660 several times since, most significantly in 2001. Then, the council amended the rule to establish caseload standards, training requirements, and guidelines for appointed counsel for children in response to the mandate of Senate Bill 2160 (Stats. 2000, ch. 450), which amended section 317(c).

Rationale for Recommendation

Over the past several years, the Legislature has acted multiple times to expand the rights of children who are the subject of dependency proceedings, youth who are the subject of delinquency proceedings, nonminor youth over whom the juvenile court has retained dependency or delinquency jurisdiction, and nonminor dependent youth as defined by section 11400(v). These new and expanded rights have resulted in the imposition of corresponding obligations on representatives, agencies, and service providers, as well as new procedural requirements for the juvenile court to ensure the protection of the legal rights of persons subject to its proceedings or jurisdiction. Conformity with this legislation requires amendment of the rules or revision of the forms in this proposal. In addition, the committee has received several suggestions for amendments and revisions to some of these same rules and forms. Recognizing the burden on the courts of reviewing and implementing rule amendments and form revisions, the committee postponed proposing any discretionary changes separately. Because these changes are needed to improve clarity and procedural efficiency, however, the committee now proposes that they be incorporated into the rules and forms already needing substantive modification in this proposal.

Access to developmental services

Senate Bill 368 (Stats. 2011, ch. 471) amended sections 319, 361, and 726 to authorize the court to limit the rights of a parent or guardian to make developmental-services decisions for a child and to appoint a rights holder to make those decisions on the child's behalf. Under previous law, an appointed educational rights holder lacked express authority to participate in planning a child's developmental-services program, coordinating those services with the child's educational services, and monitoring service delivery. SB 368 expressly grants an appointed rights holder the authority to access a child's or youth's developmental-services records and information, to participate in the development of the child's service plan, and to represent the child in the regional center fair hearing process. The committee therefore recommends that the council amend rules 5.502, 5.518, 5.534, 5.650, 5.651, 5.695, 5.708, 5.790, and 5.810, and renumber rule 5.650(a) as rule 5.649, to reflect the court's authority under SB 368 to limit parental rights to make decisions concerning a child's developmental services and appoint a rights holder to make those decisions.

Access to services for nonminor and nonminor dependent youth

Assembly Bill 1712 (Stats. 2012, ch. 846) modified the court's authority to appoint an educational rights holder for nonminor or nonminor dependent youth in certain limited circumstances. The court already held the authority, under section 726(b) and existing section 361(a), to appoint or continue the appointment of a rights holder for youth 18 years of age or older over whom the court retained dependency or delinquency jurisdiction if the youth chose not to make educational or developmental-services decisions or was deemed by the court to be incompetent. This bill amended section 361(a) both to extend and to qualify that authority in the case of a nonminor dependent youth. Before appointing a rights holder for a nonminor dependent, the court must also find that the appointment would be in the best interests of the youth. The committee therefore recommends that the council amend rules 5.502, 5.534, 5.650,

5.651, 5.695, 5.708, 5.790, and 5.810 to reflect the court's authority under AB 1712 to appoint an educational rights holder for a nonminor or nonminor dependent youth.

Duties of rights holder and relationship to child or youth

Assembly Bill 2060 (Stats. 2012, ch. 176) also amended sections 361 and 726 to clarify the duties of an appointed educational rights holder and promote the appointment of relatives and other adults known to a child or nonminor as the rights holder for that person. The amendments require an educational rights holder to meet with the child, to investigate the child's educational needs and whether those needs are being met, and, before each statutory review hearing, to provide information and recommendations to the social worker or probation officer, to make written recommendations to the court, or to attend the review hearing and participate in those portions of the hearing that concern the child's education. The committee also proposes applying these requirements to a rights holder with respect to developmental-services needs. Although not explicitly required by statute, that application is consistent with the Legislature's manifest intent in SB 368 and AB 1712 that the court inquire whether the developmental-services needs of foster children and nonminor dependent youth are being met. The committee therefore recommends that the council amend rules 5.502, 5.534, 5.650, 5.651, 5.695, 5.708, 5.790, and 5.810.

School stability

In response to research indicating that frequent changes of school placement contribute to lower academic, social, and extracurricular performance and to elements of the federal Fostering Connections to Success and Increasing Adoptions Act (Pub.L. No. 110-351 (Oct. 7, 2008) 122 Stat. 3949), the Legislature enacted a variety of measures to promote school stability. In particular, Assembly Bill 1933 (Stats. 2010, ch. 563) amended section 48853.5 of the Education Code to extend a foster child's right, at the initial detention or placement, to continue in his or her school of origin "for the duration of the jurisdiction of the court." Senate Bill 1568 (Stats. 2012, ch. 578) modified the school stability rights of pupils in foster care following the termination of court jurisdiction. Most significantly, the bill granted a high school student over whom jurisdiction is terminated the right to remain in his or her school of origin until graduation. Assembly Bill 1909 (Stats. 2012, ch. 849) amended section 317 to require a pupil's attorney, under specific circumstances, to provide contact information to the local educational agency and to authorize the educational rights holder to provide the attorney's contact information to the educational liaison. The committee therefore recommends that the council amend rule 5.650 to specify the educational rights holder's authority, rule 5.651 to reflect the expansion of the right of a child or youth in foster care to remain in his or her school of origin, and rule 5.660(d) to require the attorney for the child or youth to provide his or her contact information to educational liaisons in the circumstances and manner required by section 317(e).

Agency joinder

Under sections 362 and 727, the juvenile court has long held the authority to join in dependency or delinquency proceedings an agency that the court determines has failed to meet a legal obligation to provide services to a dependent child or ward of the court. Senate Bill 1048 (Stats. 2012, ch. 130) amended section 362 to clarify that the definition of "agency" includes private

service providers or individuals who receive payment or reimbursement from government funds. It also permits the court to join any agency that it determines has failed to meet a legal obligation to provide services to a child for whom a petition has been filed under section 300, as well as to a nonminor or nonminor dependent youth. The bill also amended section 727 to grant the court authority in cases petitioned under section 601 or 602 parallel to that in dependency cases. The committee therefore recommends that the council amend rule 5.575 to clarify its applicability to nonminor or nonminor dependent youth and to delinquency proceedings.⁴

Receipt of birth certificate

Assembly Bill 791 (Stats. 2011, ch. 59) amended sections 361.5 and 366.21 to require the juvenile court, when it denies or terminates reunification services to a parent or guardian, to order that a child's caregiver receive the child's birth certificate. The bill also requires the court to order that a child 16 years of age or older receive his or her birth certificate when appropriate. Possession of his or her birth certificate facilitates access of a child in foster care to educational and extracurricular activities and provides an opportunity to correct any inaccurate information on the certificate. Based on its determination that it is almost always appropriate for a dependent child 16 years of age or older to receive a copy of his or her birth certificate when reunification services are denied or terminated, the committee has interpreted the statute to require that such a child receive a copy of his or her birth certificate unless the court finds that receipt would be inappropriate. The committee therefore recommends that the council amend rules 5.695 and 5.708 to require the court, whenever it denies or terminates reunification services in a dependency proceeding, to order the agency to provide the child's or youth's birth certificate to the caregiver and, if the child or youth is over 16, directly to the child or youth.

Family finding and engagement

Assembly Bill 938 (Stats. 2009, ch. 261) added sections 309(e) and 628(d) to require the social worker or probation officer to use due diligence to identify and locate a child's relatives, as defined, within 30 days of the child's removal from the home and to notify located relatives of certain statutorily specified information. Existing rule 5.637(a), effective January 1, 2011, reiterates these requirements for both social workers and probation officers. The Judicial Council simultaneously amended rule 5.695 to establish a procedure in dependency proceedings for the court to consider whether the social services agency has used due diligence in conducting its investigation to identify, locate, and notify relatives and to affirm the court's authority to order the agency to conduct the required investigation if it has not done so. The council did not, however, establish a parallel procedure for delinquency proceedings. This proposed amendment would do that. The committee therefore recommends that the council amend rule 5.790 to insert a provision requiring the court to inquire into the probation department's family-finding

⁴ The committee also recommends the revision of *Notice of Hearing on Joinder—Juvenile* (form JV-540) as required to be consistent with SB 1048 and the amendments to rule 5.575. This form was inadvertently omitted from the invitation to comment, but the recommended revisions are consistent with the rationale for amending rule 5.575, which was circulated for comment and generated no controversy.

investigation under Welfare and Institutions Code section 628(d) and amend rules 5.695 and 5.708 to use language consistent with statute and rule 5.790.

Ancillary revisions

The committee has also proposed several amendments and revisions to bring these rules and forms into conformity with existing law, to render them internally consistent, to respond to requests and suggestions from the courts, to clarify them and simplify their use, and to make grammatical, typographical, and technical corrections. Among these changes, one deserves particular mention. It has come to the committee's attention that parents and guardians often decline to submit *Your Child's Health and Education* (form JV-225) as required by section 16010(f) because the form requires the parent or guardian to sign it under penalty of perjury and goes on to state: "This means that if I lie on this form, I am guilty of a crime." Issues of accuracy aside, the requirement substantially hinders the Legislature's intent, in enacting section 16010(f), to collect complete information about the child's medical and educational history. The committee therefore proposes that the requirement be modified to read, "I declare that the information on this form is true and correct to the best of my knowledge," which more properly reflects the parent's knowledge. The committee also recommends a similar revision to *Request to Change Court Order* (form JV-180), which uses the same language. Because this form, in contrast to JV-225, is used to request judicial action, the committee recommends retaining the requirement that the form be completed under penalty of perjury, but striking the additional sentence.

Comments, Alternatives Considered, and Policy Implications

An earlier version of this proposal was circulated for public comment in spring 2012. Following circulation and before submission to the Judicial Council, the Legislature enacted several bills addressing the same subject matter. The new legislation required further amendment to the same rules and revision of the same and related forms. Combined with concern about the general utility of form JV-535 and comments received in response to the earlier proposal, this need prompted the committee to defer submission of the proposal to the council, to recommend additional amendments and revisions to conform to the new legislation, and to recirculate the proposal in spring 2013. The new legislation and the need to harmonize the rules and forms with the overall statutory scheme and with each other have also necessitated the amendment and revision of a small number of rules and forms not circulated in the earlier proposal.

This proposal was circulated for comment as part of the spring 2013 invitation-to-comment cycle from April 19 to June 19. The committee received 18 comments on this proposal.⁵ Two commentators, including the Joint Rules Working Group of the Trial Court Presiding Judges and Court Executives Advisory Committees, agreed with the proposal as circulated. Eight commentators agreed with the proposal and suggested modifications. Eight commentators did not indicate a position, but their comments showed agreement with the proposal in general and

⁵ A chart providing the full text of the comments and the committee responses is attached at pages 79–160.

suggested specific modifications. No commentators disagreed with the proposal. All but one commentator agreed that the proposed revisions to form JV-535 and approval of form JV-535(A) would serve the intended purposes of making the form easier to use and understand and facilitating clearer communication between the court and the local educational agency.

The following issues generated the most significant comments:

- Whether the rules of court should specify standards and procedures for the court to use in determining whether to deem a nonminor or nonminor dependent youth incompetent for purposes of appointing an educational rights holder.
- Whether to develop a separate set of rules and forms to address the limitation of the parental right to make developmental-services decisions and the appointment of a person to make those decisions.
- Whether to require the attorney for the child or youth to complete and file form JV-535 after every hearing.
- Whether to require that form JV-535 be served on an Indian child's tribe rather than simply made available to the tribe.
- Whether to apply the duties in section 361(a)(5) to a rights holder appointed to make developmental-services decisions.

Standards and procedures for determining incompetency

One commentator requested that the committee recommend specific standards and procedures for the juvenile court to use in determining whether to deem a nonminor or nonminor dependent youth incompetent for purposes of appointing or continuing the appointment of an educational rights holder. The committee has concluded that section 361(a)(1)(A) commits the determination of whether a nonminor youth is incompetent to the sound discretion of the court. The court may consider any admissible evidence in making that determination.

Separate rules and forms for developmental-services decisionmaking

One commentator suggested adding a definition for "developmental services decisionmaker" and creating a separate set of rules and forms addressing the appointment, rights, and duties of this person. The committee determined that the Legislature's insertion of developmental-services decisionmaking rights into the code sections that address educational rights, the expressed legislative intent to authorize the educational rights holder to exercise those rights, and the great likelihood that the same person will hold both types of right all militate toward incorporating the requirements regarding developmental-services decisionmaking rights into the existing rules and forms rather than developing a separate definition and scheme.

Completion and filing of form JV-535

Several commentators objected to the circulated requirement that the attorney for the child or youth complete and file form JV-535 after each hearing in which the court is required to consider whether to limit parental decisionmaking rights or to appoint an educational rights holder. A few suggested that the party requesting a limitation or appointment should complete and file the form. The committee agrees that, for hearings in which a party does make such a request, the requesting party must complete and file the form. In any other hearing to which rules 5.649–5.651 apply, the committee has maintained the requirement that the child’s attorney, as the sole actor in the proceedings with an undivided legal and ethical duty to protect the child’s rights, must complete and file the form.

Service of form JV-535 on an Indian child’s tribe

One commentator inquired whether rule 5.650(h) and form JV-535 should require that the clerk serve form JV-535 on an Indian child’s tribe. As circulated, the rule and form did not propose a change to the requirement that the form be made available to the tribe, as a person entitled to service under section 293. On further review, however, the committee concluded that the federal Indian Child Welfare Act (25 U.S.C. § 1901 et seq.) and sections 224–224.3 and 293 of the Welfare and Institutions Code place an affirmative duty to serve a copy of the form on the Indian child’s tribe. The committee therefore recommends adding definitions of *Indian child* and *Indian child’s tribe* to rule 5.502 to clarify the persons and entities entitled to service, amending rule 5.650(h) to require service of form JV-535 on the tribe as defined in rule 5.502, and revising item 11 on form JV-535 to require that service.

Application of AB 2060 duties to developmental-services decisionmaking

One commentator pointed out that section 361(a)(5), as amended by AB 2060, does not expressly impose duties on an educational rights holder with respect to developmental-services decisions and suggested that the reference be deleted. The committee has determined that the extension of duties is implicitly mandated by section 361(a) as a whole and is not expressly barred by section 361(a)(5). Section 361(a) consistently imposes parallel duties on the educational rights holder with respect to developmental-services and educational decisions. To require a rights holder with the authority to exercise both types of right to investigate issues relating to only one type would be inconsistent and would deprive the court of information needed to perform its statutory duties.

Alternatives considered

The committee considered taking no action but ultimately recommends amending the rules and forms at this time as described above. Most of the amendments and revisions in this proposal respond to statutory requirements, make technical corrections, and simplify the rules by eliminating language that merely duplicates statute.

When statutory amendment necessitates that a particular rule or form be modified, the committee will also consider any suggestions from the courts and other justice partners for further modification of that rule or form. It may recommend some of these suggested changes and not

others. In this proposal, the committee has made several such recommendations, as described above. For example, SB 368 required the addition of items addressing developmental services to *Your Child's Health and Education* (form JV-225). Having received statements of concern from courts and attorneys regarding that form's description of perjury, the committee has recommended revising that language as well.

The committee also considered numerous alternatives regarding the structure, content, and wording of the rules and the structure, content, and format of the forms. The committee ultimately chose the recommended amendments and revisions to conform to legislative intent, to promote clarity in describing procedures and other requirements, and to minimize the operational and fiscal impacts on the trial courts to the extent permissible.

Implementation Requirements, Costs, and Operational Impacts

The costs of implementing the proposal would be modest. The amendments to rules 5.650 and 5.651, as well as some of the revisions to JV-535, implement statutory requirements that the juvenile court consider limiting parental control over decisions affecting a child's developmental services. This consideration might increase the length of some hearings. The form revisions would require courts to incur one-time costs associated with printing and distributing new forms. On the other hand, moving many findings and orders regarding educational and developmental-services rights from mandatory form JV-535 to optional form JV-535(A), as well as limiting the circumstances under which court staff are required to serve these forms, will likely promote local flexibility and reduce costs and workload to a small extent.

The amendment to rule 5.790 regarding family finding would require the juvenile delinquency court to consider whether the probation department had fulfilled its statutory and rule-based duty to exercise due diligence in conducting an investigation to identify, locate, and notify the relatives of a child who is detained and at risk of entering foster care within 30 days of that child's removal from parental custody. Rule 5.695 already requires the court to make these findings at dispositional hearings in dependency proceedings. Although the requirement might increase the length of dispositional hearings in delinquency cases, the committee has received no feedback indicating that the requirement has caused undue delays in dependency proceedings in the two years since it took effect. The requirement is, however, calculated to reduce long-term costs to the courts and probation departments by augmenting the pool of potential caregivers for children and youth removed from parental custody and by providing these youth with a better chance of establishing lifelong connections with loving relatives. And because rule 5.637 already reflects the probation department's statutory duty to conduct this investigation, the addition of the inquiry to rule 5.790 would impose no investigative duties on the department.

Attachments and Links

1. Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.649, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810, at pages 14–53
2. Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-535(A), JV-536, JV-537, JV-538, JV-539, and JV-540, at pages 54–74
3. Chart of comments, at pages 75–156
4. Attachment A: Chart of comments from spring 2012 on proposal SPR12-20
5. Attachment B: SB 368 (Stats. 2011, ch. 471),
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120SB368&search_keywords=
6. Attachment C: Assembly Bill 1712 (Stats. 2012, ch. 846),
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB1712&search_keywords=
7. Attachment D: Assembly Bill 2060 (Stats. 2012, ch. 176),
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB2060&search_keywords=
8. Attachment E: Assembly Bill 1933 (Stats. 2010, ch. 563),
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200920100AB1933&search_keywords=
9. Attachment F: Senate Bill 1568 (Stats. 2012, ch. 578),
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120SB1568&search_keywords=
10. Attachment G: Assembly Bill 1909 (Stats. 2012, ch. 849),
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB1909&search_keywords=
11. Attachment H: Senate Bill 1048 (Stats. 2012, ch. 130),
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120SB1048&search_keywords=
12. Attachment I: Assembly Bill 791 (Stats. 2011, ch. 59),
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB791&search_keywords=
13. Attachment J: Assembly Bill 938 (Stats. 2009, ch. 261),
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200920100AB938&search_keywords=

Rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810 of the California Rules of Court are amended, and rule 5.650(a) is renumbered as rule 5.649, effective January 1, 2014, to read:

1 **Rule 5.502. Definitions and use of terms**

2
3 Definitions (§§ 202(e), 303(b), 319, 361, 361.5(a)(3), 450, 628.1, 636, 726, 727.3(c)(2),
4 727.4(d), 4512(j), 4701.6(b), 11400(v), 11400(y), 16501(f)(16); 20 U.S.C. § 1415; 25
5 U.S.C. § 1903(2))

6
7 As used in these rules, unless the context or subject matter otherwise requires:

8
9 (1)–(7) * * *

10
11 (8) “Court-ordered services” or “court-ordered treatment program” means child
12 welfare services or services provided by an appropriate agency ordered at a
13 dispositional hearing at which the child is declared a dependent child or ward of the
14 court, and any hearing thereafter, for the purpose of maintaining or reunifying a
15 child with a parent or guardian.

16
17 (9)–(11) * * *

18
19 (12) “Domestic partner” means one of two adults who have chosen to share one
20 another’s lives in an intimate and committed relationship of mutual caring as
21 described in Family Code section 297.

22
23 (13) “Educational ~~representative~~ rights holder” means the ~~responsible~~ adult identified or
24 appointed by the court who holds the educational rights to make educational or
25 developmental-services decisions for a child, nonminor, or nonminor dependent,
26 ~~when the parent’s or guardian’s educational rights have been limited by the court.~~
27 The If the court limits a parent’s or guardian’s decisionmaking rights and appoints
28 an educational rights holder, the educational-representative appointed rights holder
29 acts as the child’s or youth’s parent, spokesperson, educational-decision maker, and
30 “authorized representative” as described in sections 4512(j) and 4701.6(b) and
31 parent in regard to all educational-matters related to educational or developmental-
32 services needs, including those defined-described in sections 319, 361, and 726,
33 4512, 4646–4648, and 4700–4731; Education Code sections 56028(b)(2), 56050,
34 and 56055; Government Code sections 7579.5 and 7579.6; and title 20 chapter 33
35 (commencing with section 1400) of title 20 of the United States Code; and part 300
36 (commencing with section 300.1) of title 34 of the Code of Federal Regulations,
37 unless the court orders otherwise. The An appointed educational representative
38 rights holder holds educational and privacy rights is entitled to access to
39 educational and developmental-services records and information to the extent
40 permitted by law, including by sections 4514 and 5328, and to the same extent as
41 the child’s a parent, as defined—that term is used in title 20 United States Code
42 section 1232g and defined in title 34 Code of Federal Regulations section-part 99.3.

43
44 (14)–(18) * * *

1 (19) “Indian child” means any unmarried person under 18 years of age who is either (a)
2 a member of an Indian tribe or (b) eligible for membership in an Indian tribe and is
3 the biological child of a member of an Indian tribe. In a court proceeding defined in
4 section 224.1(d), the term also means a youth who satisfies the conditions in either
5 (a) or (b), above, is 18 years of age but not yet 21 years of age, and remains under
6 the jurisdiction of the juvenile court, unless that youth, directly or through his or
7 her attorney, chooses not to be considered an Indian child for purposes of the
8 proceeding.

9
10 (20) “Indian child’s tribe” means (a) the Indian tribe of which the Indian child is a
11 member or is eligible for membership, or (b), if an Indian child is a member of, or
12 eligible for membership in, more than one tribe, the Indian tribe with which the
13 Indian child has the more significant contacts, as determined under section
14 224.1(e).

15
16 (21) * * *

17
18 ~~(20)~~(22) * * *

19
20 ~~(21)~~(23) * * *

21
22 ~~(22)~~(24) * * *

23
24 ~~(23)~~(25) “Nonminor” means a youth at least 18 years of age and not yet 21 years of
25 age who remains subject to the court’s dependency, delinquency, or general
26 jurisdiction under section 303 but is not a “nonminor dependent.”

27
28 ~~(23)~~(26) “Nonminor dependent” means a ~~person~~ youth who is a dependent or ward of
29 the court, or a nonminor under the transition jurisdiction of the court, is at least 18
30 years of age and ~~no more than 20~~ not yet 21 years of age, and: ~~who~~

31
32 (A) Was under an order ~~for a~~ of foster care placement on his or her 18th birthday;
33 and

34
35 (B) Is currently in foster care under the placement and care authority of the
36 county welfare department, the county probation department, or an Indian
37 tribe that entered into an agreement under ~~Welfare and Institutions Code~~
38 section 10553.1; ~~who~~ and

39
40 (C) Is participating in a current Transitional Independent Living Case Plan as
41 defined in this rule; ~~and who is meeting at least one of the education, training,~~
42 or work requirements in ~~Welfare and Institutions Code~~ section 11403(b) or is
43 incapable of meeting one of those requirements due to a medical condition.

44
45 ~~(24)~~(27) * * *

1 ~~(25)~~(28) * * *
2
3 ~~(26)~~(29) * * *
4
5 ~~(27)~~(30) * * *
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7 ~~(28)~~(31) * * *
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9 ~~(29)~~(32) * * *
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11 ~~(30)~~(33) * * *
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13 ~~(31)~~(34) * * *
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15 ~~(32)~~(35) * * *
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17 ~~(33)~~(36) * * *
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19 ~~(34)~~(37) * * *
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21 ~~(35)~~(38) * * *
22
23 ~~(36)~~(39) * * *
24
25 ~~(37)~~(40) * * *

26
27 (41) “Transition dependent” means a ward of the court at least 17 years and five months
28 of age but not yet 18 years of age who is subject to the court’s transition
29 jurisdiction under section 450.
30

31 ~~(38)~~(42) * * *
32
33 ~~(39)~~(43) * * *
34
35 ~~(40)~~(44) * * *
36
37 ~~(41)~~(45) * * *

38
39
40 **Rule 5.518. Court-connected child protection/dependency mediation**

41
42 **(a)–(d)** * * *

43
44 **(e) Education, experience, and training requirements for dependency mediators**

45 * * *
46

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(1)–(3) * * *

(A) * * *

(i)–(v) * * *

(vi) ~~The requirements of the laws incorporated in rule 5.651(a)(3)~~
rights to educational and developmental services recognized or
established by state and federal law and strategies for
appropriately addressing the individual needs of persons with
disabilities;

(B)–(K) * * *

(f)–(j) * * *

Rule 5.534. General provisions—all proceedings

(a)–(c) * * *

(d) Burden of proof (§§ 350, 701.1)

~~(1)~~ Meeting the burden of proof:

~~(A1)~~ In any hearing under section 300 in which the county welfare agency has the
burden of proof, the court may consider whether the burden of proof has been
met only after completion of the agency’s case; and the presentation of any
material evidence offered by the child,~~the~~ The court may then, on motion of
any party or on the court’s own motion, order whatever action the law
requires if the court, based on all the evidence then before it, finds that the
burden of proof ~~is~~has not been met.

~~(B2)~~ In any hearing under section 601 or 602, after the completion of the
petitioner’s case, the court may, on the motion of any party; or on the court’s
own motion, order whatever action the law requires if the court, based on all
the evidence then before it, finds that the burden of proof ~~is~~has not been met.

~~(2)~~ ~~If the motion is denied, the child in a section 300 or section 601 or section 602~~
~~hearing, or the parent or guardian in a section 300 hearing, may offer~~
~~evidence.~~

(e) **De facto parents**

1 On a sufficient showing, the court may recognize the child’s present or previous
2 custodians as a de facto parents and grant him or her standing to participate as a
3 party parties in the dispositional hearings and any hearing thereafter at which the
4 status of the dependent child is at issue. The de facto parent may:

5
6 (1)–(3) * * *

7
8 **(f) Relatives**

9
10 (1) On a sufficient showing, the court may permit a relatives of the child or youth
11 to:

12
13 (A)–(B) * * *

14
15 (2) A relatives of the child ~~have~~ has the right to submit information about the
16 child to the court at any time. Written information about the child may be
17 submitted to the court using *Relative Information* (form JV-285) or in a letter
18 to the court.

19
20 (3) When a relative is located through the investigation required by rule 5.637,
21 the social worker or probation officer must give that relative:

22
23 (A) The written notice required by section 309 or 628 and the “Important
24 Information for Relatives” document as distributed in California
25 Department of Social Services All County Letter No. 09-86;

26
27 (B)–(C) * * *

28
29 (4) When form JV-285 or a relative’s letter is received by the court, the ~~court~~
30 clerk must provide the social worker or probation officer, all ~~unrepresented~~
31 self-represented parties, and all attorneys with a copy of the completed form
32 or letter.

33
34 (5) When form JV-287 is received by the court, the ~~court~~ clerk must place it in a
35 confidential portion of the case file.

36
37 **(g) Right to counsel (§§ 317, 633, 634, 700)**

38
39 At each hearing, the court must advise any self-represented child, parent, or
40 guardian of the right to be represented by counsel and, if applicable, of the right to
41 have counsel appointed, subject to a claim by the court or the county for
42 reimbursement as provided by law.

43
44 **(h) Appointment of counsel (§§ 317, 353, 633, 634, 700)**

45
46 (1) * * *

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(2) In cases petitioned under section 601 or ~~section 602~~:

(A)-(C) * * *

(i) * * *

(j) **Appointment of educational ~~representative~~ rights holder (§§ 319, 361, 366, 366.27, 726, 727.2; Gov. Code, §§ 7579.5-7579.6)**

(1) If the court limits, even temporarily, the rights of a parent or guardian to make educational or developmental-services decisions for ~~the~~ a child under rule 5.649, the court must immediately proceed under rule 5.650~~(b)~~ to appoint ~~an~~ responsible adult as educational ~~representative~~ rights holder for the child.

(2) If a nonminor or nonminor dependent youth chooses not to make educational or developmental-services decisions for him- or herself or is deemed by the court to be incompetent, and the court also finds that the appointment of an educational rights holder would be in the best interests of the youth, then the court must immediately proceed under rule 5.650 to appoint or continue the appointment of a responsible adult as educational rights holder for the youth.

(k)-(n) * * *

(o) **Periodic reports (§ 365)**

The court may require the petitioner or any other agency to submit reports concerning a child or youth subject to the jurisdiction of the court.

(p) * * *

Rule 5.575. Joinder of Agencies

(a) **Basis for joinder (§§ 362, 365, 727)**

After a child has been adjudged a dependent child or a ward of the court, The court may, at any time after a petition has been filed, following notice and a hearing, join in the court-proceedings any government agency or private service provider (as defined in § ~~362(e)~~ section 362) that the court determines has failed to meet a legal obligation to provide services to ~~the~~ a child or a nonminor or nonminor dependent youth for whom a petition has been filed under section 300, 601, or 602. The court may not impose duties on an agency beyond those required by law.

1 (b) **Notice and Hearing**

2
3 On application by a party, counsel, or CASA volunteer, or on the court’s own
4 motion, the court may set a hearing and require notice to the agency or provider
5 subject to joinder.
6

- 7 (1) Notice of the hearing to the agency or provider must be given to the agency
8 on *Notice of Hearing on Joinder—Juvenile* (form JV-540). The notice must
9 clearly describe the legal obligation at issue, the facts and circumstances
10 alleged to constitute the agency’s failure to meet that obligation, state the
11 allegations of the agency’s or provider’s failure to meet a legal obligation, as
12 well as and any issues or questions the court wants expects the agency or
13 provider to address at the hearing.
14
15 (2) The hearing must be set to occur within 30 calendar days of the signing of the
16 notice by the court. The hearing will proceed under the provisions of rule
17 5.570(h) or (i), as appropriate.
18
19 (3) ~~The clerk of the juvenile court must cause the notice to be served on the~~
20 ~~agency or provider and the persons prescribed by sections 291 and 658 either~~
21 ~~personally or~~ and all parties, attorneys of record, the CASA volunteer, any
22 other person or entity entitled to notice under section 291 or 658, and, if the
23 hearing might address educational or developmental-services issues, the
24 educational rights holder by first-class mail within 5 court days after of the
25 signing of the notice.
26
27 (4) Nothing in this rule prohibits agencies from meeting before the hearing to
28 coordinate the delivery of services. The court may request, by using section 8
29 of form JV-540, that agency representatives meet before the hearing and that
30 the agency or agencies submit a written response to the court. Any such
31 response must be filed at least 5 court days before the hearing.
32

33 (c) **Conduct of hearing**

34
35 ~~The hearing must be conducted under rule 5.570(f) or (g). The court may not~~
36 ~~impose duties on a government agency or private service provider beyond those~~
37 ~~required by statute.~~
38
39

40 **Rule 5.649. Right to make educational or developmental-services decisions**

41
42 The court must identify the educational rights holder for the child on form JV-535 at each
43 hearing in a dependency or delinquency proceeding. Unless his or her rights have been
44 limited by the court under this rule, the parent or guardian holds the educational and
45 developmental-services decisionmaking rights for his or her child. In addition, a

1 nonminor or nonminor dependent youth holds the rights to make educational and
2 developmental-services decisions for himself or herself unless rule 5.650(b) applies.
3

4 (a) ~~Parent's or guardian's educational rights limited Order (§§ 319, 361, 366,~~
5 ~~366.27, 366.3, 726, 727.2; 20 U.S.C. § 1415; 34 C.F.R. §§ 300.519, 300.300)~~
6

7 At the dispositional hearing and each subsequent review or permanency hearing,
8 the court must determine whether the rights of a parent or guardian to make
9 educational or developmental-services decisions for the child should be limited.
10

11 If necessary to protect a child who is adjudged a dependent or ward of the court
12 under section 300, 601, or 602, the court may limit a parent's or guardian's rights
13 to make educational or developmental-services decisions for a the child who is
14 declared adjudged a dependent or ward of the court under section 300, 601, or 602
15 by making appropriate, specific orders on *Order Designating Educational Rights*
16 *Holder* (form JV-535), but the limitations may not exceed those necessary to
17 protect the child. Before disposition, the court may temporarily limit a parent's or
18 guardian's right to make educational decisions under section 319(g). The court may
19 limit a parent's or guardian's educational rights regardless of whether the child is,
20 or may be eligible for, special education and related services.
21

22 (1) ~~If the court temporarily limits the parent's or guardian's right to make~~
23 ~~educational decisions under section 319(g), the court must reconsider the~~
24 ~~need, if any, to limit educational rights at the disposition hearing.~~
25

26 (2) ~~The child's initial evaluation for special education services need not be~~
27 ~~postponed to await parental or guardian consent or appointment of an~~
28 ~~educational representative if one or more of the following circumstances are~~
29 ~~met:~~
30

31 (A) ~~The court has limited or temporarily limited the educational rights of~~
32 ~~the parent or guardian, and consent for an initial assessment has been~~
33 ~~given by an individual appointed by the court to represent the child;~~
34

35 (B) ~~The local education agency cannot discover the whereabouts of the~~
36 ~~parent or guardian; or~~
37

38 (C) ~~The parent's rights have been terminated or the guardianship has been~~
39 ~~set aside.~~
40

41 (3) ~~If the court determines that the child is in need of any assessments,~~
42 ~~evaluations, or services, including special education, mental health, and other~~
43 ~~related services, the court must direct an appropriate person to take the~~
44 ~~necessary steps to request those assessments, evaluations, or services.~~
45

1 **(b) Temporary order (§ 319)**
2

3 At the initial hearing on a petition filed under section 325 or at any time before a
4 child is adjudged a dependent or the petition is dismissed, the court may, on
5 making the findings required by section 319(g)(1), use form JV-535 to temporarily
6 limit a parent’s or guardian’s rights to make educational or developmental-services
7 decisions for the child. An order made under section 319(g) expires on dismissal of
8 the petition, but in no circumstances later than the conclusion of the hearing held
9 under section 361.

10
11 If the court does temporarily limit the parent’s or guardian’s rights to make
12 educational or developmental-services decisions, the court must, at the
13 dispositional hearing, reconsider the need to limit those rights and must identify the
14 authorized educational rights holder on form JV-535.

15
16 **(c) No delay of initial assessment**
17

18 The child’s initial assessment to determine any need for special education or
19 developmental services need not be delayed to obtain parental or guardian consent
20 or for the appointment of an educational rights holder if one or more of the
21 following circumstances is met:

- 22
23 (1) The court has limited, even temporarily, the educational or developmental-
24 services decisionmaking rights of the parent or guardian, and consent for an
25 initial assessment has been given by an individual appointed by the court to
26 represent the child;
27
28 (2) The local educational agency or regional center, after reasonable efforts,
29 cannot locate the parent or guardian; or
30
31 (3) Parental rights have been terminated or the guardianship has been set aside.
32

33 **(d) Judicial Determination**
34

35 If the court determines that the child is in need of any assessments, evaluations, or
36 services—including special education, mental health, developmental, and other
37 related services—the court must direct an appropriate person to take the necessary
38 steps to request those assessments, evaluations, or services.
39

40 **(e) Filing of order**
41

42 Following the dispositional hearing and each statutory review hearing, the party
43 that has requested a modification, limitation, or restoration of educational or
44 developmental-services decisionmaking rights must complete form JV-535 and any
45 required attachments to reflect the court’s orders and submit the completed form
46 within five court days for the court’s review and signature. If no request is made,

1 the child's or youth's attorney must complete and file the form. The court may
2 direct the appropriate party to attach Attachment to Order Designating Educational
3 Rights Holder (form JV-535(A)) to document the court's findings and orders.

4
5
6 **Rule 5.650. Appointment of educational representative-Appointed educational**
7 **rights holder**

8
9 ~~(b)~~(a)**Order and a Appointment of educational representative**(§§ 319, 361, 366,
10 **366.27, 366.3, 726, 727.2; Gov. Code, §§ 7579.5-7579.6; 20 U.S.C. § 1415; 34**
11 **C.F.R. § 300.519)**

12
13 The court must use ~~*Findings and Orders Limiting Right to Make Educational*~~
14 ~~*Decisions for the Child, Appointing Educational Representative, and Determining*~~
15 ~~*Child's Educational Needs*~~ (form JV-535) when it limits the rights of a parent or
16 guardian to make educational decisions for the child. In its order, Whenever it
17 limits, even temporarily, the rights of a parent or guardian to make educational or
18 developmental-services decisions for a child, the court must document that use
19 form JV-535 to appoint a responsible adult as educational rights holder or to
20 document that one of the following circumstances exists: one of the following
21 actions in (1) or (2) has been taken, or, in the alternative, that a finding under (3)
22 has been made:

- 23
24 (1) ~~The court has appointed an educational representative for the child;~~
25
26 (2) ~~The court has ordered a permanent plan for the child, and the court finds that~~
27 ~~the foster parent, relative caregiver, or nonrelative extended family member~~
28 ~~The child is a dependent child or ward of the court and has a court-ordered~~
29 ~~permanent plan of placement in a planned permanent living arrangement. The~~
30 ~~caregiver may, without a court order, exercise educational decisionmaking~~
31 ~~rights as provided in under Education Code section 56055 and~~
32 ~~developmental-services decisionmaking rights rule 5.502(13) under section~~
33 ~~361 or 726, and is not prohibited from exercising educational those rights by~~
34 ~~section 361, or 726, or 4701.6(b), or by 34 Code of Federal Regulations~~
35 ~~section 300.519 or 303.49422; or~~
36
37 ~~(3)~~(2) ~~The court cannot identify a responsible adult to serve as the child's~~
38 ~~educational representative; rights holder under section 319, 361, or 726 or~~
39 ~~under Education Code section 56055, and~~

- 40
41 (A) The child is a dependent child or ward of the court and is or may be
42 eligible for special education and related services or already has a valid
43 individualized education program, and the court: is referring
44
45 (i) Refers the child to the ~~responsible~~ local educational agency for
46 the appointment of a surrogate parent under section 361 or 726,

1 Government Code section 7579.5, and title 20 United States
2 Code section 1415, ~~and rules 5.502 and 5.650; and~~

3
4 (ii) Will, with the input of any interested person, make
5 developmental-services decisions for the child; or
6

7 (B) ~~The appointment of a surrogate parent is not warranted, child is not~~
8 ~~eligible for special education and related services, there is no foster~~
9 ~~parent to exercise the authority granted by section 56055 of the~~
10 ~~Education Code, and the court will, with the input of any interested~~
11 ~~person, make educational and developmental-services decisions for the~~
12 ~~child.~~

13
14 (C) If the court must temporarily make educational or developmental-
15 services decisions for a child before disposition, it must order that
16 every effort be made to identify a responsible adult to make future
17 educational or developmental-services decisions for the child.
18

19 **(b) Nonminor and nonminor dependent youth (§§ 361, 726, 366.3)**
20

21 The court may, using form JV-535, appoint or continue the appointment of an
22 educational rights holder to make educational or developmental-services decisions
23 for a nonminor or nonminor dependent youth if:
24

25 (1) The youth has chosen not to make educational or developmental-services
26 decisions for himself or herself or is deemed by the court to be incompetent;
27 and
28

29 (2) With respect to developmental-services decisions, the court also finds that the
30 appointment or continuance of a rights holder would be in the best interests
31 of the youth.
32

33 **(c) Limits on appointment (§§ 319, 361, 726; Ed. Code, § 56055; Gov. Code,**
34 **§ 7579.5(i)–(j); 34 C.F.R. §§ 300.519, 303.19422)**
35

36 (1) ~~The court must determine whether should consider appointing a responsible~~
37 ~~adult relative, nonrelative extended family member, foster parent, family~~
38 ~~friend, mentor, or CASA volunteer or other adult known to the child is~~
39 ~~available and willing to serve as the educational representative rights holder~~
40 ~~and, if one of those adults is available and willing to serve, should consider~~
41 ~~appointing that person before appointing or temporarily appointing a~~
42 ~~responsible adult not known to the child.~~

43
44 (2) ~~The court may not appoint any individual as the educational representative~~
45 ~~rights holder if that person is excluded under, or would have a conflict of~~
46 ~~interest as defined by, section 361(a) or 726(bc);, Education Code section~~

1 56055; Government Code section 7579.5(i)–(j); title 20 United States Code
2 section 1415(b)(2); or 34 Code of Federal Regulations section 300.519 or
3 303.49422.
4

5 **(d) Referral to local educational agency to for appointment a of surrogate parent**
6 **for a child who is or may be eligible for special education and related services**
7 **(§§ 361, 726; Gov. Code, § 7579.5; 20 U.S.C. § 1415)**
8

- 9 (1) If the court has limited a parent’s or guardian’s right to make educational
10 decisions for a child ~~but~~ and cannot identify ~~an~~ a responsible adult to act as
11 the educational representative rights holder, for the child and the child is or
12 may be eligible for special education and related services or already has an
13 individualized education program, the court must use form JV-535 to refer
14 the child to the responsible local educational agency for prompt appointment
15 of a surrogate parent under Government Code section 7579.5.
16
- 17 (2) If the court refers a child to the local educational agency for appointment of a
18 surrogate parent, the court must order that *Local Educational Agency*
19 *Response to JV-535—Appointment of Surrogate Parent* (form JV-536) be
20 attached to form JV-535 and served by first-class mail on the local
21 educational agency along with form JV-535, no later than seven calendar five
22 court days after from the date of the order is signed.
23
- 24 (3) The court must direct the local educational agency that when the ~~local~~
25 ~~education~~ agency receives form JV-535, requesting prompt appointment of a
26 surrogate parent, the ~~local education~~ agency must make reasonable efforts to
27 assign identify and appoint a surrogate parent within 30 calendar days ~~after of~~
28 service of the court’s referral.
29
- 30 (A) Whenever the local educational agency appoints a surrogate parent for
31 a dependent or ward under Government Code section 7579.5(a)(1), it
32 must notify the court on form JV-536 within ~~seven calendar five court~~
33 days of the appointment and, at the same time, must send copies of the
34 notice to the child’s attorney and to the social worker or probation
35 officer identified on the form.
36
- 37 (B) If the local educational agency does not appoint a surrogate parent
38 within 30 days of receipt of ~~the form a~~ judicial request, within the next
39 ~~seven calendar days~~ it must notify the court within the next five court
40 days on form JV-536 of the following:
41
- 42 (i) Its inability to identify and appoint a surrogate parent; and
43
- 44 (ii) Its continuing reasonable efforts to ~~assign~~ identify and appoint a
45 surrogate parent.
46

1 (4) Whenever ~~the~~ a surrogate parent resigns or the local educational agency
2 terminates the appointment of a surrogate parent, ~~for a dependent or ward~~
3 ~~under Government Code section 7579.5(h) or~~ replaces the a surrogate parent
4 ~~for any other reason, or~~ appoints another surrogate parent, it must notify the
5 court, ~~and~~ the child's attorney, and the social worker or probation officer on
6 form JV-536 within ~~seven calendar~~ five court days of the resignation,
7 termination, ~~or~~ replacement, or appointment. The child's attorney, the social
8 worker, or the probation officer may request a hearing for appointment of a
9 new educational representative rights holder by filing *Request for Hearing*
10 *Regarding Child's ~~Education~~ Access to Services* (form JV-539) and must
11 provide notice of the hearing as provided in (g)(2). The court may, on its own
12 motion, ~~may~~ direct the clerk to set a hearing.

13
14 (e) **Transfer of parent's or guardian's educational or developmental-services**
15 **decisionmaking rights to educational representative rights holder**
16

17 When ~~the court appoints~~ an educational ~~representative is appointed~~ rights holder
18 after limiting a parent's or guardian's educational or developmental-services
19 decisionmaking rights, the educational—those parental decisionmaking rights of the
20 parent or guardian—including the right to notice of educational or developmental-
21 services meetings and activities, to participation in educational or developmental-
22 services meetings and activities, and to decisionmaking authority regarding the
23 child's education or developmental services, including the authority under sections
24 4512 and 4701.6, Education Code section 56028, title 20 United States Code
25 sections 1232g and 1401(23), and 34 Code of Federal Regulations section 300.30,
26 and Education Code section 56028—are transferred to the educational
27 representative rights holder unless the court specifies otherwise in its order.
28

29 (1) When returning a child to a parent or guardian, the court must consider the
30 child's educational and developmental-services needs. The parent's or
31 guardian's educational and developmental-services decisionmaking rights are
32 reinstated when the court returns custody to the parent or guardian unless the
33 court finds specifically that the parent is not able to act in the child's best
34 interest regarding education continued limitation of parental decisionmaking
35 rights is necessary to protect the child.
36

37 (2) If the court appoints a guardian for the child under rule 5.735 or 5.815, all of
38 the parent's or previous guardian's educational and developmental-services
39 decisionmaking rights transfer to the newly appointed guardian unless the
40 court determines that the guardian is not able to act in the child's best interest
41 regarding limitation of the new guardian's decisionmaking rights is necessary
42 to protect the child.
43

1 (f) **Authority and responsibilities of educational representative** (§§ 317, 319, 360,
2 361, 635, 706.5, 726, 4514, 4646–4648, 4700–4731, 5328; Ed. Code, §§ 56055,
3 56340, 56345; Gov. Code, §§ 7579.5, 95014–95020; 34 C.F.R. § 300.519)
4

5 (1) The educational rights holder acts as and holds the rights of the parent or
6 guardian with respect to all decisions regarding the child’s education and
7 developmental services, and is entitled:
8

9 (A) To access records and to authorize the disclosure of information to the
10 same extent as a parent or guardian under the Family Educational
11 Rights and Privacy Act (FERPA), 20 United States Code section
12 1232g;
13

14 (B) To be given notice of and participate in all meetings or proceedings
15 relating to school discipline;
16

17 (C) To advocate for the interests of a child or youth with exceptional needs
18 in matters relating to:
19

20 (i) The identification and assessment of those needs;
21

22 (ii) Instructional or service planning and program development—
23 including the development of an individualized family service
24 plan, an individualized educational program, an individual
25 program plan, or the provision of other services and supports, as
26 applicable;
27

28 (iii) Placement in the least restrictive program appropriate to the
29 child’s or youth’s educational or developmental needs;
30

31 (iv) The review or revision of the individualized family service plan,
32 the individualized education program, or the individual program
33 plan; and
34

35 (v) The provision of a free, appropriate public education.
36

37 (D) To attend and participate in the child’s or youth’s individualized family
38 service plan, individualized education program, individual program
39 plan, and other educational or service planning meetings; to consult
40 with persons involved in the provision of the child’s or youth’s
41 education or developmental services; and to sign any written consent to
42 educational or developmental services and plans; and
43

44 (E) Notwithstanding any other provision of law, to consent to the child’s or
45 youth’s individualized family service plan, individualized education
46 program, or individual program plan, including any related

1 nonemergency medical services, mental health treatment services, and
2 occupational or physical therapy services provided under sections
3 7570–7587 of the Government Code.
4

5 ~~(1)~~(2) The educational representative rights holder is responsible for investigating
6 the child’s or youth’s educational and developmental-services needs,
7 determining whether those needs are being met, and representing-acting on
8 behalf of the child or youth in the identification, evaluation, and educational
9 placement of the child and with the provision of the child’s free, appropriate
10 public education. This includes representing the child in all matters relating
11 to the child’s provision of educational or developmental services, as
12 applicable, including to ensure:
13

- 14 (A) The stability of the child’s or youth’s school placement. At any hearing
15 following a change of educational placement, the educational rights
16 holder must submit a statement to the court indicating whether the
17 proposed change of placement is in the child’s or youth’s best interest
18 and whether any efforts have been made to keep the pupil in the school
19 of origin;
- 20
- 21 (B) Placement in the least restrictive educational program appropriate to the
22 child’s or youth’s individual needs;
- 23
- 24 (C) The child’s or youth’s access to academic resources, services, and
25 extracurricular and enrichment activities;
- 26
- 27 (D) The child’s or youth’s access to any educational and developmental
28 services and supports necessary-needed to meet state standards for
29 academic achievement and functional performance or, with respect to
30 developmental services, to promote community integration, an
31 independent, productive, and normal life, and a stable and healthy
32 environment;
- 33
- 34 (E) ~~School~~ The prompt and appropriate resolution of school disciplinary
35 matters; and
- 36
- 37 (F) ~~Other aspects of~~ The provision of any other elements of a free,
38 appropriate public education; and
- 39
- 40 (G) The provision of any appropriate early intervention or developmental
41 services required by law, including the California Early Intervention
42 Services Act or the Lanterman Developmental Disabilities Services
43 Act.
- 44

45 ~~(2)~~(3) The educational representative rights holder is also responsible for: has the
46 following additional responsibilities:

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- (A) Meeting with the child or youth at least once and as often as necessary to make educational or developmental-services decisions that are in the best interest of the child or youth;
 - (B) Being culturally sensitive to the child or youth;
 - (C) Complying with all federal and state confidentiality laws, including, but not limited to, sections 362.5, 827, 4514, and 5328, as well as ~~and~~ Government Code section ~~7579.1(f)~~7579.5(f);
 - (D) Participating in, and making decisions regarding, all matters affecting the child's or youth's educational or developmental-services needs—including, as applicable, the individualized family service planning process, the individualized education program planning process, the individual program planning process, the fair hearing process (including mediation and any other informal dispute resolution meetings), and as otherwise specified in the court order—in a manner consistent with the child's or youth's best interest; and
 - (E) ~~Having~~Maintaining knowledge and skills that ensure adequate representation of the child's or youth's needs and interests with respect to education and developmental services.
- (3) ~~The educational representative acts as the parent or guardian in all educational matters regarding the child and has a right to the following:~~
- (A) ~~To the rights afforded the parent or guardian under the Family Education Rights and Privacy Act, title 20 United States Code section 1232g;~~
 - (B) ~~To the right of a parent relating to school discipline issues, meetings, and proceedings;~~
 - (C) ~~To represent a child with exceptional needs in matters relating to identification and assessment of those needs, instructional planning and development, educational placement, reviewing and revising the individualized education program, and other aspects of the provision of a free, appropriate public education;~~
 - (D) ~~To attend the child's individualized education program and other educational meetings, to consult with persons involved in the child's education, and to sign any consents to education-related services and plans; and~~

1 ~~(E)~~—Notwithstanding any other provision of law, to consent to the child’s
2 individualized education program, nonemergency medical services,
3 mental health treatment services, and occupational or physical therapy
4 services provided under chapter 26.5 of title 1 of the Government Code.
5

6 (4) Before each statutory review hearing, the educational rights holder must do
7 one or more of the following:
8

9 (A) Provide information and recommendations concerning the child’s or
10 youth’s educational or developmental-services needs to the assigned
11 social worker or probation officer;
12

13 (B) Make written recommendations to the court concerning the child’s or
14 youth’s educational or developmental-services needs;
15

16 (C) Attend the review hearing and participate in any part of the hearing that
17 concerns the child’s or youth’s education or developmental services.
18

19 (5) The educational rights holder may provide the contact information for the
20 child’s or youth’s attorney to the local educational agency.
21

22 (g) **Educational representative’s Term of service; resignation (§§ 319, 361, 726;**
23 **Gov. Code § 7579.5)**
24

25 (1) ~~The~~ An appointed educational representative rights holder must make
26 educational or developmental-services decisions for the child or youth until:
27

28 (A) The dismissal of the petition or the conclusion of the dispositional
29 hearing, if the rights holder is appointed under section 319(g);
30

31 (B) ~~The court restores~~ The rights of the parent or guardian to make
32 educational or developmental-services decisions for the child are fully
33 restored;
34

35 ~~(B)~~(C) The child-dependent or ward reaches 18 years of age, unless the
36 child-he or she chooses not to make his or her own educational or
37 developmental-services decisions or is deemed incompetent by the
38 court, in which case the court may, if it also finds that continuation
39 would be in the best interests of the youth, continue the appointment
40 until the youth reaches 21 years of age or the court’s jurisdiction is
41 terminated;
42

43 ~~(C)~~(D) The court appoints another responsible adult as educational
44 representative rights holder for the child or youth under this rule;
45

46 ~~(D)~~(E) * * *

1
2 (E)(F) The court ~~finds that the~~ designates an identified foster parent,
3 relative caregiver, or nonrelative extended family member ~~may to~~ make
4 educational or developmental-services decisions ~~for the child under~~
5 Education Code section 56055(a) because:

- 6
7 (i) ~~The Reunification~~ services have been terminated and the child is
8 placed in a planned permanent living arrangement ~~with the~~
9 identified caregiver under section 366.21(g)(35), 366.22, 366.26,
10 366.3(i), 727.3(b)(5), or 727.3(b)(6); and
11
12 (ii) ~~The court has limited the parent's or guardian's educational~~
13 rights; and
14
15 (iii) ~~The foster parent, relative caregiver, or nonrelative extended~~
16 family member is not otherwise excluded from making education
17 or developmental-services decisions by the court, by section 361
18 or 726, or by 34 Code of Federal Regulations section 300.519 or
19 303.49422.
20

- 21 (2) If ~~the an~~ appointed educational representative rights holder resigns ~~from the~~
22 his or her appointment, he or she must ~~provide~~ give notice to the court and to
23 the child's attorney and may use *Educational ~~Representative or Surrogate~~*
24 *~~Parent Information Rights Holder Statement~~* (form JV-537) to provide this
25 notice. Once notice is received, the child's or youth's attorney, or the social
26 worker or probation officer may request a hearing for appointment of a new
27 educational representative rights holder by filing form JV-539.
28

29 The attorney for the party requesting the hearing and must provide notice of
30 the hearing ~~to the following:~~

- 31
32 (A) The parents or guardians, unless otherwise indicated on the most recent
33 form JV-535, parental rights have been terminated, or the child has
34 reached 18 years of age;
35
36 (B) Each attorney of record;
37
38 (C) The social worker; ~~the~~ or probation officer;
39
40 (D) The ~~Court Appointed Special Advocate (CASA)~~ volunteer; and
41
42 (E) All other persons ~~required to be given~~ or entities entitled to notice
43 under section 293.
44

45 The hearing must be set within 14 days of receipt of the request for hearing.
46 The court may, on its own motion, ~~may~~ direct the clerk to set a hearing.

1
2 **(h) Service of order**
3

4 Whenever the order identifies or appoints a new or different educational rights
5 holder or includes any other changes, the clerk will provide a copy of the
6 completed and signed form JV-535, form JV-535(A) if attached, and any received
7 form JV-536 or JV-537 to:
8

- 9 (1) The child, if 10 years of age or older, or youth;
10
11 (2) The ~~child's~~ attorney, for the child or youth;
12
13 (3) The social worker ~~and the~~ or probation officer;
14
15 (4) The Indian child's tribe, if applicable, as defined in rule 5.502;
16
17 (5) The local foster youth educational liaison, as defined in Education Code
18 section 48853.5; ~~and~~
19
20 (6) The county office of education foster youth services coordinator;
21
22 (7) The regional center service coordinator, if applicable; and
23
24 (8) The educational ~~representative~~ rights holder.
25

26 ~~at the end of the proceeding or~~ The completed and signed form must be provided
27 no later than ~~seven calendar~~ five court days ~~after~~ from the date of the order is
28 signed. The clerk must also ensure that any immediately preceding educational
29 rights holder, surrogate parent, or authorized representative, if any, is notified that
30 the previous court order has been vacated and their appointment terminated.
31

32 The clerk will make copies of the form available to the parents or guardians, unless
33 otherwise indicated on the form, ~~parental rights have been terminated, or the child~~
34 has reached 18 years of age and reunification services have been terminated; to the
35 CASA volunteer; and, if requested, to all other persons ~~provided~~ or entities entitled
36 to notice under section 293. ~~Whoever is directed by the court on form JV 535 must~~
37 provide a copy of the form to the local education agency.
38

39 **(i) Education and training of educational ~~representative~~ rights holder**
40

41 If the educational ~~representative~~ rights holder, including a biological or adoptive
42 parent, asks for assistance in obtaining education and training in the laws
43 incorporated in rule 5.651(a), the court must direct the clerk, social worker, or
44 probation officer to inform the educational ~~representative~~ rights holder of all
45 available resources, including resources available through the California

1 Department of Education, the California Department of Developmental Services,
2 and the local educational agency, and the local regional center.

3
4 **(j) Notice of and participation in juvenile court hearings**

5
6 (1) The educational ~~representative~~ rights holder must receive notice of all
7 regularly scheduled juvenile court hearings regarding or affecting the child's
8 and other judicial hearings that might affect the child's or youth's education
9 and developmental services, including joint assessment hearings under rule
10 5.512 and joinder proceedings under rule 5.575. This includes the notice and
11 participation provided in rule 5.530 for all regularly scheduled juvenile
12 hearings, rule 5.512 for joint assessment hearings, and rule 5.575 for joinder
13 proceedings.

14
15 (2) The educational ~~representative~~ rights holder may use form JV-537 to explain
16 the child's any educational or developmental-services needs to the court. The
17 court may allow ~~must permit~~ the educational ~~representative~~ rights holder to
18 be present for the purposes of participating in the portions of the juvenile
19 court hearing that concern the child's education, including school placement,
20 and of responding to questions or issues raised by the form. The court may
21 allow the educational representative to participate in any mediation as
22 provided in rule 5.518 attend and participate in those portions of a court
23 hearing, nonjudicial hearing, or mediation that concern education or
24 developmental services.

25
26 **Advisory Committee Comment**

27
28 Under the Individuals With Disabilities Education Act (IDEA), the court may appoint a surrogate
29 ~~parent for a child to represent the child to speak and act on behalf of a pupil~~ in all matters relating
30 to the identification, evaluation, and educational placement of the child and to the provision of the
31 child's free, appropriate public education. (20 U.S.C. § 1415(b)(2); 34 C.F.R. § 300.519.) Under
32 Welfare and Institutions Code sections 361 and 726, the court ~~may~~ must appoint a responsible
33 adult as an educational representative or rights holder to ~~represent~~ make decisions regarding the
34 child's educational or developmental-services needs when the parent's educational-rights to make
35 those decisions have been limited. When the court appoints an A court-appointed educational
36 representative, that person rights holder is responsible for representing all protecting the child's
37 rights and interests with respect to educational or developmental services needs, including any
38 special education and related services needs. When making this appointment, the court and all
39 court participants are encouraged to look to all persons in the child's life, including relatives,
40 nonrelated extended family members, and those persons with whom the child has an important
41 relationship, to represent the child's educational needs.

42
43 If the court limits the parent's decisionmaking rights and cannot find anyone identify a
44 responsible adult to appoint as the child's educational representative rights holder, and special
45 ~~education needs are not indicated~~ the appointment of a surrogate parent is not warranted, sections
46 361 and 726 ~~state that~~ authorize the court ~~can~~ to make educational or developmental-services
47 decisions for the child with the input of interested persons. However, If, however, the court
48 ~~cannot find someone~~ identify a responsible adult to appoint as educational representative rights

1 holder and there is reason to believe that the child needs special education is indicated and related
2 services, the court must refer the ~~matter-child~~ to the local educational agency (LEA) for the
3 appointment of a surrogate parent. Sections 361 and 726 do not ~~permit~~ authorize the court to
4 make educational decisions for a child in these ~~eases-circumstances~~. The surrogate parent
5 ~~assigned-appointed~~ by the LEA acts as a parent for the purpose of making educational decisions
6 with respect to special education and related services and the provision of a free, appropriate
7 public education on behalf of the child. (Gov. Code, § 7579.5(c); Ed. Code, § 56028; 34 C.F.R.
8 § 300.30(b)(2); see 20 U.S.C. §§ 1401(9), 1414(d).) If, however, the LEA does not appoint a
9 surrogate parent in a timely manner, the court has the authority to join the LEA in the dependency
10 proceedings under section 362 and rule 5.575. In the period between the setting of the joinder
11 hearing and the appointment of a surrogate parent by the LEA, the court may make educational
12 decisions for the child under the general authority granted by section 362(a). The appointment of
13 a surrogate parent notwithstanding, the court holds the authority under sections 361 and 726 to
14 make developmental-services decisions if it cannot identify a responsible adult to do so.

15
16
17 **Rule 5.651. Educational and developmental-services decisionmaking rights of**
18 **children before the juvenile court**

- 19
20 (a) **Applicability (§§ 213.5, 319(g), 358, 358.1, 361(a), 362(a), 364, 366.21, 366.22,**
21 **366.23, 366.26, 366.27(b), 366.28, 366.3(e), 726, 727.2(e), 4500 et seq., 11404.1;**
22 **Ed. Code, §§ 48645 et seq., 48850 et seq., 49069.5, 56028, 56055, and 56155 et**
23 **seq.; Gov. Code, § ~~7579.1~~ §§ 7573–7579.6; 20 U.S.C. § 1400 et seq.; 29 U.S.C. §**
24 **794; 42 U.S.C. § 12101 et seq.)**

25
26 This rule incorporates all rights with respect to education or developmental services
27 recognized or established by state or federal law and applies: has the following
28 applicability and incorporates the rights established by the following laws:

- 29
30 (1) The rule applies To all any child, or any nonminor or nonminor dependent
31 youth, ~~ren~~ for whom a petitions have has been filed under section 300, 601,
32 or 602 until the petition is dismissed or the court has terminated dependency,
33 delinquency, or transition jurisdiction over that person; and
34
35 (2) The rule applies To every judicial hearing before the court affecting or
36 related to, or that might affect, the child’s or youth’s education or receipt of
37 developmental services, including the detention, jurisdiction, disposition,
38 and all regularly scheduled review hearings; and
39
40 (3) The rule incorporates the rights established by the following laws: the
41 Individuals With Disabilities Education Act (20 U.S.C. § 1400 et seq.), the
42 Americans With Disabilities Act (42 U.S.C. § 12101 et seq.), section 504 of
43 the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.), and the education
44 rights of foster children as provided in Assembly Bill 490 (Stats. 2003, ch.
45 862) and Assembly Bill 1858 (Stats. 2004, ch. 914).

- 46
47 (b) **Conduct of hearings related to, or that may affect, a child’s education**
48

- 1 (1) To the extent the information is available, at the initial or detention hearing
2 the court must consider:
3
- 4 (A) Who holds educational and developmental-services decisionmaking
5 rights, and identify the rights holder or holders;
6
- 7 (B) ~~Whether~~ If the child or youth is was enrolled in, and is attending, the
8 child's or youth's school of origin, as that term is as-defined in
9 Education Code section 48853.5(e)(f);
10
- 11 (C) If the child or youth is at risk of removal from or is no longer attending
12 the school of origin, whether;
13
- 14 (i) In accordance with the child's or youth's best interest, the
15 educational liaison, as ~~defined~~ described in Education Code
16 section 48853.5(b), (d), and (e), in consultation with, and with the
17 agreement of, the child or youth and the parent, ~~or~~ guardian, or
18 other person holding educational representative decisionmaking
19 rights, recommends the waiver of that the child's or youth's right
20 to attend the school of origin ~~be waived~~;
21
- 22 (ii) ~~Prior to~~ Before making any recommendation to move a foster
23 child or youth from his or her school of origin, the educational
24 liaison provided the child or youth and the person holding the
25 right to make educational decisions for the child or youth with a
26 written explanation stating of the basis for the recommendation
27 and how this recommendation serves the foster child's or youth's
28 best interest as provided in Education Code section
29 48853.5(d)(3)48853.5(e)(7);
30
- 31 (iii) If the child or youth is no longer attending the school of origin,
32 the local educational agency obtained a valid waiver of the
33 child's or youth's right to continue in the school of origin under
34 Education Code section 48853.5(e)(1) before moving the child or
35 youth from that school; ~~Without first obtaining a waiver of the~~
36 right, the child was not afforded his or her right local educational
37 agency did not permit the pupil to continue to attend his or her
38 school of origin under as required by Education Code section
39 48853.5(d)(1)48853.5(e)(1); and
40
- 41 (iv) The child or youth was immediately enrolled in the new school as
42 provided in Education Code section ~~48853.5(d)(4)~~48853.5(e)(8).
43
- 44 (D) ~~Whether~~ In a dependency proceeding, whether the parent's or
45 guardian's educational or developmental-services decisionmaking

1 rights should be temporarily limited and an educational rights holder
2 temporarily appointed using form JV-535; and
3

4 (E) Taking into account other statutory considerations regarding placement,
5 whether the out-of-home placement:
6

7 (i) Is the environment best suited to meet the ~~unique-exceptional~~
8 needs of a child~~ren~~ or youth with disabilities and to serve the
9 child's or youth's best interest if he or she has a disability; and
10

11 (ii) Promotes educational stability through proximity to the child's or
12 youth's school of origin.
13

14 (2) At the dispositional hearing and at all subsequent hearings ~~provided for~~
15 described in (a)(2), the ~~juvenile~~-court must:
16

17 (A) ~~address and~~ Consider and determine whether the child's or youth's
18 general and special-educational, physical, mental health, and
19 developmental needs, including any need for special education and
20 related services, are being met;
21

22 (B) Identify the educational rights holder on form JV-535; and
23

24 (C) Direct the rights holder to take all appropriate steps to ensure that the
25 child's or youth's educational and developmental needs are met.
26 Identify a plan for meeting those needs, and provide a clear, written
27 statement using *Findings and Orders Limiting Right to Make*
28 *Educational Decisions for the Child, Appointing Educational*
29 *Representative, and Determining Child's Educational Needs* (form JV-
30 535), specifying the person who holds the educational rights for the
31 child.
32

33 The court's findings and orders must address the following:
34

35 (AD) Whether the child's or youth's educational, physical, mental health, and
36 developmental services needs are being met;
37

38 (BE) ~~Any~~ What services, assessments, or evaluations, including those for
39 developmental services or for special education and related services,
40 ~~that~~ the child or youth may need;
41

42 (CF) Who is ~~directed to~~ must take the necessary steps for the child or youth
43 to begin receiving receive any necessary assessments, evaluations, or
44 services;
45

1 (D) If the child's or youth's educational placement changed during the
2 reporting period under review, whether:

3
4 (i) The child's or youth's educational records, including any
5 evaluations of a child or youth with a disability, were transferred
6 to the new educational placement within two business days of the
7 request for the child's or youth's enrollment in the new
8 educational placement; and

9
10 (ii) The child or youth is enrolled in and attending school; and

11
12 (E) Whether the parent's or guardian's educational or developmental-
13 services decisionmaking rights should be limited or, if previously
14 limited, whether those rights should be restored;

15
16 (i) If the court finds that the parent's or guardian's educational or
17 developmental-services decisionmaking rights should not be
18 limited or should be restored, the court must direct explain to the
19 parent or guardian to his or her rights and responsibilities in
20 regard to the child's education and developmental services as
21 provided in rule 5.650(e), and (f), and (j); or

22
23 (ii) If the court finds that the parent's or guardian's educational or
24 developmental-services decisionmaking rights should be or
25 remain limited, the court must determine who will hold the
26 child's educational designate the holder of those rights. The court
27 must explain to the parent or guardian why the court is limiting
28 his or her educational or developmental-services decisionmaking
29 rights and must direct the parent or guardian to explain the rights
30 and responsibilities of the educational rights holder representative
31 as provided in rule 5.650(e), and (f), and (j); and

32
33 (I) Whether, in the case of a nonminor or nonminor dependent youth who
34 has chosen not to make educational or developmental-services
35 decisions for himself or herself or has been deemed incompetent, it is in
36 the best interests of the youth to appoint or to continue the appointment
37 of an educational rights holder.

38
39 (c) **Reports for hearings related to, or that may affect, a child's education or**
40 **developmental services**

41
42 This subdivision applies at all hearings, including dispositional and joint
43 assessment hearings. The court must ensure that, to the extent the information was
44 available, the social worker and/or the probation officer provided the following
45 information in the report for the hearing:
46

- 1 (1) ~~The child's or youth's age, behavior, educational level, and developmental~~
2 ~~achievement status; and any discrepancies in between that person's age and~~
3 ~~his or her level of achievement in education and in or level of cognitive,~~
4 ~~physical, and emotional development;~~
5
6 (2) ~~Identification of~~ The child's or youth's educational, physical, mental health,
7 or developmental needs;
8
9 (3) Whether the child or youth is participating in developmentally appropriate
10 extracurricular and social activities;
11
12 (4) Whether the child or youth is attending a comprehensive, regular, public or
13 private school;
14
15 (5) Whether the child or youth may have physical, mental, or learning-related
16 disabilities or other special education needs and is in need of or is already
17 receiving characteristics indicating a need for developmental services or
18 special education and related services as provided by the laws incorporated in
19 rule 5.651(a)(3) state or federal law;
20
21 (6) If the child is 0 to 3 years old, whether the child may be eligible for or is
22 already receiving early intervention services or services available under the
23 California Early Intervention Services Act (Gov. Code, § 95000 et seq.); and
24 whether those services are appropriate, if the child is already receiving
25 services, the specific nature of those services;
26
27 (7) If the child is between 3 and 5 years old and is or may be eligible for special
28 education and related services, whether the child is receiving the early
29 educational opportunities provided by Education Code section 56001 and, if
30 so, the specific nature of those opportunities;
31
32 (8) Whether the child or youth is receiving appropriate special education and
33 related services or any other services through a current individualized
34 education program and, if so, the specific nature of those services;
35
36 (i) A copy of the current individualized education program should be
37 attached to the report unless disclosure would create a risk of harm. In
38 that case, the report should explain the risk.;
39
40 (9) Whether the child or youth is receiving services under section 504 of the
41 Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.) and, if so, the specific
42 nature of those services;
43
44 (i) A copy of any current Section 504 plan should be attached to the report
45 unless disclosure would create a risk of harm. In that case, the report
46 should explain the risk.;

1
2 (10) Whether the child or youth is or may be eligible for ~~regional center~~
3 developmental services or is already receiving ~~regional center developmental~~
4 services and, if that person is already receiving services, the specific nature of
5 those services;
6

7 (i) ~~Copies~~ A copy of the any current individualized family service plan as
8 defined in section 1436 under title 20 of the United States Code and the
9 current life quality assessments as defined in Welfare and Institutions
10 Code section 4570 or individual program plan should be attached to the
11 report unless disclosure would create a risk of harm. In that case, the
12 report should explain the risk.;
13

14 (~~10~~11) Whether the parent's or guardian's educational or developmental-
15 services decisionmaking rights have been or should be limited or restored;
16

17 (~~11~~12) If the social worker or probation officer recommends that the court
18 limiting the parent's or guardian's rights to make educational or
19 developmental-services decisions, the reasons those rights should be limited
20 and the actions that the parent or guardian may take to restore those rights if
21 they are limited;
22

23 (~~12~~13) If the parent's or guardian's educational or developmental-services
24 decisionmaking rights have been limited, ~~who holds the identity of the child's~~
25 designated or appointed educational rights holder or surrogate parent;
26

27 (~~13~~14) Recommendations and case plan goals to meet the child's or youth's
28 identified educational, physical, mental health, and developmental-services
29 needs, including all related information listed in section 16010(a) as required
30 by section 16010(b);
31

32 (~~14~~15) Whether any orders to direct an appropriate person to take the
33 necessary steps for the child to ~~begin receiving~~ receive assessments,
34 evaluations, or services, including those for developmental services or for
35 special education and related services, are requested; and
36

37 (~~15~~16) In the case of a joint assessments, a separate statements by each of the
38 two departments regarding the child welfare department and the probation
39 department, each addressing whether the respective social worker and
40 probation officer believe that the child or youth may have a disability and
41 whether the child or youth is in needs of developmental services or special
42 education and related services or requires-qualifies for any assessment or
43 evaluation as required by title 20 United States Code section 1412(a)(3),
44 Education Code section 56425, or section 504 of the Rehabilitation Act of
45 1973 required by state or federal law.
46

1 (d) **Continuances or stay of jurisdiction, stay, or suspension (§§ 357, 358, 702, 705)**

2
3 If ~~any continuance provided for in~~ the court continues the dispositional hearing
4 under rules 5.686 and or 5.782 or stays of jurisdiction provided for in the
5 proceedings or suspends jurisdiction under rule 5.645 is granted, the child must
6 continue to receive all services or accommodations required by ~~the laws~~
7 incorporated in rule 5.651(a)(3) state or federal law.
8

9 (e) **Change of placement affecting the child's or youth's educational stability right**
10 **to attend the school of origin (§§ 16010, 16010.6; Ed. Code §§ 48850–48853.5)**

11
12 This subdivision applies to all changes of placement, including the initial
13 placement and ~~all~~ any subsequent changes of placement.
14

15 (1) At any hearing ~~that relates to or may affect the child's education and to which~~
16 this rule applies that follows a decision to change the child's or youth's
17 placement to a location that could lead to removal of the child from the
18 school of origin, the placement agency must demonstrate that, and the court
19 must find that determine whether:
20

21 (A) The social worker or probation officer notified the court, the child's or
22 youth's attorney, and the educational representative rights holder or
23 surrogate parent, no more than one court day after making the
24 placement decision, that of the proposed placement or change of
25 placement decision, would result in a the pupil's removal of the child
26 from the child's school of origin. The court must find that the notice
27 was provided within 24 hours, excluding nonjudicial days, of the social
28 worker's or probation officer's determination that the proposed change
29 of placement would result in removal of the child from the school of
30 origin.
31

32 (B) If the child or youth had a disability and an active individualized
33 education program ~~prior to~~ before removal, the social worker or
34 probation officer, at least 10 days before the change of placement,
35 notified in writing the local educational agency that provided a special
36 education program for the child or youth before ~~prior to~~ removal and
37 the receiving special education local plan area, as ~~defined~~ described in
38 Government Code section 7579.1, of the impending change of
39 placement.
40

41 (2) After receipt of the notice in (1):
42

43 (A) The child's or youth's attorney must, as appropriate, discuss the
44 proposed ~~move from~~ placement change and its effect on the child's or
45 youth's right to attend the school of origin with the child or youth and
46 the person who holds educational rights. The child's or youth's attorney

1 may request a hearing by filing *Request for Hearing Regarding Child's*
2 *Education* (form JV-539). If requesting a hearing, the child's attorney
3 must:

4
5 (i) * * *

6
7 (ii) Provide notice of the ~~court hearing date~~, which will be no later
8 than ~~seven calendar~~ five court days after the form was filed, to
9 the parents or guardians, unless otherwise indicated on form JV-
10 535, parental rights have been terminated, or the youth has
11 reached 18 years of age and reunification services have been
12 terminated; the social worker; ~~the~~ or probation officer; the
13 educational ~~representative rights holder~~ or surrogate parent; the
14 foster youth educational liaison, as defined in Education Code
15 section 48853.5; the Court Appointed Special Advocate (CASA)
16 volunteer; and all other persons required by or entities entitled to
17 notice under section 293.

18
19 (B)-(C) * * *

20
21 (3) If removal from the school of origin is disputed, the child or youth must be
22 allowed to remain in the school of origin pending this hearing and pending
23 the resolution of any disagreement between the child or youth, the parent,
24 guardian, or educational representative rights holder, and the school district
25 local educational agency.

26
27 (4) If the court sets a hearing, the child's attorney, or the person who holds
28 educational rights requests a hearing, at the hearing the court must find that
29 the social worker or probation officer must provided a report no later than
30 two court days after form JV 539 was filed and the hearing is set that the
31 report included includes the information required by (b)(1)(C)(i) and (ii) and
32 as well as the following:

33
34 (A) Whether the foster child or youth has been allowed to continue his or
35 her education in the school of origin ~~for the duration of the academic~~
36 school year to the extent required by Education Code section
37 48853.5(e)(1);

38
39 (B) Whether a dispute exists regarding the request of a foster child or youth
40 to remain in the school of origin and whether the foster child or youth
41 has been ~~afforded the right~~ allowed to remain in the school of origin
42 pending resolution of the dispute;

43
44 (C) Information addressing whether the information sharing and other
45 requirements in section 16501.1(c)(24) and Education Code section
46 49069.5 have been followed met;

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- (D) Information addressing how the proposed change serves the best interest of the child or youth;
- (E) The responses ~~to the proposed change of placement from~~ of the child, if over 10 years old, or youth; the child's or youth's attorney; the parent, ~~or guardian,~~ or other educational rights holder; the foster youth educational liaison, ~~as defined in Education Code section 48853.5;~~ and the child's or youth's CASA volunteer to the proposed change of placement, specifying whether each person agrees or disagrees with the proposed change and, if any person disagrees, stating why the reasons; and
- (F) ~~A statement from the person holding educational rights regarding whether the proposed change of placement is in the child's best interest and what efforts have been made to keep the child in the school of origin; and~~
- (G) A statement from the social worker or probation officer confirming that the child or youth has not been segregated in a separate school, or in a separate program within a school, ~~based on the child's status as a child because the child or youth is placed in foster care.~~

(f) Court review of proposed change of placement affecting the ~~child's~~ right to attend the school of origin

- (1) At ~~the a~~ hearing set under (e)(2), the court must:
 - (A) Determine whether the placement agency and other relevant parties and advocates have fulfilled their obligations under section 16000(b), 16010(a), and 16501.1(f)(8);
 - (B) Determine whether the proposed school placement meets the requirements of this rule and Education Code sections 48853.5 and 49069.5, and whether the ~~proposed plan~~ placement is based on in the best interest of the child or youth;
 - (C) Determine what actions are necessary to ensure the protection of the child's or youth's educational and developmental-services ~~disability~~ rights; and
 - (D) Make ~~the necessary any~~ findings and orders needed to enforce ~~these~~ those rights, which may include an order to set a hearing under section 362 to join the necessary agencies regarding provision of services, including the provision of transportation services, so that the child or youth may remain in his or her school of origin.

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(2) When considering whether it is in the child's or youth's best interest to ~~remain in~~ remove him or her from the school of origin, the court must consider the following:

- (A) Whether the parent, guardian, or other educational ~~representative rights~~ holder believes that ~~remaining in removal from~~ the school of origin is in the child's or youth's best interest;
- (B) How the proposed change of placement will affect the stability of the child's or youth's school placement and the child's or youth's access to academic resources, services, and extracurricular and enrichment activities;
- (C) Whether the proposed school placement would allow the child or youth to be placed in the least restrictive educational program; and
- (D) Whether the child or youth has the educational and developmental services and supports ~~necessary~~, including those for special education and related services, necessary to meet state academic achievement standards.

(3) * * *

Advisory Committee Comment

~~This rule incorporates the requirement of, and rights established by, Assembly Bill 490 (Steinberg; Stats. 2003, ch. 862), Assembly Bill 1858 (Steinberg; Stats. 2004, ch. 914), the Individuals With Disabilities Education Act (IDEA), the Americans With Disabilities Act (ADA), and section 504 of the Rehabilitation Act of 1973. This rule does not limit these requirements or rights. To the extent necessary, this rule establishes procedures to make these laws meaningful to children in foster care.~~

~~With the passage of Assembly Bill 490, A child or youth in, or at risk of entering, foster care has a statutory right to a meaningful opportunity to meet the state's academic achievement standards to which all students are held. To afford the child protect this right, the juvenile court, advocates, placing agencies, care providers, ~~and~~ educators, and service providers must work together to maintain stable school placements and ensure that the child or youth is placed in the least restrictive educational programs and has access to the academic resources, services, and extracurricular and enrichment activities that are available to other ~~students~~ pupils. This rule, sections 362 and 727, and rule 5.575 provide procedures for ~~ensuring~~ coordinating the provision of services to ensure that the child's or youth's educational and developmental ~~services~~ needs are met.~~

Congress has found that improving the educational performance of children with disabilities is an essential prerequisite to ensuring their equality of opportunity, full participation in education, and economic self-sufficiency. Children and youth in foster care are disproportionately represented in the population of ~~children~~ pupils with disabilities and ~~inherently~~ face systemic challenges to attaining self-sufficiency. Children and youth in foster care have rights arising out of federal and

1 state law, including the IDEA, the ADA, and section 504 of the Rehabilitation Act of 1973. To
2 comply with federal requirements regarding the identification of children and youth with
3 disabilities and the provision of services to those children and youth who qualify, the court,
4 parent or guardian, placing agency, attorneys, CASA volunteer, local educational agencies, and
5 educational ~~representatives~~ rights holders must affirmatively address the child's or youth's
6 educational and developmental-services needs. The court must continually inquire about the
7 educational and developmental-services needs of the child or youth and the progress being made
8 to enforce any rights the child or youth has under these laws.
9

10
11 **Rule 5.660. Attorneys for parties (§§ 317, 317.6, 353, 366.26, 16010.6, 366.26)**

12
13 (a)–(c) * * *

14
15 (d) **Competent counsel**

16 * * *

17
18
19 (1)–(4) * * *

20
21 (5) *Attorney contact information*

22
23 The attorney for a child for whom a dependency petition has been filed must
24 provide his or her contact information to the child's caregiver no later than 10
25 days after receipt of the name, address, and telephone number of the child's
26 caregiver. If the child is 10 years of age or older, the attorney must also
27 provide his or her contact information to the child for whom a dependency
28 petition has been filed no later than 10 days after receipt of the caregiver's
29 contact information. The attorney may give contact information to a child for
30 whom a dependency petition has been filed who is under 10 years of age. At
31 least once a year, if the list of educational liaisons is available online from the
32 California Department of Education, the child's attorney must provide, in any
33 manner permitted by section 317(e)(4), his or her contact information to the
34 educational liaison of each local educational agency serving the attorney's
35 clients in foster care in the county of jurisdiction.
36

37 (6) * * *

38
39 (e)–(g) * * *

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41
42 **Rule 5.695. Findings and orders of the court—disposition**

43
44 (a)–(b) * * *

45
46 (c) **Limitations on parental control (§§ 245.5, ~~319, 361, 362~~; Gov. Code, § 7579.5)**
47

1 (1)–(2) * * *

2
3
4 (3) The court must consider whether it is necessary to limit the rights of the
5 parent or guardian to make educational or developmental-services decisions
6 for the child or youth. If the court limits ~~the those rights~~, it must follow the
7 procedures ~~stated in rules 5.649–5.650~~1.

8
9 (d)–(e) * * *

10
11 (f) **Family-finding determination (§ 309)**

12
13 (1) ~~The~~If the child is removed, the court must consider whether the social worker
14 has ~~used~~exercised due diligence in conducting the investigation to identify,
15 locate, and notify the child’s relatives. The court may consider the activities
16 listed in (g) as examples of due diligence~~the activities listed in subdivision~~
17 ~~(g) of this rule~~.

18
19 If the disposition hearing is continued, the court may set a hearing to be held
20 at any time after 30 days from the date of removal or as soon as possible
21 thereafter to consider whether the social worker has ~~used~~exercised due
22 diligence in conducting the investigation to identify, locate, and ~~contact~~
23 notify the child’s relatives.

24
25 (2) ~~The court must make one of the following findings:~~

26
27 (A) ~~The social worker has used due diligence in conducting its the~~
28 ~~investigation to identify, locate, and notify the child’s relatives; or~~

29
30 (B) ~~The social worker has not used due diligence in conducting its~~
31 ~~investigation to identify, locate, and notify the child’s relatives. If the~~
32 ~~court makes this finding, the court may order the social worker to use~~
33 ~~due diligence in conducting an investigation to identify, locate, and~~
34 ~~notify the child’s relatives—except for any individual the social worker~~
35 ~~identifies who is inappropriate to notify under rule 5.637(b)—and may~~
36 ~~require a written or oral report to the court at a later time.~~

37
38 (2) If the court finds that the social worker has not exercised due diligence, the
39 court may order the social worker to exercise due diligence in conducting an
40 investigation to identify, locate, and notify the child’s relatives—except for
41 any individual the social worker identifies as inappropriate to notify under
42 rule 5.637(b)—and may require a written or oral report to the court.

43
44 (g) **Due Diligence (§ 309)**

1 When making the ~~finding inquiry~~ required ~~under paragraph in~~ (f)(2) of this rule, the
2 court may consider, among other examples of due diligence ~~to identify, locate, and~~
3 ~~notify the child's relatives~~, whether the social worker has done any of the
4 following:

5
6 (1)–(7) * * *

7
8 **(h) Provision of reunification services (§ 361.5)**

9
10 (1)–(13) * * *

11
12 (14) If, with the exception of (6)(A), the court orders no reunification services for
13 every parent otherwise eligible for such services under ~~(1)~~ (1) and (2), the
14 court must conduct a hearing under section 366.26 within 120 days and:

15
16 (A) Order that the social worker provide a copy of the child's birth
17 certificate to the caregiver consistent with sections 16010.4(e)(5) and
18 16010.5(b)–(c); and

19
20 (B) Order that the social worker provide a child or youth 16 years of age or
21 older with a certified copy of his or her birth certificate unless the court
22 finds that provision of the birth certificate would be inappropriate.

23
24 (15)–(19) * * *

25
26 **(i)–(j)** * * *

27
28
29 **Rule 5.708. General review hearing requirements**

30
31 **(a)** * * *

32
33 **(b) Notice of hearing (§ 293)**

34
35 The petitioner or the ~~court~~ clerk must serve written notice of review hearings on
36 *Notice of Review Hearing* (form JV-280), in the manner provided in section 293, to
37 all persons or entities entitled to ~~required to receive~~ notice under section 293 and to
38 any CASA volunteer, educational rights holder, or surrogate parent ~~who has been~~
39 ~~appointed on a given~~ the case.

40
41 **(c)–(e)** * * *

42
43 **(f) Child's Educational and developmental-services needs (§§ 361, 366, 366.1,**
44 **366.3)**

1 The court must consider the child's educational and developmental-services needs
2 of each child and nonminor or nonminor dependent youth, including whether it is
3 necessary to limit the rights of the parent or legal guardian to make educational or
4 developmental-services decisions for the child or youth. If the court limits those
5 rights or, in the case of a nonminor or nonminor dependent youth who has chosen
6 not to make educational or developmental-services decisions for him- or herself or
7 has been deemed incompetent, finds that appointment would be in the best interests
8 of the youth, the court must appoint a responsible adult as the educational rights
9 holder as defined in rule 5.502. Any limitation on the rights of a parent or guardian
10 to make educational or developmental-services decisions for the child or youth
11 must be specified in the court order. The court must follow the procedures in rules
12 5.649–5.651, following the requirements and procedures in rules 5.650 and 5.651
13 and in section 361(a).

14
15 (g) **Case plan (§§ 16001.9, 16501.1)**

16
17 The court must consider the case plan submitted for the hearing and must ~~find as~~
18 follows determine:

- 19
20 (1) Whether the child or youth was actively involved, as age- and
21 developmentally appropriate, in the development of his or her own case plan
22 and plan for permanent placement as age and developmentally appropriate;
23 or
24
25 ~~(2) The child was not actively involved in the development of his or her own~~
26 ~~case plan and plan for permanent placement. If the court makes such a~~
27 ~~finding finds that the child or youth was not appropriately involved, the court~~
28 must order the agency to actively involve the child or youth in the
29 development of his or her own case plan and plan for permanent placement,
30 unless the court finds that the child is unable, unavailable, or unwilling to
31 participate; ~~and~~
32
33 ~~(3) Whether each parent was actively involved in the development of the case~~
34 plan and plan for permanent placement; ~~or~~
35
36 ~~(4) Each parent was not actively involved in the development of the case plan~~
37 ~~and plan for permanent placement. If the court makes such a finding finds~~
38 that any parent was not actively involved, the court must order the agency to
39 actively involve each that parent in the development of the case plan and plan
40 for permanent placement, unless the court finds that each the parent is unable,
41 unavailable, or unwilling to participate; ~~and~~
42
43 ~~(5) (3) In the case of an Indian child, whether the agency consulted with the Indian~~
44 child's tribe, as defined in rule 5.502, and the tribe was actively involved in
45 the development of the case plan and plan for permanent placement,

1 including consideration of ~~whether~~ tribal customary adoption ~~is as an~~
2 appropriate permanent plan for the child if reunification is unsuccessful; ~~or~~
3

4 ~~(6) In the case of an Indian child, the agency did not consult with the child's~~
5 ~~tribe. If the court makes such a finding finds that the agency did not consult~~
6 ~~the Indian child's tribe, the court must order the agency to consult with the~~
7 ~~tribe do so, unless the court finds that the tribe is unable, unavailable, or~~
8 ~~unwilling to participate; and~~
9

10 ~~(7)(4) For a child or youth 12 years of age or older and in a permanent placement,~~
11 ~~the court must make a finding whether or not the child was given the~~
12 ~~opportunity to review the case plan, sign it, and receive a copy. If the court~~
13 ~~finds that the child or youth was not given this opportunity, the court must~~
14 ~~order the agency to give the child the opportunity to review the case plan,~~
15 ~~sign it, and receive a copy.~~
16

17 (h)–(m) * * *

18
19 (n) **Requirements upon setting a section 366.26 hearing (§§ 366.21, 366.22, 366.25)**

20 * * *

21
22
23 (1) The court must terminate reunification services to the parent or legal
24 guardian; and:
25

26 (A) Order that the social worker provide a copy of the child's birth
27 certificate to the caregiver as consistent with sections 16010.4(e)(5) and
28 16010.5(b)–(c); and
29

30 (B) Order that the social worker provide a child or youth 16 years of age or
31 older with a copy of his or her birth certificate unless the court finds
32 that provision of the birth certificate would be inappropriate.
33

34 (2)–(6) * * *

35
36 (o) * * *

37
38
39 **Rule 5.790. Orders of the court**
40

41 (a) * * *

42
43 (b) **Conditions of probation (§§ 725, 726, 727, 729.2, 729.9, 729.10)**
44

45 (1) If the child is placed on probation, with or without wardship, the court must
46 set reasonable terms and conditions of probation. Unless the court finds and states

1 its reasons on the record that any of the following conditions is inappropriate, the
2 court must:

3
4 ~~(A)~~(1) Require the child to attend school;

5
6 ~~(B)~~(2) Require the parent to participate with the child in a counseling or
7 education program; and

8
9 ~~(C)~~(3) Require the child to be at the child's residence between 10:00 p.m. and
10 6:00 a.m. unless accompanied by a parent or a guardian or an adult custodian.

11
12 ~~(2) If the child is declared a ward, the court may limit the control over the child~~
13 ~~by a parent or guardian. Orders must clearly specify the limitations.~~

14
15 (c)–(e) * * *

16
17 **(f) Family-finding determination (§ 628(d))**

18
19 (1) If the child is detained and at risk of entering foster care, the court must
20 consider whether the probation officer has exercised due diligence in
21 conducting the investigation to identify, locate, and notify the child's
22 relatives. The court may consider the activities listed in (g) as examples of
23 due diligence.

24
25 If the dispositional hearing is continued, the court may set a hearing to be
26 held 30 days from the date of detention or as soon as possible thereafter to
27 consider whether the probation officer has exercised due diligence in
28 conducting the investigation to identify, locate, and notify the child's
29 relatives.

30
31 (2) If the court finds that the probation officer has not exercised due diligence,
32 the court may order the probation officer to exercise due diligence in
33 conducting an investigation to identify, locate, and notify the child's
34 relatives—except for any individual the probation officer identifies who is
35 inappropriate to notify under rule 5.637(b)—and may require a written or oral
36 report to the court.

37
38 **(g) Due Diligence**

39
40 When making the inquiry required under (f), the court may consider, among other
41 examples of due diligence, whether the probation officer has done any of the
42 following:

43
44 (1) Asked the child, in an age-appropriate manner and consistent with the child's
45 best interest, about his or her relatives;

- 1 (2) Obtained information regarding the location of the child’s relatives;
- 2
- 3 (3) Reviewed the child’s case file for any information regarding relatives;
- 4
- 5 (4) Telephoned, e-mailed, or visited all identified relatives;
- 6
- 7 (5) Asked located relatives for the names and locations of other relatives;
- 8
- 9 (6) Used Internet search tools to locate relatives identified as supports; or
- 10
- 11 (7) Developed tools, including a genogram, family tree, family map, or other
- 12 diagram of family relationships, to help the child or parents to identify
- 13 relatives.
- 14

15 **(f)(h) Wardship orders (§§ 726, 727, 727.1, 730, 731)**

16

17 The court may make any reasonable order for the care, supervision, custody,

18 conduct, maintenance, support, and medical treatment of a child ~~declared~~ adjudged

19 a ward of the court.

20

21 (1)–(4) * * *

22

23 (5) The court may limit the control exercised over the ward by a parent or

24 guardian. Orders must clearly specify all limitations. In particular, the court

25 must consider whether it is necessary to limit the rights of the parent or

26 guardian to make educational or developmental-services decisions for the

27 child. If the court limits ~~this right~~ those rights, it must follow the procedures

28 stated in rules 5.649–5.6501.

29

30 **(g)(i) * * ***

31

32 **(h)(j) * * ***

33

34

35 **Rule 5.810. Reviews, hearings, and permanency planning**

36

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

38 * * *

39

40

41 (1)–(2) * * *

42

43 (3) *Findings and orders (§ 727.2~~(d)~~(e))*

44

45 The court must consider the safety of the ward and make findings and orders

46 that determine the following:

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(A)–(B) * * *

(C) Whether it is necessary to limit the rights of the parent or guardian to make educational or developmental-services decisions for the child. If the court limits ~~this right~~ those rights or, if the ward is 18 years of age or older and has chosen not to make educational or developmental-services decisions for him- or herself or has been deemed incompetent, finds that it is in the best interests of the ward, ~~if the court~~ must appoint a responsible adult as the educational ~~representative~~ rights holder as defined in rule 5.502. Any limitation on the rights of a parent or guardian to make educational or developmental-services decisions for ~~the child~~ a ward must be specified in the court order. The court must follow the procedures ~~stated~~ in rules 5.649–5.650;

(D)–(E) * * *

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

(G) Whether ~~or not~~ the child or youth was actively involved, as age- and developmentally appropriate, in the development of his or her own case plan and plan for permanent placement. If the court ~~makes such a finding~~ finds that the child or youth was not appropriately involved, the court must order the probation department to actively involve the child or youth in the development of his or her own case plan and plan for permanent placement, unless the court finds that the child or youth is unable, unavailable, or unwilling to participate; and

(H) Whether each parent was actively involved in the development of the case plan and plan for permanent placement; ~~or~~

~~(I) Each parent was not actively involved in the development of the case plan and plan for permanent placement. If the court makes such a finding~~ finds that any parent was not actively involved, the court must order the ~~agency~~ probation department to actively involve ~~each that~~ parent in the development of the case plan and plan for permanent placement, unless the court finds that ~~each the~~ parent is unable, unavailable, or unwilling to participate.

(4) Basis for Findings and Orders (§ 727.2(e))

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

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

3
4 * * *

5
6 (1) * * *

7
8 (2) *Findings and orders* (§§ 727.2(e), 727.3(a))
9

10 At each permanency planning hearing, the court must consider the safety of
11 the ward and make findings and orders regarding the following:

12
13 (A)–(C) * * *

14
15 (D) The permanent plan for the child or youth, as described in (3);

16
17 (E) Whether ~~or not~~ the child or youth was ~~not~~ actively involved, as age-
18 and developmentally appropriate, in the development of his or her own
19 case plan and plan for permanent placement. If the court finds that the
20 child or youth was not ~~actively~~ appropriately involved, ~~in the~~
21 ~~development of his or her own case plan and plan for permanent~~
22 ~~placement~~, the court must order the probation officer to actively
23 involve the child or youth in the development of his or her own case
24 plan and plan for permanent placement, unless the court finds that the
25 child or youth is unable, unavailable, or unwilling to participate; and
26

27 (F) Whether each parent was actively involved in the development of the
28 case plan and plan for permanent placement, ~~;~~ ~~or~~

29
30 ~~(G) Each parent was not actively involved in the development of the case~~
31 ~~plan and plan for permanent placement.~~ If the court ~~makes such a~~
32 ~~finding~~ finds that any parent was not actively involved, the court must
33 order the agency probation department to actively involve ~~each that~~
34 parent in the development of the case plan and plan for permanent
35 placement, unless the court finds that ~~each the~~ parent is unable,
36 unavailable, or unwilling to participate.
37

38 (3)–(4) * * *

39
40 (c) **Postpermanency status review hearings (§ 727.2)**

41
42 * * *

43
44 (1) * * *

45
46 (2) *Findings and orders* (§ 727.2(g))

1
2 At each postpermanency status review hearing, the court must consider the
3 safety of the ward and make findings and orders regarding the following:
4

5 (A)–(C) * * *

6
7 (D) Whether ~~or not~~ the child or youth was actively involved, as age- and
8 developmentally appropriate, in the development of his or her own case
9 plan and plan for permanent placement. If the court ~~makes such a~~
10 ~~finding~~ finds that the child or youth was not appropriately involved, the
11 court must order the agency-probation department to actively involve
12 the child or youth in the development of his or her own case plan and
13 plan for permanent placement, unless the court finds that the child or
14 youth is unable, unavailable, or unwilling to participate.
15

16 **(d) Notice of hearings; service; contents (§ 727.4)**
17

18 Not earlier than 30 nor later than 15 calendar days before each hearing date, the
19 probation officer must serve written notice on all persons ~~required~~ entitled to
20 ~~receive~~ notice under section 727.4, as well as the ~~child's present~~ current caregiver,
21 any CASA volunteer or educational rights holder, and ~~the all~~ counsel of record. A
22 *Notice of Hearing—Juvenile Delinquency Proceeding* (form JV-625) must be used.
23

24 **(e) Report (§§ 706.5, 706.6, 727.2(c), 727.3(a)(1), 727.4(b))**
25

26 Before each hearing described above, the probation officer must investigate and
27 prepare a social study report, ~~including an updated case plan~~, that must include an
28 updated case plan and all of the information required in sections 706.5, 706.6,
29 727.2, and 727.3.
30

31 (1)–(2) * * *

32
33 **(f) * * ***

JV-180

Request to Change Court Order

This form can be used to ask the court to change an order, to ask the court to dismiss your case, to ask the court to terminate reunification services, or to ask the court to recognize your relationship with your sister or brother. After filling out this form, take it to the clerk of the court.

Clerk stamps date here when form is filed.

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

Fill in child's name and date of birth:
Name of Child or Youth:

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

- 1 Your information:
- a. I am the:
- child or youth
 - mother
 - father
 - legal guardian
 - foster parent
 - sibling or other relative (specify): _____
 - social worker
 - probation officer
 - attorney
 - other _____
- b. My name: _____
- c. My address: _____
- d. My city, state, zip code: _____
- e. My telephone number: _____
- f. If you are an attorney:
- My client's name: _____
- My client's address (if confidential, see item 3): _____
- My client's relationship to the child or youth: _____
- My 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 an order.
 - b. I am asking the court to terminate its jurisdiction.
 - c. I am asking the court to terminate reunification services.
 - d. I am asking the court to recognize my relationship with my brother or sister.
 - (1) I am related to him or her on our mother's side on our father's side.
 - (2) I am related to him or her by blood or adoption by marriage.

3 If you want to keep your address or your client's 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 or youth's information:
- a. Name: _____
- b. Date of birth: _____
- c. Attorney (if known): _____
- d. The child or youth lives with or in a (check all that apply):
- parent
 - legal guardian
 - relative
 - foster home
 - group home
 - I don't know
- e. Name of the person the child or youth lives with or the place where he or she lives: _____
- Address: _____
- Check here if unknown.



Case Number: _____

Name of child or youth: _____

5 Information about parents, legal guardians, and others:

a. Names of 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. Indian tribe (if applicable and known):

e. CASA volunteer (if applicable and known):

f. Educational rights holder (if applicable and known):

g. Social worker or probation officer (if applicable and known):

If you are asking the court to recognize your relationship with your brother or sister but not asking the court to change an order, you may skip to item 8.

6 On (date, if known): _____ the judge made the following order that I think should be changed:

7 What has happened since that order that might change the judge's mind? (Give new information that the judge did not have when the order was made):

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

9 Why would the requested order or action be better for the child or youth?

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: _____



Name of child or youth: _____

11 I have had a copy of my request sent to the people listed below, as applicable. I have checked the correct box to the right of each name to show whether, as far as I know, that person agrees 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) or youth: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Child's or youth's attorney: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parent: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parent: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal guardian: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal guardian: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Social worker: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Probation officer: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Current caregiver/foster parent: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Preadoptive parent: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CASA volunteer: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Educational rights holder: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indian tribe: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indian custodian: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sibling (if petition filed & 10+ years old:) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sibling's caregiver: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sibling's attorney: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attorney for parent/legal guardian: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attorney for parent/legal guardian: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
County counsel: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District attorney: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12 You can ask the judge to make a decision without a court hearing if all the people named 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 the best of my knowledge.

Date: _____

 Type or print name

 Signature

Clerk stamps date here when form is filed.

To the social worker or probation officer: If the parent or guardian needs help completing this form, please help him or her.

To the parent or guardian: Complete and sign this form. If you need more space to answer, attach one or more sheets of paper to this form and write "JV-225" at the top of each page. The information requested on this form is necessary to meet the medical, dental, mental health, educational, and developmental needs of your child. The court has directed you to provide your child's medical, dental, mental health, educational, and developmental information. The court has also directed you to provide your medical, dental, mental health, and educational information and, if you know, the same information about the other parent or guardian. If you need help, the social worker or probation officer will help you fill out this form.

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in case number when form is filed.

Case Number:

1 Your name: _____
Your relationship to child: _____
Your home address: _____
City: _____ State: _____ Zip code: _____
Your mailing address: _____
City: _____ State: _____ Zip code: _____
Your telephone number: _____

2 Your child's name: _____
a. Your child's date of birth: _____
b. Where was your child born? _____
City: _____ State: _____ Country: _____

c. Hospital: _____
d. Your child's birth weight: _____

Child's Health

3 Does your child have any physical or mental health challenges? Yes No
If yes, is your child receiving any assistance, services, or treatment for these problems? (Explain):
a. Allergies: _____
b. Injuries: _____
c. Diseases: _____
d. Disabilities: _____
e. Other: _____
f. Other: _____

4 Has your child ever been admitted to the hospital for care or treatment of any of the conditions in item 3)?
 Yes No
If yes, please explain: _____

5 Is your child taking any medication? Yes No
If yes, please list each medication and explain why your child is taking it:
Medication and dosage Reason for taking medication Date begun



Child's name: _____

6 When was your child last seen by a doctor?

Date: _____

Doctor's name: _____

Office address: _____

Mailing address (if different): _____

Telephone number: _____

7 When was your child last seen by a dentist?

Date: _____

Dentist's name: _____

Office address: _____

Mailing address (if different): _____

Telephone number: _____

8 List the names of all doctors, nurses, dentists, hospitals, clinics, and other health-care providers and healers, other than those listed in 6 and 7, who have seen your child within the past two years:

Name	Address (city, state, zip code)	Date of last visit	Reason for visit
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

9 What doctor, nurse, dentist, hospital, clinic, or other health-care provider has health records regarding your child?

- a. Medical records: _____
- b. Dental records: _____
- c. Mental health records: _____
- d. Other: _____

10 When was your child's eyesight last tested?

Date of examination: _____

Who examined your child's sight? _____

Address (include city, state, zip code): _____

Telephone number: _____

11 Does your child wear glasses or contact lenses? Yes No

12 Does your child wear a hearing aid? Yes No

13 Is your child covered by an insurance policy?

- a. Medical Yes No (If yes, specify insurance policy): _____
- b. Dental Yes No (If yes, specify insurance policy): _____
- c. Vision Yes No (If yes, specify insurance policy): _____

Child's Education

14 When your child was living with you, what school did your child attend?

Name of school: _____

Address (include city, state, zip code): _____

- a. Is your child still allowed and able to attend this school? Yes No
- b. If no, did you agree to give up your child's right to remain at this school? Yes No



Child's name: _____

14 c. When your child was living with you, was your child receiving, or had your child received, any assistance or help at school or any assessments, evaluations, services, or accommodations to help your child with any physical, mental, or learning-related disabilities or other special educational needs? Yes No

(1) If yes, what assessments, evaluations, services, or accommodations was your child receiving?

(2) Who gave your child these educational or developmental services?

d. Has your child ever been referred to a regional center for developmental services? Yes No

If yes, list the name and location of the regional center and the date of the referral.

e. If applicable, do you have a copy of your child's individualized education program (IEP), section 504 plan, individualized family service plan (IFSP), individual program plan (IPP), or quality assurance assessment?

Yes No

f. What language did your child first learn to speak? _____

g. What is his or her primary language? _____

h. What language do you most often use when speaking to your child? _____

i. Has your child ever been identified as limited English proficient or as an English Language Learner by a school?

Yes No

j. Has your child ever been enrolled in a specialized program to learn English? Yes No

15 List all other schools or day care facilities your child has attended:

School (name, city, state): _____

Dates of attendance: _____

School (name, city, state): _____

Dates of attendance: _____

School (name, city, state): _____

Dates of attendance: _____

School (name, city, state): _____

Dates of attendance: _____

16 a. What grade is your child in? _____

b. Does he or she have any special needs? Yes No

If yes, please describe: _____

c. If your child is three years old or younger, do you believe that your child might have motor, developmental, or other delays? Yes No

If yes, explain why:

What assessments, evaluations, services, treatment, or accommodations do you believe your child needs for the delay?



Child's name: _____

- 16 d. Do you believe your child might have a disability? Yes No
If yes, please describe:

What assessments, evaluations, services, treatment, or accommodations do you believe your child needs for the disability?

- 17 a. Has your right to make educational decisions for your child been limited? Yes No
If yes, who has the right to make educational decisions for your child?

Name: _____

Relationship to child: _____

- b. Has your right to make developmental-services decisions for your child been limited? Yes No
If yes, who has the right to make developmental-services decisions for your child? same as 17a.

Name: _____

Relationship to child: _____

Biological Parent's Health and Education (State law requires you to provide this information about yourself. If you do not want to provide this information, please talk to your attorney.)

- 18 a. When were you last seen by a doctor and dentist? _____
(1) What medical problems run in your family? _____

- (2) Do you have medical problems or disabilities? Yes No
If yes, please describe: _____

- (3) What medications do you take?

Medication

Reason for taking medications

- b. What is your educational history?

(1) School last attended (name, city, state): _____

(2) Last grade completed: _____

- 19 a. If you know, provide the following information about your child's other biological parent:

(1) Name of other parent: _____



Child's name: _____

- 19 a. (2) Other parent's medical problems and disabilities
(Please include physical, mental, developmental, and learning problems):

- (3) My child's other parent takes the following medications:

Medication	Reason for taking medication
_____	_____
_____	_____
_____	_____

- (4) The following medical problems run in the family of my child's other parent:

- b. My child's other parent has the following educational history:

- (1) School last attended: _____
- (2) Last grade completed: _____

I declare that the information on this form is true and correct to the best of my knowledge.

Date: _____

 Type or print parent's/guardian's name

▶ _____
 Parent/guardian signs here

Date: _____

 Type or print social worker's name

▶ _____
 Social worker signs here

Date: _____

 Type or print probation officer's name

▶ _____
 Probation officer signs here

JV-227

Consent to Release Educational Information

Fill in court name and street address:

Superior Court of California, County of

This form is used to authorize the release to a child welfare agency of the educational records of a child or youth who is the subject of juvenile dependency proceedings. The records will enable the agency to ensure that the child or youth receives appropriate and effective services, as well as to carry out case management responsibilities, assist with the transfer or enrollment of the child or youth, and inform the court of the child's or youth's educational needs.

Fill in child's name and date of birth:

Child's Name:

Date of Birth:

Case Number:

- 1 I am
 - a. The child's parent (*my right to make educational decisions for my child has not been terminated or limited by the court*).
 - b. The child's legal guardian (*my right to make educational decisions for the child has not been terminated or limited by the court*).
 - c. The child's or youth's designated educational rights holder.
 - d. The child or youth (*I am 18 years of age or older*).
 - e. The child's Indian custodian.

2 Under the Family Educational Rights and Privacy Act of 1974 (FERPA) and California state law, I authorize (allow) any school, district, county office of education, or individual or entity maintaining the child's or youth's records to release these educational records to, and discuss them with (*child welfare agency*): _____

These records include, but are not limited to, attendance, academic, individualized education program (IEP), medical, social, psychological, disciplinary, developmental, speech/language, and achievement-test records.

3 I request a copy of the records that will be released.

4 This consent automatically ends one year from date of signature.

5 This form is not intended to limit the right of counsel for the child or youth to access records under Welfare and Institutions Code section 317(f) or as authorized by court order.

Date: _____

Type or print your name

Sign your name

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (<i>Name</i>): _____	<div style="border: 1px solid black; padding: 2px; display: inline-block; margin-bottom: 10px;">FOR COURT USE ONLY</div> <p style="font-size: 1.2em; margin: 0;">Draft</p> <p style="font-size: 1.2em; margin: 0;">Not approved by the</p> <p style="font-size: 1.2em; margin: 0;">Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
ORDER DESIGNATING EDUCATIONAL RIGHTS HOLDER	CASE NUMBER:

Educational Rights Holder for Child or Youth

1. The following adult(s) is (are) designated as the educational rights holder(s), as defined in rule 5.502.

a. Name:	a. Name:
b. Address:	b. Address:
c. Telephone:	c. Telephone:
d. E-mail:	d. E-mail:
e. Relationship to child or youth:	e. Relationship to child or youth:

2. The adult(s) identified in 1. is (are) (*check all that apply*)
 - a. The first educational rights holder identified by the court for this child or youth.
 - b. The same educational rights holder as last identified by the court. New contact information in item 1, above.
 - c. A different educational rights holder from the one last identified by the court.
 - d. The successor guardian or conservator and, as such, holds decisionmaking rights.
 - e. The caregiver in a planned permanent living arrangement and holds educational developmental-services decisionmaking rights under section 361(a)(1)(E). See item 6 for limitation of parental decisionmaking rights.

Having considered the evidence and made the findings required by law, THE COURT ORDERS that

3. The responsible adult identified in 1. is appointed the educational rights holder for the child or youth and is authorized to make educational developmental-services decisions for the child or youth to the extent permitted by law.
4. (*Check only if 1, 2, and 3 do not apply.*) The court cannot identify a parent, guardian, or other responsible adult to act as the educational rights holder.
 - a. The court hereby refers the child to the local educational agency for appointment of a surrogate parent under section 7579.5 of the Government Code.
 - b. The court, with input from any interested person, will make educational developmental-services decisions.
 - The appointment of a surrogate parent is not warranted.
 - (*Before the dispositional hearing*) The child's attorney and the social worker or probation officer must make every effort to identify a responsible adult to make future educational or developmental services decisions for the child.
5. The appointment of any previous educational rights holder or developmental-services decision maker is terminated.

NOTICE

Provision of the information on this form—as well as on forms JV-535(A), JV-536, JV-537, JV-538, JV-539, JV-540, or any equivalent form—to the parent(s) or guardian(s) named in 6 **will** create a safety risk (for example, because of the placement's confidentiality). The information **may not** be disclosed to the parent or guardian.

CHILD'S NAME:	CASE NUMBER:
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6. The rights of (name): mother father guardian
- (name): mother father guardian
- to make educational developmental-services decisions for the child or youth
- a. are retained.
 - b. are fully restored.
 - c. are temporarily limited under section 319(g).
 - d. are limited under section 361(a) or 726(b).
 - e. have been terminated under section 366.26 or 727.31.
 - f. transferred to the youth on his or her 18th birthday.

Appointed Educational Rights Holder—Rights and Duties

7. The appointed educational rights holder is authorized to have access to the child's or youth's educational developmental-services records and information to the extent permitted by law.
8. The appointed educational rights holder may authorize the release of educational developmental-services records to the child's attorney or CASA volunteer to the extent permitted by law.
9. The appointed educational rights holder must comply with all applicable state and federal confidentiality laws, including sections 362.5, 827, 4514, and 5328 and Government Code section 7579.5(f), and may share information only to the extent necessary to further the interests of the child or youth.
10. The appointed educational rights holder must meet with the child or youth; investigate the child's or youth's educational and developmental-services needs and whether those needs are being met; and, before each scheduled review hearing, provide information and recommendations to the social worker or probation officer **OR** make written recommendations to the court **OR** attend the review hearing and participate in any part of the hearing that concerns the child's education or development **OR** all of these. The rights holder may submit written recommendations on *Educational Rights Holder Statement* (form JV-537) or in any other suitable format. To the greatest extent possible, the educational rights holder must consult and collaborate with the educational liaison or regional center service coordinator, as applicable, to gather information needed to meet the needs and protect the rights of the child or youth.

Service of Order

11. If this is the first form JV-535 completed in this case or it includes any information different from information on the previous JV-535, the clerk will provide a copy of this form and any attachments to the child (if 10 years old or older) or youth; the attorney for the child or youth; the social worker or probation officer; the Indian child's tribe, if applicable; the local foster youth educational liaison; the county office of education foster youth services coordinator; the regional center service coordinator, if applicable; and the educational rights holder or surrogate parent in person or by first-class mail no later than five court days after the order is signed. The clerk may also make the form available to the parent or guardian (unless otherwise indicated on this form, or parental rights have been terminated, or the child has reached 18 years of age and reunification services have been terminated), to the CASA volunteer, and if requested, to any other person entitled to notice under section 293.
12. The assigned social worker or probation officer must notify the educational rights holder of the date, time, and location of each court hearing.

This order applies to any local educational agency, school, school district, or regional center serving the child or youth in the State of California.

Related findings and orders are attached on form JV-535(A) or its equivalent.

Date: _____ _____
JUDICIAL OFFICER

CASE NUMBER:

CHILD'S NAME:

General Information

1. Child's or youth's date of birth:

2. School information
 - a. School district:

 - b. School (*name and address*):

 - c. Foster youth educational liaison (Ed. Code, § 48853.5) (*name and contact information*):

 - d. The child is currently expelled from school and may be eligible for readmission on or after (*date*):

3. Regional center (*name and address*):

Service coordinator (*name and contact information*):

4. County placing agency (*specify*):
 - a. Assigned social worker or probation officer (*name and contact information*):

 - b. Supervising social worker or probation officer (*name, address, and contact information*):

5. Child's or youth's attorney (*name, address, and contact information*):

THE COURT FINDS AND ORDERS

6. The child or youth is the subject of a petition filed under section 325. The child's parent or guardian is unavailable, unable, or unwilling to exercise educational or developmental services rights; the agency has made diligent efforts to locate and secure the participation of the parent or guardian in educational and developmental-services decisionmaking; and the child's or youth's educational and developmental-services needs cannot be met without the temporary appointment of a responsible adult as educational rights holder.

7. Limitation of the rights of the parent(s) or guardian(s) to make educational developmental-services decisions is necessary to protect the child or youth.

8. The youth is at least 18 years old and
 - a. has chosen not to make educational developmental-services decisions for himself or herself.
 - b. is deemed incompetent to make educational or developmental-services decisions for himself or herself.

9. (*If 8a. or 8b. is checked*): The appointment of an educational rights holder to make developmental-service decisions for the youth is in his or her best interests.

10. The court has not ordered or has terminated reunification services for the parent or guardian, and the child or youth is placed in a planned permanent living arrangement under section 366.21(g)(5), 366.22, 366.26, 366.3(i), or 727.3(b)(5)–(6).

11. There is is not a responsible adult relative, nonrelative extended family member, or other adult known to the child who is available and willing to serve as the educational rights holder.

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

12. The child or youth is receiving special education, general education accommodations and modifications, early intervention services, or developmental services. Yes No

13. The child or youth is receiving services under the following plan (*check all that apply*):

- a. Individualized education program (IEP)
- b. Section 504 plan
- c. Individualized family service plan (IFSP)
- d. Individual program plan (IPP)
- e. Other (*explain*):

The LEA or regional center must ensure that a copy of any plan is provided to the designated educational rights holder.

14. The child or youth needs the following educational or developmental assessments or services (*check all that apply*):

- a. The child is 0–3 years old, is at risk for a disability or has a developmental delay, and needs assessment for services.
- b. The child is 0–3 years old, has a disability, and needs the development of an IFSP.
- c. The child or youth is 3 years old or older, may have a disability, and needs intake and assessment for services.
- d. The child or youth is 3 years old or older, has a disability, and needs the development or revision of an IEP, IPP, or Section 504 plan.

15. The appointed educational rights holder must (*check all that apply*):

- a. Submit to the LEA a written referral for assessment for special education and related services or for services under section 504 of the Rehabilitation Act of 1973.
- b. Submit to the regional center a written referral for an initial intake and eligibility assessment or evaluation.
- c. Submit to the LEA a written referral for assessment or services, or a written request to convene the IEP team to develop, review, or revise the pupil's IEP.
- d. Submit a written request to the regional center to convene the IFSP team to develop, review, or revise the IFSP.
- e. Submit a written request to the regional center to convene the IPP team to develop, review, or revise the IPP.
- f. Other:

16. The following person is directed under rule 5.649(c)–(d) to take whatever steps are necessary to request any assessments or services identified in item 14 or 15 (*name and address unless confidential*):

17. The current educational program and school placement are in the best interests of the child or youth.

18. The current IFSP, IPP, or other developmental services plan is in the best interests of the child or youth.

19. The child or youth is is *not* attending his or her school of origin. If not,

- a. The educational rights holder has has *not* waived the child's or youth's right to attend the school of origin.
- b. The child or youth has has *not* waived his or her right to attend the school of origin.

20. The county placing agency has considered educational stability and the opportunity to be educated in the least restrictive educational program when making placement decisions for the child or youth.

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (<i>Name</i>): _____	<div style="border: 1px solid black; padding: 5px; display: inline-block; font-weight: bold; font-size: small;">FOR COURT USE ONLY</div> <h2 style="margin: 0;">Draft</h2> <h2 style="margin: 0;">Not approved by the</h2> <h2 style="margin: 0;">Judicial Council</h2>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
LOCAL EDUCATIONAL AGENCY RESPONSE TO JV-535—APPOINTMENT OF SURROGATE PARENT	CASE NUMBER: _____

This form must be completed and returned to the court at the address listed above within five business days of the date of the appointment, termination, or replacement of a surrogate parent, or within 30 days of receipt if no surrogate is appointed.

1. a. Child's or youth's school: _____
 b. Address of school: _____
 c. School personnel contact (*name, title, and telephone*): _____

2. a. Name of surrogate parent: _____
 b. Address: _____
 c. Telephone: _____
 d. Relationship to child or youth: _____

3. The appointed surrogate parent does not have a conflict of interest with the child or youth. (Welf. & Inst. Code, §§ 361, 726; 34 C.F.R. §§ 300.519, 303.422; Gov. Code, § 7579.5(i), (j).)

4. The appointed surrogate parent will represent the child or youth on educational issues as required by state and federal law.

5. The appointed surrogate parent agrees that this representation is continuous. If the surrogate parent is not able to represent the child's or youth's educational needs, the surrogate parent will inform the local educational agency.

6. The previous surrogate parent resigned or was terminated under section 7579.5(g) or (h) of the Government Code.
 - a. Name of previous surrogate parent: _____
 - b. Address: _____
 - c. Telephone: _____
 - d. Relationship to child or youth: _____

7. The local educational agency has not been able to appoint a surrogate parent within 30 days of receiving form JV-535 and is continuing to make reasonable efforts to identify and appoint a surrogate parent.

Date: _____

(TYPE OR PRINT NAME)

(LOCAL EDUCATIONAL AGENCY REPRESENTATIVE'S SIGNATURE)

(TITLE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	<div style="border: 1px solid black; padding: 5px; display: inline-block;">FOR COURT USE ONLY</div> <h2 style="margin: 0;">Draft</h2> <h2 style="margin: 0;">Not approved by the</h2> <h2 style="margin: 0;">Judicial Council</h2>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
<div style="background-color: #cccccc; padding: 5px; display: inline-block;">EDUCATIONAL RIGHTS HOLDER STATEMENT</div>	CASE NUMBER:

To the educational rights holder: Before each scheduled review hearing, you must do one or more of the following: (1) provide information and recommendations to the assigned social worker or probation officer, (2) make written recommendations to the court, or (3) attend the hearing and participate in those parts of the hearing that concern the child's education or developmental services. This optional form may assist you in making written recommendations to the court. Please type or print clearly in ink and submit the form well in advance of the hearing but no later than five court days before the hearing. Please provide five additional copies to the clerk. If you need more space to respond, please attach additional pages and check item 13.

The court has has *not*, on the current *Order Designating Educational Rights Holder* (form JV-535), prohibited disclosure of the information on this form to the parent(s) or guardian(s) of the child or youth named above.

1. a. Child's or youth's date of birth: _____
 b. Age: _____
 c. School (*unless confidential*): _____
 d. Grade level: _____
2. a. Name of educational rights holder: _____
 b. Address: _____
 c. Telephone number: _____
 d. Relationship to child or youth: _____
 e. I was appointed on (*date*): _____
 f. I was appointed by (*name*): _____
 (1) Local educational agency in (*school district*): _____
 (2) Juvenile court in (*county*): _____
 (3) Other (*specify*): _____
 g. I am resigning from my appointment.
3. Since my appointment, or since my last statement to the court, I have performed the following actions on behalf of the child or youth (*specify*): _____
4. I have learned or acquired the following information since the last court hearing (*e.g., re: educational progress, placement, school discipline*): _____
5. Based on my observations of the child's physical, emotional, mental, and social development, I believe the child or youth
 - a. (0–3 years old) may need early intervention services.
 - b. may have a disability or developmental delay (*explain*): _____
6. The child or youth has the following disabilities or developmental delays (*specify*): _____

CHILD'S NAME:	CASE NUMBER:
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7. The child or youth has the following educational or developmental-services needs because (*specify*):

8. The child or youth requires the following services to meet his or her educational or developmental needs (*specify*):

9. The child or youth is receiving the following educational or developmental services or accommodations (*explain*):

a. These services or accommodations are are not appropriate because (*explain*):

b. Date of most recent individualized education program (IEP), section 504 plan, individualized family service plan (IFSP), or individual program plan (IPP):

10. On (*date*): I made a request for assessments from the

- a. regional center (*name*):
- b. local educational agency (*name*):
- c. other (*name*):

11. a. Type of assessments requested (*check all that apply*):

- (1) IEP
- (2) Section 504 plan
- (3) IFSP
- (4) IPP
- (5) Educationally related mental health services assessments
- (6) Psycho-educational assessment
- (7) Other (*specify*):

b. Reason requested (*specify*):

12. Agency or regional center response:

13. I need more space to respond to item(s) _____ and have attached additional pages.
 Number of pages attached: _____

Date:

 (TYPE OR PRINT NAME)


 (SIGNATURE OF EDUCATIONAL RIGHTS HOLDER)

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (<i>Name</i>): _____	<div style="border: 1px solid black; display: inline-block; padding: 2px 5px; font-weight: bold; font-size: small;">FOR COURT USE ONLY</div> <h2 style="margin: 0;">Draft</h2> <h2 style="margin: 0;">Not approved by the</h2> <h2 style="margin: 0;">Judicial Council</h2>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS REGARDING TRANSFER FROM SCHOOL OF ORIGIN	CASE NUMBER:

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

THE COURT FINDS AND ORDERS

2. The social worker probation officer provided a report no later than two court days after form JV-539 was filed. The report included the information required by rule 5.651(e)(4) of the California Rules of Court.
3. The court has read and considered the report.
4. The social worker probation officer provided notice as required by rule 5.651(e) of the California Rules of Court.
5. As soon as the county placing agency became aware that a proposed placement would require the child or youth to reside in a location outside the attendance zone or district of the pupil's school of origin, the county placing agency contacted the appropriate person at the local educational agency.
- a. Name of local educational agency contact: _____
 b. Title: _____
 c. Telephone: _____
 d. Date of contact: _____
6. Before recommending that the child or youth be moved from the school of origin, the educational liaison provided the child or youth and the person holding educational rights with a written explanation of the recommendation and of how this change will serve the child's or youth's best interest. (*Date explanation provided*): _____
7. a. The child or youth and the person holding educational rights, in consultation and agreement with the educational liaison, have waived the right of the child or youth to be enrolled in and attend the school of origin.
 b. There is a disagreement between the child or youth, the person holding educational rights, and the educational liaison regarding the request by the child or youth to remain in his or her school of origin.

CHILD'S NAME:	CASE NUMBER:
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8. The social worker or probation officer
- a. took into account the appropriateness of the current educational setting and the proximity to the school of origin in proposing a change in placement.
 - b. coordinated with the educational rights holder and appropriate local educational agencies to ensure that the child or youth could remain in the school of origin.
 - c. made the following efforts to maintain the child or youth in the school of origin. *(Describe and provide details):*

9. After the child or youth and the person holding educational rights agreed to the educational liaison's recommendation to waive the right to remain in the school of origin or, in the event of a dispute, the dispute was resolved, the county placing agency
- a. notified the local educational agency of the date the child or youth will leave the school of origin. *(Date notice provided):*
 - b. requested that the local educational agency transfer the child or youth out of the school of origin. *(Date of request):*
 - c. notified the original and prospective local educational agencies of the change of placement at least 10 days before the change because the child or youth has a disability or individualized education program. *(Date notice provided):*

10. Within two business days of receiving the request, the original local educational agency
- a. transferred the child or youth out of the school of origin and delivered the child's or youth's educational information and records to the next educational placement.
 - b. compiled the complete educational records of the child or youth, including a determination of seat time, full or partial credits earned, current class records, immunizations, other records, and, if applicable, a copy of the plan adopted under section 504 of the Rehabilitation Act of 1973 or individualized education program adopted under the Individuals With Disabilities Education Act.
 - c. calculated the grades and credits of the child or youth as of the date he or she left the school. No grade was lowered because of absence caused by the child's or youth's removal from the school of origin.

11. If applicable, the court has asked the social worker, probation officer, and other interested parties why any requirements on this form have not been met.
- a. The following actions are necessary to protect the child's or youth's educational and developmental-services rights *(specify):*
 - b. The court sets the matter for a hearing under Welfare and Institutions Code section 362 to consider whether to join in these proceedings the following agencies to address the provision of the following services *(specify):*

Date: _____

JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY <h2 style="margin: 0;">Draft</h2> <h2 style="margin: 0;">Not approved by the</h2> <h2 style="margin: 0;">Judicial Council</h2>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
CHILD'S NAME: _____	
REQUEST FOR HEARING REGARDING CHILD'S ACCESS TO SERVICES	CASE NUMBER: _____

NOTICE OF HEARING

1. A hearing on this application will be held as follows:

a.	Date: _____	Time: _____	Dept: _____	Div: _____	Room: _____
b.	Address of court: <input type="checkbox"/> is shown above <input type="checkbox"/> is (specify): _____				

Appointment of Educational Rights Holder

2. On (date): _____

the educational rights holder resigned or is no longer serving in that capacity.

the surrogate parent resigned or was terminated.

I am requesting a hearing for appointment of an educational rights holder.

Date: _____

(TYPE OR PRINT NAME) <input type="checkbox"/> ATTORNEY FOR CHILD OR YOUTH <input type="checkbox"/> SOCIAL WORKER OR PROBATION OFFICER	_____ SIGNATURE
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Review of Proposed Removal From School of Origin

3. On (date): _____, the social worker or probation officer informed me that the child's or youth's placement will be changed and that this will result in the removal of the child or youth from the school of origin. Based on the information provided to me by the social worker or probation officer, I am requesting a hearing for the court to review the proposed removal of the child or youth from the school of origin.

Date: _____

(TYPE OR PRINT NAME) <input type="checkbox"/> ATTORNEY FOR CHILD OR YOUTH <input type="checkbox"/> EDUCATIONAL RIGHTS HOLDER	_____ SIGNATURE
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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY Draft Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
NOTICE OF HEARING ON JOINDER—JUVENILE	CASE NUMBER:

1. Name of child or youth: _____
2. Date of birth: _____
3. The child or youth is under dependency delinquency transition jurisdiction.

The court may make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support, including medical treatment, of a dependent or ward of the court. To facilitate coordination and cooperation among agencies, the court may join, after notice and a hearing, any agency that the court determines has failed to meet a legal obligation to provide services to a child or youth for whom a petition has been filed under section 300, 601, or 602, regardless of the status of the adjudication.

4. A hearing on joinder will be held in this court as follows:

a. Date:	Time:	<input type="checkbox"/> Dept:	<input type="checkbox"/> Room:	<input type="checkbox"/> Div:
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b. Address of court is shown above other (specify): _____

5. The name of the agency or agencies to be joined: _____
 "Agency" means any governmental agency, private service provider, or individual who receives governmental funding or reimbursement for providing services directly to a child or youth.

6. Facts supporting the determination that the agency or agencies named in 5 failed to meet a legal obligation to provide services to the child or youth (specify): _____

Continued in the attached declaration.

CHILD'S NAME:	CASE NUMBER:
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7. The court poses the following questions to the agency or agencies named in 5 regarding services provided to the child or youth:

8. The court requests:

- a. that representatives of the agency or agencies named in 5 and of the county placing agency meet before the hearing to coordinate services and to address any alleged failure to meet legal obligations to the child or youth.
- b. that the agency or agencies named in 5 submit a written response to the court at least five court days before the hearing.

Date:

JUDICIAL OFFICER

SPR13-24

Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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.	Alliance for Children’s Rights Sasha Alexandra Stern	N/I	See comments on specific provisions below.	No response required.
2.	CA Dept. of Social Services Sharon DeRego Staff Services Manager	N/I	See comments on specific provisions below.	No response required.
3.	Child Welfare Services of San Diego County Corey Kissel Policy Analyst	AM	See comments on specific provisions below.	No response required.
4.	Children’s Law Center of California Ann Quirk Attorney	AM	See comments on specific provisions below.	No response required.
5.	Dependency Legal Group of San Diego Candi M. Mayes, JD CEO & Executive Director	N/I	See comments on specific provisions below.	No response required.
6.	Legal Advocates for Children & Youth Andrew Cain Supervising Attorney	AM	General Comment: LACY supports the effort to amend various rules to bring them into conformity with changes to statute that have occurred over the last 2–3 years. In particular, it is important to draft rules that incorporate the court’s authority to limit the rights of a parent or guardian to exercise decision making authority concerning developmental services for a child. In drafting these changes, careful attention must be paid to the distinctions between educational and developmental services decision making. LACY believes that many of the proposed rule changes governing developmental services ignore this distinction. Too often, educational and developmental decisionmaking rights are	The committee has reviewed the entire proposal in response to these concerns and, in some cases, has modified its recommendation as detailed in its responses to comments on specific provisions.

SPR13-24

Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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
			<p>conflated within this proposal, leaving the potential for confusion among parties, attorneys and judges. In reviewing the proposal, LACY attempted to note each portion of the proposal that conflated the two issues. It is important for the AOC to review the proposal in its entirety to separate the two issues and minimize the possibility of confused implementation. Specific areas where this concern arose are highlighted below.</p> <p>See comments on specific provisions below.</p>	
7.	Los Angeles County Counsel James M. Owens Assistant County Counsel	AM	See comments on specific provisions below.	No response required.
8.	National Center for Youth Law Maya Cooper Policy Manager	N/I	<p>The National Center for Youth Law (NCYL) is delighted to have the opportunity to provide feedback on these judicial forms and associated Rules of the Court. We are very pleased with and fully endorse the majority of the changes to the JV-535 through 539 forms and court rules. Should you have any questions regarding our specific comments and suggestions below, please do not hesitate to contact Maya Cooper at mcooper@youthlaw.org</p> <p>We believe that AOC’s proposal reasonably achieves it stated purpose and objectives. We believe that the changes in this proposal are necessary to ensure that the courts appropriately identify the education rights holder for dependent children’s educational and</p>	<p>No response required.</p> <p>No response required, except to note that this proposal was developed and recommended by the Judicial Council’s Family and Juvenile Law Advisory Committee, which is made up of subject matter experts appointed by the Chief Justice. The committee is grateful for the</p>

SPR13-24

Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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
			<p>developmental services at every hearing. Additionally, we are in strong support of the form’s new language to indicate that a parent or guardian has retained educational and/or developmental services decision making rights. Furthermore, NCYL believes that the proposal will have a positive impact on the public’s access to the courts. This will be achieved through the proposed changes to the form JV-535 and JV-535(A) as well as through courtroom discussions to determine the appointment, rights, and responsibilities of the identified educational rights holder and developmental services decisionmaker. We are hopeful that revisions to the JV-535–539 forms and the mandatory requirement to complete the form at every hearing will also facilitate communication between courts and local agencies so that school districts can communicate with education rights holders in a more timely and efficient manner. The re-design of form JV-535 and JV-535 (A) allows all users and recipients to more easily identify the designated educational rights holder.</p> <p>Although form JV-227 was not contained in this comment proposal, we believe that this form should also be updated to conform to the changes proposed in forms JV 535-539.</p> <p>Form JV-227 should be updated to include the term “developmental services decision-maker,”</p>	<p>assistance of staff members from the Administrative Office of the Courts (AOC) in preparing the recommendation.</p> <p>The committee agrees with the suggestion and has modified its recommendation to include revisions to form JV-227 consistent with the revisions to forms JV-225 and JV-535–JV-540.</p>

SPR13-24

Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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
			where appropriate, and to change the term “educational representative” to “education rights holder.” See comments on specific provisions below.	
9.	Orange County Bar Association Orange County Bar Association	AM	Recommend adding the findings in new form JV-535(A) to the revised form JV-535, and eliminating new form JV-535(A) for consistency with the rule change.	The committee does not recommend modifying the proposal as suggested. The separation of the existing form JV-535 into two forms is intended to encourage clear communication and ease of identification of the educational rights holder (ERH) by all concerned parties. The forms as circulated are intended to be consistent with the amendments to the rules of court. Location of required findings on the optional attachment, form JV-535(A), does not signify that the findings are optional. A juvenile court must make, on the record, the findings needed to support its orders. The placement of the findings on the JV-535(A) does, however, give the court the option to use that form to make those findings or to make and record them using another method better suited to local practice.
10.	Orange County Department of Education Lysa M. Saltzman Counsel	N/I	The Judicial Council of California Invitation to Comment requests specific comments as to whether the proposed revisions to Form JV-535 facilitate clearer communication between courts and local agencies. The request for specific comments also seeks input as to whether the reorganization of Form JV-535 makes it easier for all users to identify the designated educational rights holder. In our opinion, the proposed revisions to Form JV-535, including	The committee has reviewed forms JV-535 and JV-535(A) to improve their clarity and ease of use in light of this comment and, where appropriate, has modified its recommendation as detailed in its responses to the comments on the specific forms, below. If the form proves confusing in practice, the committee will consider developing an instructional form in a future rules cycle.

SPR13-24

Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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
			<p>the new optional Form JV-535(A), make it more confusing and difficult for local educational agencies to identify the designated educational rights holder and the scope of parental rights. Our specific comments and suggestions to the forms are set forth below.</p> <p>See comments on specific provisions below.</p>	
11.	Public Counsel Martha Matthews Directing Attorney	N/I	<p>Overarching concern with the new rules/forms: The Committee has chosen the term “education rights holder” to refer to any individual who is either or both the education rights holder or developmental decisionmaker. One could envision a scenario in which a person is only appointed to handle one aspect rather than both. The term “education rights holder” should be explicitly defined to encompass developmental as well as educational decisionmakers, and to reflect that a person could be appointed for one or both purposes and that there could be more than one person appointed, if the needs of the child are so significant that one volunteer could not help with both sets of needs.</p>	<p>The committee acknowledges the risk of using the term “educational rights holder” to refer to a person who holds educational rights, developmental-services decision-making rights, or both. The committee intends the term to encompass a variety of individuals—including the parent or guardian, if his or her rights are retained or restored; a successor guardian or conservator; or the caregiver in a planned permanent living arrangement—in addition to a rights holder appointed by the court under section 319, 361, or 726 of the Welfare and Institutions Code.¹ The parent or guardian is the default holder of both kinds of decision-making rights. A successor guardian or conservator would also hold both types of right. A caregiver in a planned permanent living arrangement (PPLA) holds educational decision-making rights under Education Code § 56055 and developmental-services decision-making rights under section 361(a)(1)(E) unless excluded by court order. The committee has modified its</p>

¹ Unless expressly noted, all further statutory references are to the Welfare & Institutions Code.

SPR13-24

Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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
			<p>It should also be noted that the term “responsible adult,” while stricken in the rules, is used in the attached forms, which may also cause confusion.</p> <p>See comments on specific provisions below.</p>	<p>recommended definition in rule 5.502 to specify that an ERH may hold educational decision-making rights, developmental-services decision-making rights, or both, depending on which decision-making rights are limited by the court and, in the case of an appointed ERH, the authority conferred in the court’s appointment order. The rules and forms try to accommodate any combination of limitation and appointment that might arise. In particular, item 5 on form JV-535 gives the court the option of limiting either educational decision-making rights, developmental-services decision-making rights, or both. Item 10 on the same form gives the court the same range of options when appointing an ERH. To further clarify the nature of the rights held by the ERH designated on form JV-535, the committee has modified its recommendation to include that information in item 1 on the form, as well.</p> <p>The term “responsible adult” has been selectively stricken in both the rules and forms. The term refers only to an ERH appointed by the court under sections 319(g), 361, and 726. Other adults, including parents, guardians, foster parents in PPLAs, and agency-appointed surrogate parents, are not subject to a finding that they are responsible before they may hold decision-making rights. Where the term could apply to any ERH, therefore, the committee has recommends striking the term “responsible.”</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
				Where the term applies only to an ERH appointed by the court, the committee recommends retaining the term “responsible.”
12.	Sacramento County Office of Education Elizabeth Linton Associate General Counsel	A	It is recommended that the surrogate parent be added to the list of individuals being served under Rules 5.651(h) and 5.708(b), and to #15 on the JV-535.	The committee agrees with this suggestion and has modified its recommendation accordingly.
13.	San Bernardino County Probation Department Maria Camacho Secretary	AM	<p>QUESTION: Are the definitions of a nonminor, a nonminor dependent, and a transition dependent, which are circulating for comment in SP 13-22-Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents-Accurate? Would the proposed definitions adequately distinguish all categories of adults under juvenile court jurisdiction? If not, what terms do you suggest?</p> <p>ANSWER: To answer this question a clarification in the question must be made. This question is referencing SP 13-22 but the definitions are listed under SP 13-24 as follows:</p> <p>23. “nonminor” means a dependent or ward of the court at least 18 years of age and not yet 21 years of age and not yet 21 years of age, who remains subject to the court’s dependency or delinquency jurisdiction under section 303(a) but does not otherwise qualify as a “nonminor dependent.”</p> <p>24. “nonminor dependent” means a dependent or ward of the court at least 18 years of age and</p>	<p>Before circulation, this proposal was identified as item SPR13-22. Because of renumbering before circulation, this proposal was circulated as item SPR13-24.</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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List of All Commentators, Overall Positions on the Proposal, and General Comments				
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			<p>not yet 21 years of age, or a nonminor under the transition jurisdiction of the court, who</p> <p>a) was under an order of foster care placement on his or her 18th birthday</p> <p>b) is currently in foster care under the placement and care authority of the county welfare department, the county probation department, or an Indian tribe that entered into an agreement under section 10553.1 and</p> <p>c) is participating in a Transitional Independent Living Case Plan</p> <p>39. “transition dependent” means a ward at least 17 years and five months of age and not yet 18 years of age who is subject to the transition jurisdiction of the court under section 450.</p> <p>Answer: we suggest the definition for “nonminor dependent” be changed as follows, “nonminor dependent” means a dependent or ward of the court at least 18 years of age and not yet 21 years of age, or a nonminor under the transition jurisdiction of the court, who... a, b and c below in red.</p> <p>The who/etc. is listed on the SPR 13-24 page 11, which shows the full definition of Non minor dependent, as follows:</p> <p>Who:</p> <p>a) was under an order of foster care placement on his or her 18th birthday</p>	<p>No response required. The suggestion does not appear to reflect any change to the definition that circulated for comment. Inquiry to the San Bernardino Probation Department revealed no suggested change.</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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List of All Commentators, Overall Positions on the Proposal, and General Comments				
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			b) is currently in foster care under the placement and care authority of the county welfare department, the county probation department, or an Indian tribe that entered into an agreement under section 10553.1 and c) is participating in a Transitional Independent Living Case Plan.	
14.	Schools Advisory Committee Superior Court of Sacramento County Hon. Jerilyn Borack	N/I	See comments on specific provisions below.	No response required.
15.	Superior Court of Los Angeles County Los Angeles County Superior Court	AM	See comments on specific provisions below.	No response required.
16.	Superior Court of San Diego County Michael M. Roddy Executive Officer	AM	Throughout the proposal, a hyphen is inserted between “developmental” and “services,” which is understandable because the two words function as an adjective. However, the statutes (e.g., WIC §§ 319, 361, 366.3, 726) and the Judicial Council forms do not hyphenate “developmental-services.” (See, e.g., proposed CRC rules 5.502(13), 5.534(j)(1) & (2), 5.650, 5.652(b)(1)(A) & (D), (b)(2)(A), (C), & (E), (c)(2), (10), (11), (12), (13), (f)(1)(B), 5.695(c)(3), 5.708(f), 5.790(h)(5), and 5.810(a)(3)(C); proposed forms JV-225 (instructions to parent or guardian at top of page 1), JV-535(A), JV-535 [except item 14], JV-537, item 8.) The delinquency statutes still use “disposition”, not “dispositional”. See comments on specific provisions below.	The committee does not recommend deleting the hyphen from “developmental services” when that term is used as a compound adjective. Retaining the hyphen promotes clarity that the decisions at issue relate to the single concept of developmental services. The committee has modified its recommendation to insert the hyphen in a consistent manner on the forms as well. The committee recommends using the adjectival form when using the term as an adjective, e.g., “dispositional hearing.”

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
17.	Superior Court of Tulare County	N/I	<p>This bill needs further investigation into the costs and changes to the AB12 program. This bill could make it easier for a Non-Minor Dependent to qualify for AB12 eligibility, but may be a tremendous additional expense for the program.</p> <p>Furthermore, the assembly bill discusses changing the educational representative to an educational rights holder and allows for NMDs who do not wish to hold their own educational rights or developmental rights to be appointed a rights holder.</p> <p>The assembly bill further indicates the Juvenile Court may deem a NMD to be incompetent to hold the aforementioned rights. However, it does not indicate in the materials provided how the Court would make that finding. Would two psychological exams be needed to deem a NMD incompetent? This may attribute to additional costs to Tulare County. Additional information would be needed on this issue.</p>	<p>The committee intends the amendments to the rules of court to be consistent with the definition of “nonminor dependent” in section 11400(v). To the extent that statutory amendments have made it easier for a person to qualify for nonminor dependent status, the committee is not free to do otherwise.</p> <p>Section 361(a)(1)(A) authorizes the appointment of a rights holder for a nonminor youth if that person “chooses not to make educational or developmental services decisions for himself or herself, or is deemed by the court to be incompetent.” Section 361(a)(1) also requires the court to find that the appointment of an ERH to make developmental-services decisions would be in the best interests of a nonminor dependent youth.</p> <p>The committee has concluded that section 361(a)(1)(A) commits the determination whether a nonminor youth is incompetent to the sound discretion of the court. The court may consider any admissible evidence in making that determination.</p>
18.	TCPJAC/CEAC Joint Rules Working Group Trial Court Presiding Judges Advisory Committee/Court Executives Advisory	A	<p><u>Operational impacts identified by the working group:</u></p> <p>1. Cause a Potential Fiscal Impact No impact identified.</p>	No response required.

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
	Committee		<p>2. Create an Impact on Existing Automated Systems For courts using Sustain case management systems, no impacts in this assessment area were identified. Courts whose case management systems cannot accommodate AOC forms due to formatting issues with check boxes will not be impacted. These courts will still need to print out hard copies for Judicial Council forms. For Courts using HTE/JALAN/One Solution case management systems, no impacts in this assessment area were identified.</p> <p>Courts that have standardized minute order text will likely have to add and/or modify their systems to accurately document courtroom proceeding outcomes required by the proposed rule changes. The effort and cost for doing so will be generally minimal, but may be significant for courts with more antiquated systems that are difficult to maintain and configure.</p>	No response required.
			<p>3. Raise Any Trial Court Labor or Employment Related Concerns No impact identified.</p>	No response required.
			<p>4. Require Development of Local Rules or Forms There may be some relatively minor impact</p>	No response required.

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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List of All Commentators, Overall Positions on the Proposal, and General Comments				
Commentator	Position	Comment	Committee Response	
		<p>on the local rules of some courts, depending on their nature and content related to terminology and case management procedural changes.</p> <p>5. Create the Need for Additional Training, Which Requires the Commitment of Staff Time and Court Resources Rule 5.534 changes may create the need for additional judicial staff training on new procedures for the appointment of an educational rights holder. Further judicial staff training may be necessary to train bench officers on the new requirements proposed in rule 5.695 and 5.790 amendments relating to new requirements the court needs to consider at statutory review and dispositional hearings on appointing an educational rights holder.</p> <p>Additional judicial staff training may be needed on the new statutory requirements proposed in rule 5.708 and 5.810 changes that the court must now consider at each statutory review hearing.</p> <p>6. Increase Court Staff Workload It is unknown whether there would be an increase to workload for juvenile delinquency staff as a result of proposed changes to rule 5.790. The rule proposal might impact non-judicial staff workload</p>	<p>The committee intends the amendments to rules 5.534, 5.695, 5.708, 5.790, and 5.810 regarding decision-making rights to implement statutory requirements and not to add any substantive duties. It anticipates that the need for training would be manageable and could be fulfilled in the context of any training regarding the statutory requirements.</p> <p>Because the amendments reflect existing statutory requirements, the committee does not anticipate that the rules and forms changes would lead to a significant impact on court staff workload.</p>	

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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List of All Commentators, Overall Positions on the Proposal, and General Comments				
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			<p>and increase the length of dispositional hearings in juvenile <u>delinquency</u> cases because courts would now be required to consider whether local probation departments had exercised due diligence to locate and notify the relatives of the detained child at risk of foster care placement.</p> <p>There may also be impacts to court workload to consider limiting parent control over decisions affecting a child's developmental services. This new consideration might also increase the length of some hearings.</p> <p>7. Change the Responsibilities of the Presiding Judge and/or Supervising Judge No impact identified.</p> <p>8. Create an Impact on Court Security No impact identified.</p> <p>9. Create An Impact on Local or Statewide Justice Partners There may be an impact to the courts, in their role to communicate new requirements and expectations to local justice partners, including County Counsel, Child Protective Services, attorneys representing children and parents in dependency cases, and</p>	<p>No response required.</p> <p>No response required.</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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List of All Commentators, Overall Positions on the Proposal, and General Comments				
	Commentator	Position	Comment	Committee Response
			<p>Probation.</p> <p>Amendments to rule 5.790 (page 8 of the ITC) will require the juvenile delinquency court to determine whether the probation department has exercised due diligence to locate a relative of a detained child within 30 days of their removal from a parents home. Because rule 5.637 already describes the probation department’s statutory authority to conduct this investigation, it is unknown whether it will create new investigative duties on the department.</p> <p>10. Implementation No impact identified.</p> <p>11. Are there Any Other Major Fiscal or Operational Impacts No impact identified.</p> <p>12. Request for Specific Comments None identified.</p> <p>13. Suggested Modifications None identified.</p>	<p>The committee intends the amendment to rule 5.790 regarding family finding to reflect existing statutory and rule-based duties. See § 628(d), rule 5.637.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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Rule 5.502		
Commentator	Comment	Committee Response
CA Dept. of Social Services Sharon DeRego Staff Services Manager	CDSS does not agree with amendment to add a new definition of “nonminors” as a class of persons distinct from nonminor dependents. The term “nonminor” is a commonly used word to mean an adult, and so can be used if needed without a definition. To limit the term to refer only to persons under the dependency, delinquency, or transition jurisdiction of the court will create confusion with the ordinary use of the term and is not accurate as used in some code sections. For example, the use of the term “nonminor” in Welfare and Institutions Code Section 388(e)(1) refers to a person over whom the court has dismissed dependency delinquency or transition jurisdiction, and has not yet reassumed it in response to the petition filed by the nonminor. In addition, creation of a new definition in this manner could be seen as encouraging an expansion of a category of persons potentially subject to the court’s jurisdiction without the justification of either needing the court’s assistance based on minority or having requested the court’s assistance in accessing services.	The committee does not recommend withdrawing the definition of “nonminor,” but has modified the recommended definition. “Nonminor” is a technical term used primarily in court proceedings. The committee is not familiar with any broader use of the term and does not believe that the proposed use of the term will cause confusion. The committee has modified its recommendation to incorporate into the definition of “nonminor” those persons 18 years of age or older over whom the court retains general jurisdiction for the purposes of sections 303(b) and 388(e). The definition, as modified, includes only persons over whom the juvenile court is already authorized, by statute, to exercise jurisdiction.
Dependency Legal Group of San Diego Candi M. Mayes, JD CEO & Executive Director	The language for the proposed amendment of Rule 5.502(13), "If appointed by the court, the educational rights holder acts as the child's, nonminor's, or nonminor dependent's spokesperson, decision maker, authorized representative and parent in regard to all matters related to educational or developmental-services needs..." fails to take into consideration that these youth continue to be represented by counsel for all court hearings (and in some cases at administrative hearings and appeals as well). The language needs to be more narrow or specifically state that the educational rights holders are not intended to replace counsel or represent the youth in legal or quasi-legal proceedings (including before an administrative law judge).	The committee does not intend the ERH to replace or act as the child’s legal representative. Indeed, the substitution of the term “rights holder” for “representative” was intended in part to distinguish the two roles. The rule, as circulated, expressly limits the ERH’s authority to matters related to educational and developmental needs. Sections 4512(j) and 4701.6(b) define the responsible adult appointed under sections 319(g), 361(a), or 726(b) as the “authorized representative” for purposes of the developmental-services appeal procedure under sections 4700–4731. The committee recommends that the definition in rule 5.502 be further amended to clarify that the ERH is the “authorized representative” under sections 4512(j) and

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Rule 5.502		
Commentator	Comment	Committee Response
		4701.6(b).
Legal Advocates for Children & Youth Andrew Cain Supervising Attorney	The rule should be changed to add a definition for the term “developmental services decisionmaker.” The definition of this term should mirror the definition of “educational rights holder”, with the words “developmental services” replacing “educational”, wherever found. In instances where the court has limited rights to both educational and developmental services decision making, it may not always be appropriate for the same individual to serve as a rights holder in both capacities. Senate Bill 368 of 2011, the legislation that conferred upon the court authority to limit developmental services decisionmaking rights, envisioned this process as being separate from limiting educational rights. (See Senate Bill 368, Assembly Human Services Committee Bill Analysis, June 28, 2011. “This bill gives the juvenile court authority to . . . appoint a developmental services decisionmaker.) Further, the proposed definition of “educational rights holder” could be read as conferring rights to access developmental services records even when the court has not limited a parent’s rights to make developmental services decisions. Creating a separate definition for “developmental services decisionmaker” would allow for sufficient limitation on access rights.	The committee does not recommend adding the suggested term to the rules of court. The statutory language governing the limitation of the right to make developmental-services decisions was inserted into the existing statutory provisions governing the limitation of educational decision-making rights and the appointment of an educational rights holder. They are not separate, parallel provisions. In most cases, the circumstances requiring limitation of parental decision-making rights with respect to education will also require limitation of those rights with respect to developmental services if the child needs those services. Furthermore, if the rights to make both types of decisions are limited, the court is likely to appoint the same person to make both types of decisions. Staff surveys of child advocates and judicial officers indicated that only in exceptional circumstances would a court appoint separate rights holders. To the extent it is relevant, the applicable legislative history confirms the legislative intent to incorporate the authority to make decisions regarding developmental services. Analyses of SB 368 as introduced and as passed by both the Senate and the Assembly note that the bill “provides to the juvenile court . . . the authority to include decisions about developmental services when appointing an educational rights holder” and “gives to court-appointed ‘educational rights holders,’ in general, the authority to make decisions about developmental services as well as about education.” (See Sen. Com. on Human Services, Analysis of Sen. Bill No. 368 (2011–2012 Reg. Sess.) as introduced, p. 2; Sen. Rules Com., Office of Sen. Floor Analyses, Analysis of Sen. Bill No.

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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Rule 5.502		
Commentator	Comment	Committee Response
		368 (2011–2012 Reg. Sess.) Aug. 25, 2011, p. 3.) As circulated, the definition in rule 5.502 and the provisions of form JV-535 provide the court with all the flexibility allowed by statute to limit either type of decision-making right or both of them, and to appoint a rights holder to make either type of decision or both types.
Orange County Department of Education Lysa M. Saltzman Counsel	Rule 5.502—Definitions and Use of Terms: On page 10, line 33, we suggest inserting an additional reference to Education Code section 56028, which contains the definition of a parent for purposes of making educational decisions for a child with a disability. Similarly, we would suggest adding the corresponding statutory references on page 11, line 3.	The committee agrees with the suggestion to add a reference to Education Code section 56028 to this rule’s description of the educational rights holder’s decision-making authority. The committee does not, however, recommend adding section 56028 to the rule’s description of the authority to disclose information because section 56028 does not appear to address disclosure authority.
Superior Court of Los Angeles County	Suggested change in bold to proposed CRC 5.502: (23) “Nonminor” means a dependent or ward of the court at least 18 years of age and not yet 21 years of age who remains subject to the court’s dependency or delinquency jurisdiction under section 303(a) and is not a “nonminor dependent.”	The committee agrees with the suggestion and has modified its recommendation accordingly.

Rule 5.534		
Commentator	Comment	Committee Response
CA Dept. of Social Services Sharon DeRego Staff Services Manager	See objection to definition of nonminor in 5.502. Also, Court proceedings would involve nonminor dependent (NMD), not nonminor as defined.	See response to CDSS comment on rule 5.502, above. The committee reads section 303(a) to permit the juvenile court to retain dependency or delinquency jurisdiction over youth up to 21 years of age regardless whether they are nonminor dependents under section 11400(v). The court must continue to hold review hearings for these youth and to consider the required issues at each hearing under sections 366.21, 366.22, 366.25, 366.3, and 366.31.

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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Rule 5.534		
Commentator	Comment	Committee Response
<p>Dependency Legal Group of San Diego Candi M. Mayes, JD CEO & Executive Director</p>	<p>The proposed amendment to Rule 5.534 goes too far. We are in agreement with the proposal to provide for the appointment of an educational rights holder when the court limits the rights of a parent or guardian to make developmental-services decisions, when the nonminor or nonminor dependent requests the court appoint an educational rights holder for them because they chose not to exercise their rights for themselves, or when the court finds a nonminor or nonminor dependent to be incompetent. We are not in agreement with the court appointing an educational rights holder for a nonminor or nonminor dependent when the court deems it to be in the youth's best interest. These nonminor and nonminor dependents are adults and a best interest standard, absent a finding of incompetence, is inappropriate.</p> <p>The proposed language for amendment of Rule 5.534(d) should maintain language that contemplates the minor presenting affirmative evidence in opposition to the Agency's position.</p>	<p>The committee agrees with the comment’s underlying rationale, but does not recommend further amendment. As circulated for comment, the rule requires both (1) that the youth choose not to make educational or developmental-services decisions for herself or that the court have deemed her incompetent <i>and</i> (2) that the court also find, with respect to developmental services decisions, that the appointment be in the youth’s best interests. The committee believes that this framework is consistent with the language of section 361(a) and with the youth’s status as an adult.</p> <p>The committee agrees that, consistent with the reasoning in <i>Guadalupe A. v. Super. Ct.</i> (1991) 23 Cal.App.3d 100, the rule should permit the child to present affirmative evidence in support of his or her interests at any appropriate stage of a dependency proceeding and has modified its recommendation in two respects. First, the committee recommends amending paragraph 1 to more clearly state that the court may consider whether the burden of proof has been met <i>only after</i> the completion of the petitioner’s case <i>and</i> the presentation of any material evidence offered by the child. Second, the committee recommends deleting paragraph 2 as surplusage. The committee believes that it is an established principle of procedure that any party, other than the petitioner, is entitled to present evidence after the <i>denial</i> of a motion for judgment for failure to meet the burden of proof. The rule is not intended to preclude</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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Rule 5.534		
Commentator	Comment	Committee Response
		the child from presenting evidence at that stage or to dictate that the child’s position or evidence align with any of the other parties in the case.
Legal Advocates for Children & Youth Andrew Cain Supervising Attorney	Rule 5.534(j): The phrase “or developmental services decisionmaker” should be inserted after the term “educational rights holder” at line 18. The term should also be inserted at lines 23 and 26, following the term “educational rights holder” in both instances.	For the reasons discussed in its response to the comment on rule 5.502, the committee does not recommend adding the term “developmental-services decision maker” to this rule.
Superior Court of San Diego County Michael M. Roddy Executive Officer	CRC 5.534(f)(4) – Should include probation officer.	The committee agrees with the suggestion and has modified its recommendation accordingly.

Rule 5.575		
Commentator	Comment	Committee Response
CA Dept. of Social Services Sharon DeRego Staff Services Manager	It is not clear why the reference to WIC 365 is needed. See objection to definition of nonminor in 5.502.	The committee has recommended inserting the reference to section 365 to recognize the court’s authority to require an agency to submit any periodic reports that the court deems necessary or desirable, including the written responses to a request made under rule 5.575(b)(3).
Legal Advocates for Children & Youth Andrew Cain Supervising Attorney	Rule 5.575(b): The proposed change would require a clerk of the court to cause notice of a joinder motion to be served on the educational rights holder, regardless of whether the issue presented by the motion effects the child’s education. LACY believes the proposal should be narrowed to limit such notice to instances where the child’s education is impacted by the request for joinder. In addition, such notice should be provided to the developmental services decisionmaker, provided the issue	The committee agrees with the suggestion to limit the requirement of notice to an ERH to those hearings that may address educational or developmental-services issues. For the reasons discussed above in its response to the comment on rule 5.502, the committee does not

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

Rule 5.575		
Commentator	Comment	Committee Response
	impacts a child’s rights to developmental services.	recommend adding a reference to a developmental-services decision maker.
Public Counsel Martha Matthews Directing Attorney	Rule 5.575, Joinder of Agencies Subsection (b) should not be deleted. This language provided that “On application by a party, counsel, or CASA volunteer, or on the court’s own motion, the court may set a hearing and require notice to the agency or provider subject to joinder.” Deleting this provision is not consistent with ensuring that concerns are brought to the attention of the court and quickly addressed. The elimination of this language would suggest that there is no venue through which parties, counsel, or CASA volunteers can provide the information to the court or that the court can take action.	The committee agrees with the suggestion and has modified its recommendation to restore the language in question.
Superior Court of San Diego County Michael M. Roddy Executive Officer	CRC 5.575(b)(2) – Query: In proposing the change from “the persons prescribed by sections 291 and 658” to “all parties, attorneys of record, and any CASA volunteer or educational rights holder,” was it intentional to omit notice to sibling(s), adult relative (if no parent or guardian in California), and current caregiver? (WIC § 291(a)(5), (7), (8).) CRC 5.575(b)(2) & (3) – Change “5 court days” to “five court days.” (Per Cal. Style Manual, 4th ed. (“CSM”) § 4:28 [spell out numerals one–nine] and for consistency with other CRCs.)	The committee did not intend to exclude anyone entitled to notice. Rather, the committee hoped to mitigate the burden on court staff of serving persons who had nothing at stake in the joinder hearing. The committee has reconsidered, agrees with the suggestion, and has modified its recommendation accordingly. The committee does not recommend modifying the rule as suggested. The California Rules of Court use numerals consistently to signify all numbers, even numbers one through nine.

Rule 5.649 (circulated for comment as rule 5.650)		
Commentator	Comment	Committee Response
CA Dept. of Social Services Sharon DeRego Staff Services Manager	No comment	No response required.
Children’s Law Center of California	While CLC supports amending rule [5.649] overall, we cannot	The committee agrees in part with the suggested change.

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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

Rule 5.649 (circulated for comment as rule 5.650)		
Commentator	Comment	Committee Response
Ann Quirk Attorney	support the provision specifying that if the court orders parental decisionmaking rights limited, the attorney for the child, nonminor, or nonminor dependent is required to file a completed form JV-535, and JV-535(A), and believe this issue requires further discussion. The time and workload increase involved with completing these forms will be a hardship on children’s attorneys, particularly in counties such as Los Angeles with extremely large and growing caseloads, without additional resources. We believe the placing agency may be the more appropriate party to submit these forms because they have the legal authority to access educational and developmental services records, and often have direct access to education information-sharing systems (such as Foster Focus). Children’s attorneys do not have similar access.	The court is required by statute to consider whether limitation of parental decision-making rights is necessary at disposition and at each statutory review hearing. Form JV-535 is intended to serve as a record of that consideration, and so the committee has recommended that it be used at each of those hearings. If there is no change to the holder of decision-making rights or to any other information, a copy of the form from the previous hearing may be used, with an updated judicial signature and file stamp. The committee has modified the proposal to recommend that, at hearings in which a party requests a limitation of parental decision-making rights or the appointment of an ERH, the party making the request be required to complete and file the form with the court as a proposed order after hearing. The committee believes, however, that if there is no request, the child’s attorney is the appropriate person to complete and file the form. The attorney is the only participant in the proceedings with an undivided duty of loyalty to his or her child client and, therefore, the only one legally and ethically required always to act in the child’s interests.
Legal Advocates for Children & Youth Andrew Cain Supervising Attorney	Rule [5.649]: LACY supports the Judicial Council offering clear guidance as to when form JV-535 is required and which party or attorney has responsibility for completing the form. LACY believes it is appropriate to expect the form to be completed at every hearing where a limitation is ordered or continued, except in instances where the court instructs otherwise. Further, the form is valuable following a hearing where the rights of a parent or guardian are restored. However, LACY does not support imposing this requirement at a hearing where the rights of a	The committee does not recommend an exception to the requirement to use form JV-535 when the parent or guardian retains decision-making rights. The court is required to consider whether a limitation on decision-making rights is necessary at the dispositional hearing and each statutory review or permanency hearing. Form JV-535 is intended to serve as a record of that consideration, and so the committee has recommended that it be used at each of those hearings. With regular

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Rule 5.649 (circulated for comment as rule 5.650)		
Commentator	Comment	Committee Response
	<p>parent or guardian are left intact. At the vast majority of statutory hearings such rights are left untouched. Imposing this requirement would create an undue addition to the workload of the party or attorney expected to complete the form. In addition, most schools will assume the parent or guardian maintains educational rights, absent being shown documentation to the contrary.</p> <p>LACY supports requiring minor’s counsel to complete the form in the aforementioned instances, provided counsel made or supported the request. In instances where minor’s counsel opposed a request made by another party, the court order should be drafted by the requesting party.</p> <p>Lastly, the term “developmental services decisionmaker” should be inserted in multiple places. Specifically, the term should be included at line 22 of page 17 and line 26 of page 18.</p>	<p>use, the form can also serve as recognizable confirmation of the parent’s or guardian’s continuing authority to make decisions should any school or regional center express doubt.</p> <p>The committee agrees with the suggestion and has modified its recommendation to require the requesting party, if there is one, to complete and file the form. If there is no requesting party, however, the committee has concluded that the child’s attorney is the appropriate person to complete and file the form.</p> <p>For the reasons discussed in response to the comment on rule 5.502, the committee does not recommend inserting the term developmental-services decision maker in this rule.</p>
National Center for Youth Law Maya Cooper Policy Manager	<p>Page 17. Rule [5.649], this section title should be re-named as the current title does not fit with the new language. The new title could be, “Identification of Educational Rights Holder.”</p> <p>Page 17. Rule 5.[649](a): Move the sentence that reads, “The court must identify the authorized educational rights holder on form JV-535 regardless of whether the court limits the parent’s or guardian’s rights” to the beginning of that section.</p> <p>Page 19. Rule 5.[649](e) Filing of order: NCYL would like to highlight the importance of this provision and that the child’s attorney must complete the JV-535 form. We feel this requirement is a necessary component of the changes to the</p>	<p>The committee has modified the title of the rule.</p> <p>The committee agrees that this statement should be more prominent and has moved it to the beginning of the rule.</p> <p>The committee agrees that the consistent, accurate, and timely completion and filing of form JV-535 after every hearing is critical. The committee has modified its recommendation to require that a party requesting</p>

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Rule 5.649 (circulated for comment as rule 5.650)		
Commentator	Comment	Committee Response
	form and will help ensure that the form is completed accurately and in a timely manner.	judicial action regarding educational or developmental-services decision-making rights file the form. If no request is made and the court limits parental rights sua sponte, the committee recommends that the child’s attorney be required to complete and file the form.
Superior Court of Los Angeles County	The new proposed rule 5.[649](b) highlights the lack of statutory authority for the court to appoint a temporary holder of education rights in a WIC 601 or 602 case, yet in existing 5.651(b)(1)(D) the court in all juvenile cases is required to inquire at the initial hearing if there is a need to appoint a temporary holder of educational rights. What should the court in a 601 or 602 case do when it ascertains that there is such a need? Without statutory authority to appoint, it renders the requirement to inquire meaningless. There are so many cases where youth are living with a nonparent, non-legal guardian, where the adult caretaker has no legal authority to sign an IEP or requests related to special ed assessments. It is harmful to the youth for the court to be unable to appoint a temporary holder of ed rights when the parent or other holder of ed rights is unable or unwilling to exercise those responsibilities. This may very well require statutory change, but it is important to note the inequity of the statutes and hence the rules.	The committee agrees that an inquiry without authority to act on the result thereof is meaningless. The committee has modified its recommendation to clarify that rule 5.651(b)(1)(D) applies only in dependency proceedings.

Rule 5.650 (circulated for comment as rule 5.651)		
Commentator	Comment	Committee Response
Children’s Law Center of California Ann Quirk Attorney	A. Rule 5.[650](f)(3): requires ERH to provide information and recommendations to the social worker or probation officer and to make written recommendations to the court or attend the review hearing and participate in those portions of the hearing that concern the child’s education. This misstates WIC 361 & 726 as communication with the	The committee agrees with the comment and has modified its recommendation accordingly.

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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Rule 5.650 (circulated for comment as rule 5.651)		
Commentator	Comment	Committee Response
	<p>CSW/PO is not required. The word “and” should be changed to “or”.</p> <p>B. Rule 5.[650](h)(8): requires the clerk to provide copy of the JV-535 to the “immediately preceding educational rights holder, if any”. The former ERH is not entitled to this information and it could be a safety issue. Former ERH should only receive notice that previous court order has been vacated.</p>	<p>The committee agrees with the comment and has modified its recommendation accordingly.</p>
<p>Legal Advocates for Children & Youth Andrew Cain Supervising Attorney</p>	<p><u>Rule 5.[650]:</u> The title of this proposed rule should be changed to read “Appointed educational rights holder or developmental services decisionmaker”. Further, the phrase “developmental services decisionmaker” should be inserted at line 36 of page 19 and line 12 of page 20.</p> <p>Paragraph (2) of subdivision (a) should not reference developmental services decisionmaking. Appointment of a surrogate parent relates to educational services. Government Code 7579.5 refers to the responsibilities of a local education agency. There is no corollary provision referenced that governs the responsibility of a Regional Center to appoint a surrogate.</p> <p>The introduction to subdivision (b) should read “The court may, using form JV-535, appoint or continue the appointment of an educational rights holder to make educational decisions or a developmental services decisionmaker to make developmental services decisions for a nonminor or nonminor dependent if:”</p> <p>Subdivision (e) should be titled “Transfer of parent’s or guardian’s educational or developmental-services</p>	<p>The committee does not recommend inserting the term “developmental-services decision maker” in the rule. (See discussion above in response to comment on rule 5.502 as well as further discussion below.)</p> <p>The committee does not recommend the suggested change. Section 361(a)(4) authorizes the court to make developmental-services decisions for a child if it cannot identify a responsible adult to make those decisions. Rule 5.650(a)(2)(A)(ii) is intended to restate that authority.</p> <p>The committee does not recommend inserting the term “developmental-services decision maker” in the rule.</p> <p>The committee does not recommend inserting the term “developmental-services decision maker” in the rule.</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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Rule 5.650 (circulated for comment as rule 5.651)		
Commentator	Comment	Committee Response
	<p>decisionmaking rights to educational rights holder or developmental services decisionmaker”. Further, the statutory references included in the introductory paragraph should be separated based on their content. Any references to statutes that can be utilized for educational services should be tied to the educational rights holder. Similarly, any references to statutes that can be utilized for developmental services should be tied to the developmental services decisionmaker.</p> <p>Lastly, the phrase “Welfare and Institutions Code” should be added before “section 4701.6” at line 15.</p> <p>In paragraph (1) of subdivision (e), the phrase “or guardian” should be added after “parent” at line 25.</p> <p>Subdivision (f) should be modified to clarify the responsibilities of the educational rights holder and developmental services decisionmaker, respectively. For example, a developmental services decisionmaker, acting without educational rights, should not have responsibility for determining the appropriateness of a child’s school placement. And, an educational rights holder, acting without developmental services decisionmaking authority, should not have responsibility for determining the appropriateness of an individualized family service plan.</p> <p>Also, the phrase in proposed 5.[650](f)(1)(D) “promote community integration, an independent productive and normal life, and a stable and healthy environment” is overly broad and tends to touch upon areas of case management within the</p>	<p>The committee does not recommend inserting “Welfare and Institutions Code” into the rule as suggested. Unspecified statutory references in the juvenile rules are presumed to refer to the Welfare and Institutions Code.</p> <p>The committee agrees with the comment and has modified its recommendation accordingly.</p> <p>As explained above, the committee has concluded that in all but the rarest of cases, a single rights holder will hold both educational and developmental-services decision-making rights. In those rare cases when a separate individual holds each type of right, the committee has concluded that the circumstances of the case and the minor modifications made to the rule should be sufficient to distinguish which rights holder is responsible for acting in any given situation.</p> <p>The committee does not recommend deleting this phrase. It is drawn verbatim from section 4646, which describes the statutory goals of the provision of developmental services by a regional center. If parental</p>

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Rule 5.650 (circulated for comment as rule 5.651)		
Commentator	Comment	Committee Response
	<p>purview of the child welfare worker. LACY recommends deleting that phrase.</p> <p>In subdivision (g), the phrase “developmental services decisionmaker” should be inserted at lines 19 and 38 on page 27. In addition, the word “nonminor” was omitted at line 26 of page 28. The passage should read “...the child’s, nonminor’s, or nonminor dependent’s attorney...”</p> <p>In subdivision (h), the phrase “developmental services decisionmaker” should be inserted at line 9 of page 29. In addition, service of the JV-535 should be made upon the county office of education or appropriate regional center only when educational or developmental decisionmaking rights, respectively, were limited.</p> <p>LACY supports the concept expressed in subdivision (j) of providing access and participation rights to educational rights holders and developmental services decisionmakers. However, LACY recommends maintaining the existing limitation in paragraph (2) that restricts such participation to relevant portions of the hearing. LACY is concerned that removing judicial discretion to control the conduct of the proceeding could lead to a chilling effect on the participation of parties. Matters discussed in juvenile dependency proceedings are of an incredibly sensitive nature. Parties should be encouraged to be open and forthright about their circumstances. Allowing unrelated individuals into a courtroom during all portions of the proceeding could limit the willingness of parties to be open. Further, if a child wants to exclude a rights holder or decisionmaker from certain portions of the proceeding, the</p>	<p>rights were not limited, the parent would hold the authority to ensure that the services promote these goals. The ERH is expected to do no less.</p> <p>The committee does not recommend inserting the term “developmental-services decision maker” in the rule. The committee has inserted the term “nonminor’s” as suggested.</p> <p>For the reasons discussed in its response to the comment on rule 5.502, the committee does not recommend inserting the term “developmental-services decision maker” in the rule. The committee has made a minor modification to indicate that service on the regional center is required only when applicable.</p> <p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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Rule 5.650 (circulated for comment as rule 5.651)		
Commentator	Comment	Committee Response
	court should have the authority to grant that request.	
National Center for Youth Law Maya Cooper Policy Manager	<p>Page 21. 5.[650](d)(1), remove the words “and related services” so that the sentence will read, “. . . the child is more may be eligible for special education or already has an individualized education program . . .”</p> <p>Page 25. Rule 5.[650](f)(3), change “or” to “and” so that the sentence will read, “. . . nonminor dependent’s educational AND developmental services . . .”</p> <p>Page 25. Rule 5.[650](f)(3). The WIC 361(a)(5) reads, “If an educational representative or surrogate is appointed for the child, the representative or surrogate shall meet with the child, shall investigate the child’s educational needs and whether those needs are being met, and shall, prior to each review hearing held under this article, provide information and recommendations concerning the child’s educational needs to the child’s social worker, make written recommendations to the court, or attend the hearing and participate in those portions of the hearing that concern the child’s education. The proposed changes to the ROC insert the word "or" into "and". Rule 5.651(f)(3) should follow the language of WIC 361(a)(5) and state "provide information and recommendations concerning the child's educational needs to the child's social worker, make written recommendations to the court, OR attend the hearing and participate in those portions of the hearing that concern the child's education." As the ROC is written in this proposal, the child’s education rights holder must provide information to the assigned social worker or probation officer AND either provide</p>	<p>The committee does not recommend making the suggested change. “Special education and related services” is a term of art used in federal and state statutes to describe the full range of services available to a pupil with special needs.</p> <p>The committee does not recommend making the suggested change. The committee chose “or” to indicate that the ERH could hold educational decision-making rights, developmental-services decision-making rights, or both.</p> <p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p>

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

Rule 5.650 (circulated for comment as rule 5.651)		
Commentator	Comment	Committee Response
	<p>written recommendations to the court or attend the hearing. We believe these statutory mandates would create an unnecessary burden on the education rights holder. The JV-535 form would need to be revised to reflect this change, as well.</p> <p>Pages 23–26. Rule 5.[650](f), remove the term “must” <i>within this entire section</i>. We believe this term is too strong a statutory requirement and would create too heavy of a burden for written requirements of education rights holders. We would suggest replacing the term “must” in this section with “is responsible for” or “is expected to”.</p> <p>Page 26. Rule 5.[650](f)(4), move this entire section to the beginning of section (f) on page 23 so that it becomes section (f)(1).</p> <p>Pages 29–30. 5.[650](i), NCYL strongly supports this change as it will ensure that the child’s biological or adoptive parents have the same right to request assistance in obtaining education and training in the laws as other educational rights holders.</p>	<p>With the exception of paragraph (f)(4), the committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>The committee agrees with this suggestion and has modified its recommendation accordingly.</p> <p>No response required.</p>
<p>Orange County Department of Education Lysa M. Saltzman Counsel</p>	<p>Rule 5.[650]—Appointed Educational Rights Holder: On page 19, subdivision (a), beginning with line 25 through page 20, line 9, it is unclear whether the court will contemplate that a foster parent, relative, caregiver, or non-relative extended family member can make educational decisions for the child absent a specific order by the court. Pursuant to Education Code section 56028(a)(2) and (b), the court would have to specifically order that the foster parent or another person has been designated as the “parent” for purposes of making educational decisions on behalf of the child.</p>	<p>The committee agrees with the comment and has modified its recommendation in response to indicate that, if the court has limited a parent’s or guardian’s educational decision-making rights for a child in a court-ordered planned permanent living arrangement, the child’s foster parent, relative caregiver, or nonrelative extended family member is authorized to exercise the authority granted in section 361(a)(1)(E) and Education Code section 56055 without further court order. If the court limits the parent’s or guardian’s decision-making rights and the child is not in a planned permanent living arrangement, the court would need to appoint an ERH.</p>

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Rule 5.650 (circulated for comment as rule 5.651)		
Commentator	Comment	Committee Response
	<p>In subdivision (d)(3)(A), on page 22, line 19, requiring that the local educational agency send copies of the JV-536 to the dependent child’s attorney, social worker, or probation officer poses an undue burden on the local educational agency who may not know who those individuals are or how to provide them with the form. As an alternative, we propose that the local educational agency must notify the court on Form JV-536 and then the court would send copies of the notice to the other individuals involved in the child’s case, including the child’s attorney, social worker, or probation officer. In addition, the name and contact information for the dependent child’s attorney, social worker, or probation officer is not specified anywhere on Form JV-535 and it is unknown how the local educational agency would obtain this information. Similarly, these references should be removed from page 22, lines 36-37, as it would place an undue burden on the local educational agency to notify the child’s attorney, social worker, or probation officer.</p>	<p>The appointed ERH could be a foster parent, relative caregiver, or nonrelative extended family member.</p> <p>The committee does not recommend modifying the rule in response to this comment. Sections 48850–48859 already require the local educational agency (LEA), and specifically, the local foster care educational liaison, to be in regular contact with the county welfare department and the county probation department regarding the education of each “foster child” as defined in section 48853.5. The LEA may use the existing method to send form JV-536 to the foster child’s social worker or probation officer. In 2012, AB 1909 amended section 317(e)(4) to require the child’s attorney or the attorney’s firm to provide contact information to the educational liaison of each LEA serving the attorney’s child clients in the county of jurisdiction as long as the list of educational liaisons is available on the CDE website. Amendments to rule 5.660(d) in this proposal reflect that change. The statute also permits the child’s caregiver or ERH to give the attorney’s contact information to the LEA. There is no legal reason that the LEA should not have access to the information in question.</p>
<p>Public Counsel Martha Matthews Directing Attorney</p>	<p>Rule 5.[650](j)(2): The Rule should state that the court “shall” (rather than “may”) allow the education rights holder to participate in any non-judicial hearings or mediation that could affect the child’s education or developmental services. As currently worded it has the effect of a restriction on existing rights and is inconsistent with statute</p> <p>Advisory Committee Comment (p. 30)</p>	<p>The committee agrees with the suggestion and has modified its recommendation by replacing “may” with “must.”</p>

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Rule 5.650 (circulated for comment as rule 5.651)		
Commentator	Comment	Committee Response
	<p>The term “identification” should not be changed to “assessment” as assessment and evaluation are the generally the same under IDEA but “identification” is a separate and important concept. The amendment suggests a restriction on current roles and duties.</p> <p>The advisory comment states that in cases where the child has special education needs and the court orders appointment of a surrogate, but the school district fails to appoint a surrogate, the Court is not authorized to make education decisions for the child. While it is true that Welf. & Inst. Code § 361(a)(3) does not explicitly grant the court this power, such action is within the court’s general authority under § 362 in the absence of any express statutory prohibition. If a school district fails or refuses to appoint a surrogate in a timely manner, the juvenile court must have the power to act to protect the child’s federally protected rights to receive special education services, if needed, and the inability of the school district to fulfill its duties should not result in a denial of such services version of rule], then the court may initiate the joinder process pursuant to Rule 5.575 and may make educational decisions for the child until a surrogate is appointed.</p>	<p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>The committee agrees with the suggestions and has modified its recommendation accordingly.</p>
<p>Superior Court of San Diego County Michael M. Roddy Executive Officer</p>	<p>CRC 5.[650](a) – Add “§ 7579.5” – “Gov. Code §§ 7579.5, 7579.6”</p> <p>CRC 5.[650](a)(2)(C) – Suggested change to avoid awkward construction: “(a) ... the court must use form JV-535 ... to document that one of the following circumstances exists: [...] (2) The court cannot identify a responsible adult to serve as the child’s educational rights holder ..., and [...] (C) If the court must temporarily make educational or developmental services decisions for a child before disposition, it must will order that</p>	<p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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

Rule 5.650 (circulated for comment as rule 5.651)		
Commentator	Comment	Committee Response
	<p>every effort be made to identify a responsible adult to make future educational or developmental-services decisions for the child.”</p> <p>CRC 5.[650](b)(1) - Change “him-“ to “himself” for clarity and for consistency with WIC § 361(a)(1)(A).</p> <p>CRC 5.[650](c)(2) – Reference should be to 726(c).</p> <p>CRC 5.[650](d)(2) – <i>Query</i>: Why was “seven calendar days” changed to “five court days” (for service of JV-535 on LEA)?</p> <p>CRC 5.[650](d)(3)(A) & (B) – <i>Query</i>: Why was “seven calendar days” changed to “five court days” (for LEA to notify court of its actions)? Note: Proposed form JV-536 still states “seven calendar days” in first sentence (above item 1).</p> <p>CRC 5.[650](d)(4) - Stet change from (g)(2) to (f) because the notice provisions are still contained in (g)(2) – “must provide notice of the hearing as provided in (g)(2)(f).”</p> <p>CRC 5.651(f)(2)(C) - Add section 362.5 (confidentiality for nonminor dependents) – “Comply with all federal and state confidentiality laws, including sections 362.5 and 827 and Government Code section 7579.5(f);”</p> <p>CRC 5.[650](f)(4)(D) – Suggest the following change for</p>	<p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>The committee changed “seven calendar days” to “five court days” as part of a Judicial Council effort to consistently use “court days” to refer to days in the rules of court. This usage takes account of the effect of court closures, furloughs, and holidays to mitigate the burden of these deadlines on already overburdened court staff.</p> <p>See response to previous comment. The committee has modified form JV-536 so that it is consistent with this rule.</p> <p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>The committee agrees with the suggestion and has</p>

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Rule 5.650 (circulated for comment as rule 5.651)		
Commentator	Comment	Committee Response
	<p>consistency with preceding phrase – “(D) ... to consult with persons involved in the provision of the child’s, nonminor’s, or nonminor dependent’s education or developmental services; and to sign any consents to education [delete hyphen] or developmental-related [delete hyphen] services and plans; and... .” Note: Change from “sign any consents” to “consent” is consistent with subd. (f)(4)(E).</p> <p>CRC 5.[650](h) – <i>Query</i>: Why was “seven calendar days” changed to “five court days” (for providing copies of order appointing a new or different educational rights holder)?</p> <p>CRC 5.[650](h) – Suggested change for accuracy – “The clerk will make <u>copies of the form(s)</u> available”</p> <p>CRC 5.[650](h) – <i>Query</i>: Should any of the following be added to the list of recipients?</p> <ul style="list-style-type: none"> - “The child’s, nonminor’s, or nonminor dependent’s school” - “The child’s, nonminor’s, or nonminor dependent’s tribe [or tribal representative]” - “The local educational agency” - “The special education local plan area” 	<p>modified its recommendation accordingly.</p> <p>See response to comment on rule 5.650(d)(2).</p> <p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>The committee believes that service on the educational liaison is sufficient to notify the school, the LEA, and the SELPA. Section 56026.3 of the Education Code includes SELPAs within its definition of LEA. On the other hand, the committee believes that simply making a copy of the form available on request to an Indian child’s tribe does not satisfy the requirements of the Indian Child Welfare Act or of section 293. In response to this concern, as well as concerns regarding the notice of the filing of an application to administer psychotropic medication, the committee has modified its recommendation to add definitions of <i>Indian child</i> and <i>Indian child’s tribe</i> to rule 5.502 as well as to amend rule 5.650(h) and revise form JV-535 to require the clerk to provide a copy of that form to an Indian child’s tribe, as defined.</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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

Rule 5.650 (circulated for comment as rule 5.651)		
Commentator	Comment	Committee Response
	<p>CRC 5.[650](h) – Queries: How is “provide a copy” different from “make the form available”? Should any of the following be added to the list of recipients? What method(s) of delivery (personal service, mail, etc.) is acceptable?</p> <p>Advisory Committee Comment</p> <p>- First sentence, as edited, does not make sense: “... the court may appoint a surrogate parent for a child to a child’s rights in all matters” <i>Suggest</i> instead: “... the court may appoint a surrogate parent to represent a pupil in all matters”</p> <p>- <i>Suggest</i> the following changes: “When the A court-appointed an educational rights holder, that person is responsible for protecting the child’s rights and interests with respect to educational or developmental-services needs, including any special education and related services needs.”</p>	<p>The committee intends “provide a copy” to create an affirmative duty to give or send a copy of the form to those persons listed. The term was chosen to permit the clerk to deliver a copy by hand to any listed person present in court at the time the order is issued as well as to send it by first-class mail. The committee intends “make the form available” to create a lesser duty to furnish a copy in response to a request.</p> <p>The committee agrees that the first sentence does not make sense and has modified its recommendation to remedy this nonsense.</p> <p>The committee agrees with the suggestions and has modified its recommendation accordingly.</p>

Rule 5.651 (circulated for comment as rule 5.652)		
Commentator	Comment	Committee Response
CA Dept. of Social Services Sharon DeRego Staff Services Manager	See objection to definition of nonminor in 5.502. Also, Court proceedings would involve nonminor dependent (NMD), not nonminor as defined.	See response to CDSS comment on rule 5.502. The committee believes that judicial proceedings could involve either nonminors or nonminor dependents over whom the court has retained jurisdiction under section 303.
Legal Advocates for Children & Youth Andrew Cain	At line 10 of page 33, insert the phrase “or developmental services decisionmaker” after “educational rights holder.	For the reasons discussed above in response to the commentator’s suggestions regarding rules 5.502 and 5.650, the committee does not recommend using the

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Rule 5.651 (circulated for comment as rule 5.652)		
Commentator	Comment	Committee Response
Supervising Attorney	<p>At paragraph (2) of subdivision (b), on page 33, two references are made to the phrase “developmental services needs.” These references are made in the context of certain things the court is required to consider. LACY believes the concept of “developmental needs” and “developmental-services needs” are separate. Using the phrase “developmental needs” would more accurately reflect the considerations required of the court at various hearings. LACY asks for this change to be made at lines 26 and 34 of page 33.</p> <p>On page 34 at line 31, the words “or guardian” should be inserted after the word “parent”.</p> <p>On page 35 at line 1, the phrase “or developmental services decisionmaker” should be inserted after “educational rights holder”. The same phrase should be inserted at the end of line 8 on page 35.</p> <p>In subdivision (c), LACY believes the word “and” at line 15 of page 35 should be stricken and replaced by the word “or”, in order to reflect that only one of either the social worker or probation officer has the outlined responsibility.</p> <p>The word “services” should be stricken at line 25 of page 35 to reflect that the report should include information on the child’s “developmental needs”. At line 41 of page 36 the word “education” should be stricken and replaced with the word “intervention”, in order to more accurately reflect the language used in the cited Government Code sections.</p>	<p>term “developmental-services decision maker” in this rule.</p> <p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>For the reasons discussed above, the committee does not recommend inserting the phrase into this rule.</p> <p>The committee agrees with the suggestion and has modified the proposal accordingly.</p> <p>The committee agrees with these suggestions and has modified the proposal accordingly.</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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Rule 5.651 (circulated for comment as rule 5.652)		
Commentator	Comment	Committee Response
	LACY recommends inserting a new paragraph following paragraph (8) to specifically address services under Section 504 of the Rehabilitation Act. These services are sufficiently distinct from services offered through an individualized education program as to warrant a separate paragraph.	The committee agrees with these suggestions and has modified the proposal accordingly.
National Center for Youth Law Maya Cooper Policy Manager	Page 37. 5.[651](d) , replace “or” with “and” so that the sentence will read, “whether the child needs developmental services or special education or qualifies for any assessment.	The committee does not recommend making the suggested change.
Orange County Department of Education Lysa M. Saltzman Counsel	Rule 5.[651]—Educational and Developmental Services Rights: In subdivision (b) on page 32, beginning with line 23, we suggest the language be revised to align with the terminology used in Education Code section 48853.5(e)(6). Also, in subdivision (e), on page 37, commencing with line 29, and as reflected on the comments to Form JV-539, we believe these provisions exceed the scope of Education Code section 48853.5. If there is a dispute regarding the request for foster child to remain in the school of origin, in accordance with Education Code section 48853.5(e)(9), the foster child has the right to remain in the school of origin pending resolution of the dispute which shall be resolved in accordance with the existing dispute resolution process available to a pupil served by the local educational agency.	The committee has amended the language in rule 5.651(b)(1)(C)(i) to clarify its intended consistency with section 48853.5(e) of the Education Code while being mindful of the limitation, in section 48853.5(d), of the educational liaison to an advisory role. This committee intends rule 5.651(e) as it currently reads to be consistent with Education Code section 48853.5(e). Paragraphs (1) and (9) of the statute may be in some tension. Paragraph (1) requires, without qualification, that the LEA allow the pupil to continue in the school of origin “for the duration of the jurisdiction of the court.” Paragraph (9), however, can be read to limit the pupil’s right to remain in the school of origin to the time it takes for the dispute resolution process to run its course. The committee is reluctant, however, to read a limitation into a specific, unqualified right or duty without a legislative warrant expressed more directly than that in paragraph (9). Furthermore, sections 317(e)(7) and 362(a) give the juvenile court general authority to take action and issue orders for the care and maintenance of a foster child to protect the child’s interests.

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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Rule 5.651 (circulated for comment as rule 5.652)		
Commentator	Comment	Committee Response
<p>Public Counsel Martha Matthews Directing Attorney</p>	<p>Rule 5.[651] Educational and developmental services rights</p> <p>Overall Concerns: <i>Timing:</i> Under this rule hearings and inquiries are often made after the student has already changed school (See sections (b)(1)(C) "if the pupil is no longer attending the school of origin."; (b)(2)(D) "if the pupil's educational placement changed..."; and (e)(1) at any hearing that "follows a removal of the pupil from the school of origin.") Given that these hearings may be held months after a student has already been moved from the school of origin, the harm of educational disruption has already occurred. If substantial time has passed since a student changed school, moving the student back to the school of origin at that point could cause yet another disruption in their education. This is particularly critical with respect to the initial hearing under section (b)(1) because the student has just been through a lot of trauma both from the underlying allegations and the initiation of dependency proceedings; it should be a priority to ensure that the placement helps the child stay in their school of origin to establish stability. As a result, many of our comments are focused on getting the placement agencies to notify parties before or soon after a proposed change in home placement because that is when school of origin rights may be triggered and the time when parties need to advocate and request a timely hearing if necessary.</p> <p><i>Responsibilities of school districts vs. placement agencies:</i> The rule requires the court to make inquiries as to whether a school district fulfilled its responsibility to maintain a student in the school of origin but does not do the same for the placement agency. While it is important that school districts not only allow but support students who remain in their school of</p>	<p>The committee recognizes that timely notice to a child's counsel of a change in home placement is critical to establishing and maintaining educational stability. Section 16010.6 requires the county placement agency to notify the child's attorney immediately, but no later than the close of the business day following the decision, of any decision to place or change the placement of a dependent child. The notice must include the child's address, phone number, and caregiver, and applies to any change of placement regardless whether the change affects the child's educational placement. The committee has modified its recommendation in several respects to ensure, within the scope of this proposal, that the court receives the information it needs to fulfill its legal responsibilities. The committee believes, however, that further specification of duties of the placement agency or the LEA is appropriately left to the Legislature. If juvenile courts find that the current legal framework does not ensure that they receive sufficient information to enable them to protect the rights of persons under their jurisdiction, further rule amendments might be justified. For additional responses to specific suggestions, see below.</p>

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Rule 5.651 (circulated for comment as rule 5.652)		
Commentator	Comment	Committee Response
	<p>origin, foster youth liaisons often have no idea that a student has moved out the school until it has already happened.</p> <p>Placement agencies are the ones that initiate changes in home placements that may in turn necessitate school changes; therefore they are in the best position to notify all the necessary parties who can help protect a student's right to remain in the school of origin. Furthermore, where the placement agency moves the student is probably the greatest factor in determining whether a student can meaningfully access their right to school of origin; of course, while the right to stay in the school of origin is clear in state law, such a right is not meaningful if the child is placed so far away that arranging transportation and travel is impossible.</p> <p>The only responsibility this rule mentions with regards to placement agencies is notification when a proposed home placement could result in a change in school placement. However, the law also requires that placement agencies take proactive steps to maintain educational stability.</p> <p><i>Authority to make school placement decisions:</i> the rule should be clear that placement agencies do not have the authority to make school placement decisions. Nevertheless as mentioned above when a placement agency moves a student to somewhere that would make it extremely challenging for a student to travel to the school of origin, the placement agency is effectively removing the student from the school of origin. Some of our comments address this critical distinction.</p> <p><u>Rule 5.[651] Educational and developmental services rights – requested language changes</u></p>	

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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Rule 5.651 (circulated for comment as rule 5.652)		
Commentator	Comment	Committee Response
	<p>1. Add the following language to section (b)(1)(C), (b)(2)(D) and (e)(1)</p> <p>“(i) The social worker or probation officer provided the notification under section (e)(1)(A) of this rule.</p> <p>(ii) The social worker or probation officer’s proposed placement takes into account the appropriateness of the current educational setting and the proximity to the school of origin.</p> <p>(iii) The social worker or probation officer coordinated with the person holding the right to make educational decisions for the child and appropriate local educational agencies to ensure that the child remains in the school of origin or, if remaining in that school is not in the best interests of the child, whether the social worker or probation officer provided immediate and appropriate enrollment in a new school and to provide all of the child's educational records to the new school.”</p> <p>2. (b)(2)(E)(i): This section should also cross-reference rule 5.651(j) to make it clear that when the parent is the child’s education rights holder the parent has the right to participate and provide education and development related information to the court in any judicial or non-judicial hearing or mediation that could affect the child’s educational or developmental services.</p> <p>3. Add to (c)</p>	<p>The committee regards the further amendments to subdivisions (c), (e), and (f), below, combined with the discussion of the placement agency’s responsibilities in the Advisory Committee Comment, as sufficient at this time to ensure that the court receives the required information and considers the placement agency’s role in maintaining educational stability. The committee does not recommend making the suggested changes.</p> <p>The committee agrees with the suggested change and has modified its recommendation accordingly.</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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Rule 5.651 (circulated for comment as rule 5.652)		
Commentator	Comment	Committee Response
	<p>(16) The number of school transfers the pupil has already experienced;</p> <p>(17) Whether the student is currently attending the school of origin. If not, whether (i) The social worker or probation officer provided the notification under section (e)(1)(A) of this rule. (ii) The social worker or probation officer’s proposed placement takes into account the appropriateness of the current educational setting and the proximity to the school of origin. (iii) The social worker or probation officer coordinated with the person holding the right to make educational decisions for the child and appropriate local educational agencies to ensure that the child remains in the school of origin or, if remaining in that school is not in the best interests of the child, whether the social worker or probation officer provided immediate and appropriate enrollment in a new school and to provide all of the child's educational records to the new school.”</p> <p>4. Revise (e)(1) to “At any hearing that relates to or may affect the pupil’s education <u>or one that follows a change in placement affecting the right of the pupil to attend the school of origin.</u>”</p> <p>5. Revise (e)(1)(A) to ”no more than one court day after making the determination that the proposed placement or change in placement <u>would cause the pupil to reside in a different school attendance zone or school district than the pupil’s school of origin...</u>”</p> <p>6. Revise (e)(2)(A) “The pupil’s attorney must, as appropriate, discuss the proposed <u>or most recent placement</u></p>	<p>The committee agrees that the court should have this information. The placement agency is required by section 16010 to include this and other information about a child’s education in the case plan submitted to the court at the dispositional hearing and in each court report filed under sections 366.1, 366.21(d), or 366.22(c) for subsequent hearings. The committee has modified its recommendation to include an amendment to paragraph (c)(14) to clarify that the court must ensure that the report includes the information required by section 16010(a)–(b).</p> <p>The committee has modified its recommendation to include changes substantially similar to those suggested by the commentator.</p> <p>The committee has modified its recommendation to include changes substantially similar to those suggested by the commentator.</p> <p>The committee agrees with the suggested change and has modified its recommendation accordingly.</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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Rule 5.651 (circulated for comment as rule 5.652)		
Commentator	Comment	Committee Response
	<p><u>change and its effect on the pupil’s right to attend the school of origin with the pupil and the person who holds educational rights.”</u></p> <p>7. Revise (e)(4) to required report to include all information under (b)(1)(C) and not just subclauses (i) and (ii).</p> <p>8. Add to (f)(1)(A) citations to Welfare and Institutions Code sec. WIC 16010(a) and 16501.1 (f)(8).</p> <p>9. Revise (f)(2) to comport with the best interest standard in Ed Code 48853.5 “when considering whether it is in the pupil’s best interest <u>to remove a pupil from the school of origin</u></p>	<p>The committee agrees with the suggested change and has modified its recommendation accordingly.</p> <p>The committee agrees with the suggested change and has modified its recommendation accordingly.</p> <p>The committee agrees with the suggested change and has modified its recommendation accordingly.</p>
Superior Court of Los Angeles County	Please do not renumber the current CRC 5.651. It has taken a while to integrate changes to probation reports to include mandated requirements of 5.651. Probation now understands that all of this “new” educational information that is required is a result of 5.651. They are familiar with that provision and it would be potentially confusing to renumber the rule when it has gained such familiarity. If there is a need to divide the existing CRC 5.650 into two separate rules, why not use 5.649 and 5.650? There currently is no 5.649.	The committee agrees with the suggested renumbering and has modified its recommendation accordingly.
Superior Court of San Diego County Michael M. Roddy Executive Officer	<p>Title of CRC 5.[651](a) – In the citation parenthetical, add subd. (g) to § 319, § 361(a), § 366.27(b), subd. (e) to § 366.3, § 726, subd. (e) to § 727.2, Ed. Code, § 48645 et seq., § 48850 et seq., §§ 49069.5, 56055, 56155 et seq., and change Gov. Code, § 7579.1 to Gov. Code, §§ 7573-7579.6.</p> <p>(a) Applicability (§§ 213.5, 319(g), 358, 358.1, 361(a), 364, 366.21, 366.22, 366.23, 366.26, 366.27(b), 366.28, 366.3(e), 726, 727.2(e), 4500 et</p>	The committee agrees with these suggestions and has modified the proposal accordingly.

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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Rule 5.651 (circulated for comment as rule 5.652)		
Commentator	Comment	Committee Response
	<p><u>seq., 11404.1, 16000, 16501.1; Ed. Code, § 48645 et seq., § 48850 et seq., §§ 49069.5, 56055, 56155 et seq.; Gov. Code, § 7579.1 §§ 7573-7579.6; 20 U.S.C. § 1400 et seq.; 29 U.S.C. § 794; 42 U.S.C. § 12101 et seq.)</u></p> <p>-- <i>Query</i>: Should § 213.5 be deleted? It concerns ex parte protective orders, not educational or developmental services issues.</p> <p>-- <i>Query</i>: Should § 366.23 be deleted? It concerns noncustodial parents seeking placement or custody.</p> <p>-- <i>Query</i>: Should § 366.28 be deleted? It concerns post-TPR appeals of placement or removal orders.</p> <p>CRC 5.[651](a)(1) – Suggested changes: “To any child, <u>nonminor, or nonminor dependent</u> for whom a petition has been filed under section 300, 601, or 602 until the petition is dismissed or the court has terminated jurisdiction over the child, nonminor, or nonminor dependent; and”</p> <p>CRC 5.[651](a)(2) – Suggested deletion: “To every judicial hearing related to, or that might affect, the child’s, nonminor’s, or nonminor dependent’s education or receipt of developmental services, including the initial/detention, jurisdictional, dispositional, and all regularly scheduled review hearings.” Alternative revision: “To every judicial hearing related to, or</p>	<p>The committee does not recommend the suggested change. Section 213.5 is relevant to the court’s authority not to disclose certain educational information, including school placement, to a parent or guardian.</p> <p>The committee does not recommend the suggested change. Section 366.23 concerns the noncustodial parent’s right to provide input to the court regarding the child’s placement. That information might impact the stability of the child’s educational placement and is relevant to the determinations required by this rule.</p> <p>The committee agrees with the suggestion and has modified the proposal accordingly.</p> <p>The committee agrees with the suggestion and has modified the proposal accordingly.</p> <p>The committee agrees with the suggested revision and has modified the proposal accordingly.</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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

Rule 5.651 (circulated for comment as rule 5.652)		
Commentator	Comment	Committee Response
	<p>that might affect, the child’s, nonminor’s, or nonminor dependent’s education or receipt of developmental services, including <u>but not limited to</u> the initial/detention, jurisdictional, dispositional, and all regularly scheduled review hearings.”</p> <p>CRC 5.[651](b)(2)(A) – Add “, nonminor’s, or nonminor dependent’s”: “(A) Whether the child’s, <u>nonminor’s, or nonminor dependent’s</u> educational, physical, mental health, and developmental services needs are being met;”</p> <p>CRC 5.[651](b)(2)(E)(i) – Add “or guardian”: “If the court finds that the parent’s or guardian’s educational or developmental services decisionmaking rights should not be limited or should be restored, the court must explain to the parent <u>or guardian</u> his or her rights and responsibilities in regard to the child’s education and developmental services as provided in rule 5.651(e) and (f); or”</p> <p>CRC 5.[651](c) – Change “and” to “or”: “... The court must ensure that, to the extent the information was available, the social worker and <u>or</u> the probation officer provided the following information in the report for the hearing:”</p> <p>CRC 5.[651](c)(9) – Suggested changes: “Whether the child, nonminor, or nonminor dependent is or may be eligible for regional center developmental services or is already receiving developmental services and, if that person is already receiving developmental services, the specific nature of those services.”</p> <p>CRC 5.[651](e)(4)(B) – Suggested change: “Whether a dispute exists regarding the request of a pupil to remain in the school of origin and whether the pupil has been afforded the right</p>	<p>The committee agrees with the suggested revision and has modified the proposal accordingly.</p> <p>The committee agrees with the suggested revision and has modified the proposal accordingly.</p> <p>The committee agrees with the suggested revision and has modified the proposal accordingly.</p> <p>The committee agrees with the suggested revision and has modified the proposal accordingly.</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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Rule 5.651 (circulated for comment as rule 5.652)		
Commentator	Comment	Committee Response
	<p><u>allowed</u> to remain in the school of origin pending resolution of the dispute;”</p> <p>CRC 5.[651](e)(4)(C) – Change “(2)” to “(4)”: “Information addressing whether the information-sharing and other requirements in section 16501.1(c)(24) and Education Code section 49069.5 have been met;”</p> <p>CRC 5.[651](e)(4)(E) – Change “other” to “appointed” for consistency with subd. (f)(2)(A): “The responses of the pupil, if over 10 years old; the pupil’s attorney; the parent, guardian, or other <u>appointed</u> educational rights holder; ...”</p> <p>CRC 5.[651](e)(4)(E) – Change “child’s” to “pupil’s” for consistency: “The responses of the pupil, if over 10 years old; ... and the child’s <u>pupil’s</u> CASA volunteer to the proposed change of placement ...”</p> <p>CRC 5.[651](e)(4)(F) – Suggested change: “A statement ... confirming that the pupil has not been segregated in a separate school, or in a separate program within a school, based on <u>due to the pupil’s</u> placement in foster care.”</p> <p>CRC 5.[651](f)(1)(A) – Query: Do the terms “proposed placement” and “proposed plan” refer to the proposed move to a different school? “Placement” implies a residence rather than an educational enrollment; “plan” can be misinterpreted as “case plan.” It might be clearer as: “Determine whether the proposed <u>placement change in school</u> [or <u>move</u> or <u>school placement</u>] meets the requirements ... and whether the</p>	<p>The committee agrees with the suggested revision and has modified the proposal accordingly.</p> <p>The committee does not recommend the suggested revision because the reference is intended to include caregivers in planned permanent living arrangements who exercise decision-making authority under sections 361, 726, and Education Code section 56055 without an appointment.</p> <p>The committee agrees with the suggested revision and has modified the proposal accordingly.</p> <p>The committee agrees with the suggested revision and has modified the proposal accordingly.</p> <p>The committee agrees with the suggested revision and has modified the proposal accordingly.</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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Rule 5.651 (circulated for comment as rule 5.652)		
Commentator	Comment	Committee Response
	<p>proposed plan <u>it is in the best interests of the pupil;</u>”</p> <p>Advisory Committee Comment – Suggested changes: “A child <u>pupil</u> in, or at risk of entering, foster care has a statutory right to a meaningful opportunity to meet the state’s academic achievement standards to which all students are held. To afford the child <u>pupil</u> this right, the juvenile court, advocates, placing agencies, care providers, educators, and service providers must work together to maintain stable school placements and ensure that the child <u>pupil</u> is placed in the least restrictive educational programs and has access to the academic resources, services, and extracurricular and enrichment activities that are available to other students <u>pupils</u>. This rule, sections 362 and 727, and rule 5.575 provide procedures for coordinating the provision of services to ensure that the child’s <u>pupil’s</u> educational and developmental l services needs are met.</p> <p>“... Children <u>Pupils</u> in foster care are disproportionately represented in the population of children <u>pupils</u> with disabilities and face systemic challenges to attaining self sufficiency. Children <u>Pupils</u> in foster care have rights arising out of federal and state law, To comply with federal requirements regarding the identification of children <u>pupils</u> with disabilities and the provision of services to those children <u>pupils</u> who qualify, the court, parent or guardian, placing agency, attorneys, CASA volunteer, local educational agencies, and educational rights holders must affirmatively address the child’s <u>pupil’s</u> educational and developmental l services needs. The court must continually inquire about the educational and developmental l services needs of the child and the progress being made to enforce any rights the child <u>pupil</u> has under these laws.”</p>	<p>The committee agrees that the term “child” is too narrow and has added the term “youth” to refer to nonminors and nonminor dependents to whom the rules and statutes apply.</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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Rule 5.660		
Commentator	Comment	Committee Response
Dependency Legal Group of San Diego Candi M. Mayes, JD CEO & Executive Director	The proposed amendment to Rule 5.660(d) should also include: 1) the language in the statute WIC 317(e)(4)(A)(ii) that “if counsel is part of a firm or organization representing foster children, the firm or organization may provide its contact information in lieu of contact information for the individual counsel,” and 2) that contact information provided by the attorney with the California State Bar association and available to the public via their website will satisfy the obligation of individual counsel for providing contact information.	The committee has modified its recommendation to clarify that an attorney may provide his or her information in any manner permitted by section 317(e)(4). The committee does not, however, support the suggestion to permit the attorney to use the provision of contact information to the state bar to comply with the statutory requirement. Section 317(e)(4) places an affirmative duty on the attorney to provide contact information to the educational liaison, not merely to make that information available.
Legal Advocates for Children & Youth Andrew Cain Supervising Attorney	Rule 5.660: LACY recommends adding the word “California” in front of “Department of Education” at line 17 of page 42, so as to avoid any confusion between the federal and state departments.	The committee agrees with the suggested revision and has modified the proposal accordingly.
Superior Court of San Diego County Michael M. Roddy Executive Officer	CRC 5.660(d)(5) - Insert “State” per WIC § 317(e)(4)(A) and to distinguish from U.S. Dept. of Ed.: “At least once a year, if the list of educational liaisons is available online from the <u>State Department of Education</u> , ...”	The committee agrees with the commentator’s concern and has modified the proposal to insert “California” to avoid confusion.

Rule 5.695		
Commentator	Comment	Committee Response
Legal Advocates for Children & Youth Andrew Cain Supervising Attorney	LACY recommends striking the term “probation officer” at line 30 of page 43 and replacing it with “social worker”. This would insure consistency within the paragraph and avoid assigning duties to a probation officer within a dependency case.	The committee agrees with the suggested revision and has modified the proposal accordingly.
Superior Court of San Diego County Michael M. Roddy Executive Officer	CRC 5.695(f)(2) – Change “probation officer” to “social worker”: “If the court finds that the social worker has not exercised due diligence, the court may order the probation officer <u>social worker</u> to exercise due diligence in conducting an	The committee agrees with the suggested revision and has modified the proposal accordingly.

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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Rule 5.695		
Commentator	Comment	Committee Response
	investigation ...”	

Rule 5.708		
Commentator	Comment	Committee Response
CA Dept. of Social Services Sharon DeRego Staff Services Manager	See objection to definition of nonminor in 5.502. It should also be noted that “nonminor” is not used within statute and therefore not an applicable population.	For the reasons discussed in its response to CDSS’s comment on rule 5.502, the committee does not recommend the suggested changes. The committee intends the term “nonminor” to include any dependent over 18 years of age over whom the court has retained dependency jurisdiction, but who is not a “nonminor dependent.” The court must hold review hearings for these youth just as it must for children under its dependency jurisdiction. This rule does, therefore, apply to these nonminors. The commentator is correct that the rule does not apply to nonminors over whom the court has dismissed dependency jurisdiction, but has retained general jurisdiction under section 303(b). The use of “nonminor” in this limited sense should be no more confusing than the use of the term “child” to refer to a dependent child. In both cases, the term is understood as limited, by the context in which it occurs, to those persons under the juvenile court’s jurisdiction.
Legal Advocates for Children & Youth Andrew Cain Supervising Attorney	Rule 5.708: LACY recommends inserting the phrase “or developmental services decisionmaker” after the phrase “educational rights holder” at line 7 of page 45.	For the reasons stated above, the committee does not recommend inserting the term “developmental-services decision maker” in this rule.
Superior Court of San Diego County Michael M. Roddy	CRC 5.708(g)(3) – Insert period after “unsuccessful”: “... if reunification is unsuccessful. If the court finds ...”	The committee agrees with the suggested revision and has modified the proposal accordingly.

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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Rule 5.708		
Commentator	Comment	Committee Response
Executive Officer		

Rule 5.790		
Commentator	Comment	Committee Response
Superior Court of San Diego County Michael M. Roddy Executive Officer	CRC 5.790(a) – Change for consistency: “At the dispositional hearing.” CRC 5.790 - Reletter “(h)” to “(i)” and reletter “(i)” to “(j).”	The committee agrees with the suggested revision and has modified the proposal accordingly. The committee agrees with the suggested revision and has modified the proposal accordingly.

Rule 5.810		
Commentator	Comment	Committee Response
CA Dept. of Social Services Sharon DeRego Staff Services Manager	See objection to definition of nonminor in 5.502. The use of nonminor in this Rule is incorrect and should refer to NMD	See the committee response to CDSS’s comment on rule 5.502, above. The committee agrees to add the term “nonminor dependent” to this rule.
Superior Court of San Diego County Michael M. Roddy Executive Officer	CRC 5.810(a)(3)(C) – Change “old” to “of age” for consistency (see (a)(3)(F)): “... If the court limits those rights or, if the ward is 18 years old <u>of age</u> or older ...” CRC 5.810(a)(3)(H) – Change “agency” to “probation department”: “... If the court finds that any parent was not actively involved, the court must order the agency <u>probation department</u> to actively involve that parent ...” CRC 5.810(b)(2) – Add second section symbol to statutory citation: (§§ 727.2(e), 727.3(a)) CRC 5.810(b)(2)(F) – Change “agency” to “probation	The committee agrees with the suggested revision and has modified the proposal accordingly. The committee agrees with the suggested revision and has modified the proposal accordingly. The committee agrees with the suggested revision and has modified the proposal accordingly. The committee agrees with the suggested revision and

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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Rule 5.810		
Commentator	Comment	Committee Response
	<p>department”: “... If the court finds that any parent was not actively involved, the court must order the agency <u>probation department</u> to actively involve that parent ...”</p> <p>CRC 5.810(c)(2)(D) – Change “agency” to “probation department”: “If the court finds that the child or nonminor was not actively involved, the court must order the agency <u>probation department</u> to actively involve the child or nonminor ...”</p>	<p>has modified the proposal accordingly.</p> <p>The committee agrees with the suggested revision and has modified the proposal accordingly.</p>

Form JV-180		
Commentator	Comment	Committee Response
<p>Child Welfare Services of San Diego County Corey Kissel Policy Analyst</p>	<p>If Your Child’s Health and Education (form JV-225) is going to strike the description of perjury, then the same should apply to removal of such on JV-180.</p>	<p>The committee has chosen to retain the requirement that form JV-180 be signed under penalty of perjury because this form, in contrast to form JV-225, requests that the court take action based on the representations contained in the form. The misleading description of perjury has been removed from both forms.</p>
<p>Legal Advocates for Children & Youth Andrew Cain Supervising Attorney</p>	<p>Form JV-180: The proposed revisions to the form include adding an “educational rights holder” to the list of people that should be consulted by the moving party before filing. Guidance should be included to clarify that an educational rights holder needs to be consulted only when the request impacts a child’s education.</p>	<p>The committee intends the phrase “as applicable” in item 11 to limit the requirement to notify a listed person only if one exists in the case and the law requires that person to receive notice.</p>
<p>Superior Court of San Diego County Michael M. Roddy Executive Officer</p>	<p>JV-180, item 11 – <i>Query</i>: Should “District Attorney” be added on line underneath “County Counsel”?</p> <p>JV-180, item 12 – Change “listed” to “named”: “You can ask the judge to make a decision without a court hearing if all the people listed <u>named</u> above agree with your request. ...”</p>	<p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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

Form JV-225		
Commentator	Comment	Committee Response
<p>Superior Court of San Diego County Michael M. Roddy Executive Officer</p>	<p>JV-225 – Suggested change to instructions at top of page 1: “To the social worker or probation officer: If the parent or guardian needs help completing this form, please ensure that he or she receives assistance <u>help him or her</u>.”</p> <p>JV-225, item 9 – Suggested changes: “What doctor, nurse, dentist, hospital, clinic, or other person <u>health care provider</u> has your child’s <u>health records regarding your child</u>? Also suggest adding underneath three blank lines: “d. Other records: _____”</p> <p>JV-225, item 13 – Need a blank line for vision insurance policy.</p> <p>JV-225, item 16.c. – Suggested changes: “If your child is three years old or younger, do you believe that your child may be <u>eligible for services to help with</u> <u>might have</u> motor, developmental, or other delays? ... What assessments, evaluations, services, treatment, or accommodations do you believe your child may <u>needs</u> for the delay?”</p> <p>JV-225, item 16.d. – Suggested changes: “Do you believe your child may <u>might</u> have a disability? ... What assessments, evaluations, services, treatment, or accommodations do you believe your child may <u>needs</u> for the disability?”</p> <p>JV-225, item 17.b. – Delete hyphen in second question for consistency with first question (and statutory language) and delete check box with “same as a.”: “Has your right to make developmental services decisions for your child been limited? ... If yes, who has the right to make developmental <u>s</u>ervices</p>	<p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>The committee has modified its recommendation to insert a hyphen in the first question in item 17b. The committee has not modified its recommendation to delete the check box. The committee intends to reduce the burden on the parent completing this form by</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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Form JV-225		
Commentator	Comment	Committee Response
	<p>decisions for your child? is same as a-</p> <p>JV-225, item 19.a. – Is the second line [“(2) Relationship to child: _____”] really necessary?</p> <p>JV-225, item 19.b. – Add “(name, city, state):” after “(1) School last attended” for consistency with item 18.b.</p>	<p>permitting him or her to indicate that the person in item 17a. holds both educational and developmental-services decision-making rights.</p> <p>The committee does not believe that the second line is needed and has modified its recommendation to delete it.</p> <p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p>

Form JV-535		
Commentator	Comment	Committee Response
<p>CA Dept. of Social Services Sharon DeRego Staff Services Manager</p>	<p>The proposed revisions to JV-535 appear to facilitate clearer communication between the courts and local education agencies as intended. It is clear who the Educational Rights Holder is.</p> <p>See objection to definition of nonminor in 5.502.</p>	<p>No response required.</p> <p>For the reasons discussed in its response to the comment on rule 5.502, the committee does not recommend making the suggested revision.</p>
<p>Child Welfare Services of San Diego County Corey Kissel Policy Analyst</p>	<p>JV 535 #1 language should be consistent with what is currently listed on JV 535 #1(d). The proposed JV 535 #1 should read: “The following adult is appointed as the child’s educational rights holder....”</p>	<p>The committee intends item 1 to identify the child’s current educational rights holder (ERH) whether that person is appointed or not. Under normal circumstances, the parent or guardian holds the rights to make educational and developmental services decisions without need for appointment. If the court limits the parent’s rights, another person may, in certain circumstances, hold those decisionmaking rights without appointment. For example, the foster parent of a child placed in a “planned permanent living arrangement”</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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Form JV-535		
Commentator	Comment	Committee Response
	<p>JV 535 #2 is confusing. The court can identify why we're changing/requesting to identify an appropriate educational rights holder.</p> <p>The proposed forms outline all recent amendments and statutes. However, separating the Ed Rights Holder Order forms into two separate forms, and making one an optional form (JV 535-A) would promote inconsistent practices in Court and Child Welfare Services. For San Diego, it is the SW completing the order request, so having two separate forms would be cumbersome.</p> <p>It is undeterminable whether this proposal would have an impact, either positive or negative, on public's access to the courts.</p> <p>The proposed JV 535 would be clearer between courts and</p>	<p>holds those rights unless the court finds that they are barred from holding them.</p> <p>The committee intends item 2 to inform the LEA whether there has been a change in ERH since the last hearing. Furthermore, if the form reflects new or different information, the requirements for serving the form are more stringent; see JV-535, item 15. If the form proves confusing in practice, the committee will consider developing an instruction form in a future rules cycle.</p> <p>The committee has recommended separating the JV-535 into two forms in response to frustration expressed by courts and local educational agencies over the complexity of the current JV-535. In particular, local educational agencies have indicated difficulty in identifying the person holding decisionmaking rights for a child at any given time. The JV-535 is intended to include only identifying information about the ERH and the basis for that person's authority. The JV-535(A) gives local courts the option of, but does not require, using a Judicial Council form to make additional findings supporting its order. The committee anticipates that local courts and child welfare agencies will develop practices best suited to local needs.</p> <p>No response required.</p> <p>No response required.</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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Form JV-535		
Commentator	Comment	Committee Response
	<p>agencies.</p> <p>The reorganization of form JV-535 makes it easier for all users to identify the designated educational rights holder.</p>	No response required.
<p>Children’s Law Center of California Ann Quirk Attorney</p>	<p>A. Should include an option for referral to LEA for assignment of a surrogate</p> <p>B. Item 1: Does not allow space for more than one person’s information; both parents often retain educational rights but have separate contact information.</p> <p>C. Item 2(b): Include box for same ERH as last designated by court, but with updated contact information</p> <p>D. Item 8: Language is ambiguous. Clarify this refers to those situations described in WIC 361(a)(1)(E) in which the caregiver is the ERH because the child is in a PPLA and the parents’ educational rights have been limited.</p> <p>E. Item 14: Requires ERH to provide information and recommendations to the social worker or probation officer and to make written recommendations to the court or attend the review hearing and participate in those portions of the hearing that concern the child’s education. The ERH may use any of the three options . The word “and” should be changed to “or” and the word “either” should be stricken</p>	<p>The committee agrees with the suggestion. Item 12, now moved to item 3, gives the court the option to refer the child to the LEA for appointment of a surrogate parent.</p> <p>The committee agrees with the suggestion and has modified its recommendation to provide space for two persons’ information.</p> <p>The committee does not recommend adding space for updated contact information in item 2. The ERH’s updated contact information would already be in item 1. The committee does, however, recommend adding a check box in item 2b to indicate that the contact information in item 1 has been updated.</p> <p>The committee agrees with the suggestion to insert a reference to the child’s PPLA and has modified its recommendation accordingly. The committee believes it will be clear from item 5 that parental rights have been limited.</p> <p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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

Form JV-535		
Commentator	Comment	Committee Response
	<p>F. Item 15: Service of JV-535 to “any previous educational rights holder” language should be stricken.</p> <p>G. Add option to authorize release of educational records to child’s attorney and/or CASA</p>	<p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>The committee agrees with the suggestion and has modified its recommendation to authorize the ERH to disclose information to the child’s attorney or CASA as permitted by statute.</p>
<p>Dependency Legal Group of San Diego Candi M. Mayes, JD CEO & Executive Director</p>	<p>The reorganization and simplification of JV-535 is likely to make it easier to identify the appointed educational rights holder.</p>	<p>No response required.</p>
<p>Legal Advocates for Children & Youth Andrew Cain Supervising Attorney</p>	<p>Form JV-535: The form should be re-titled to read “Order designating Educational Rights Holder or Developmental Services Decisionmaker”</p>	<p>For the reasons discussed in its response to the comment on rule 5.502, the committee does not recommend the suggested revision.</p>
<p>Los Angeles County Counsel James M. Owens Assistant County Counsel</p>	<p>A. Revised JV-535: (1) The form can be confusing -- it needs to clarify that the court MUST first limit the parents' education and developmental decision-making rights BEFORE it appoints someone to hold education/developmental decision making rights -- even if the child is in long-term foster care. Item #8 in particular suggests that being the caregiver is sufficient without acknowledging the parents' rights must first be limited. (See WIC 361.)</p> <p>(2) Item # 5 is confusing -- why is there a box next to "name" and additional boxes indicating the relationships? Implies the person can check the box "mother" without listing the mother's name. Perhaps better to eliminate the box next to "name" so it is clear you always fill out the name of the person and then check the box indicating the relationship.</p>	<p>The committee agrees with the suggestion and has modified its recommendation to clarify that the court may only appoint an ERH if it has first limited parental decision-making rights. The committee will also consider developing an instruction form if form JV-535 proves confusing.</p> <p>The committee agrees with the suggestion and has modified its recommendation to delete the check boxes next to “(name).”</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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Form JV-535		
Commentator	Comment	Committee Response
	<p>(3) Why does item #1 only mention education rights holder and not developmental rights holder as well?</p> <p>(4) Item #8 could be interpreted as wrongly suggesting the parents' education rights do not need to be limited before the caregiver legally holds the rights.</p> <p>(5) Why is there a box in middle of the sentence on item #8?</p> <p>(6) Item #9 -- does that mean the person can made education and developmental (regional center) services decisions? Or just education?</p>	<p>The committee intends the term “educational rights holder” to refer to the person who holds educational rights, developmental-services rights, or both. Rule 5.502(13) defines it that way. The committee believes that one person is best-suited to hold both types of right in all but exceptional circumstances. A child’s educational and developmental needs are closely intertwined, and decisions about services with respect to one are likely to impact services with respect to the other. The committee believes that dividing the authority to make those decisions among multiple rights holders would, unless necessary, jeopardize the coordination and delivery of services to the child. Check boxes in items 5, 10, and 11 afford the court the opportunity to limit one or both type of right and to appoint a rights holder to exercise one or both type of right as circumstances require. To reduce confusion, the committee has modified its recommendation to combine items 9 and 10.</p> <p>See the response to comment (1), above.</p> <p>The committee has modified its recommendation to delete the check box in the middle of the sentence in item 8.</p> <p>The committee intended item 10 to resolve that question. Based on comments received, the committee has modified its recommendation to combine items 9 and 10</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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Form JV-535		
Commentator	Comment	Committee Response
	<p>B. Developmental Decision Making -- Why don't the forms or Rules reference or acknowledge the responsibility of Regional Center to appoint an Authorized Representative to make decisions for the consumer when necessary (similar to a school-district appointed Surrogate Parent)? Is this because WIC 361 does not reference the Authorized Representative provisions? See WIC 4548(d)(1) – (3) and WIC 4705(e).</p> <p>C. "Educational Rights Holder": I understand the term educational-rights holder will encompass developmental service decision-making; however, I think it is confusing and most people will not understand that. This is especially true because the JV-535 appears to imply the court can limit and appoint the person to hold only one of these rights, but not the other. (see items #5 and 10 on proposed JV-535.) Another example -- item #9 on the JV-535 -- does that mean the named person can make education and developmental services decisions? Or just education? A school district or regional center would be justifiably confused.</p>	<p>to clarify the scope of the appointed ERH's responsibilities.</p> <p>The committee interprets sections 4548(d)(1) and 4705(e) to grant the area board discretion to appoint an authorized representative for a consumer, but not to require such an appointment. Furthermore, sections 4512(j) and 4701.6(b) expressly define the court-appointed rights holder as the authorized representative for a child.</p> <p>The committee recognizes the potential for confusion and has modified its recommendation to try to minimize it. The committee does intend, consistent with the statutory scheme, that the court have the authority to limit parental rights and to appoint a rights holder to make educational decisions, developmental-services decisions, or both.</p>
National Center for Youth Law Maya Cooper Policy Manager	<p>#1, revise the sentence so it will read: "The following adult has been designated by the Court to be the educational rights holder . . ."</p> <p>#2, replace "designated" with "identified" so that the section would read, "The adult identified in 1.a. is . . . a. The first educational rights holder identified. . . b. The same educational</p>	<p>The committee agrees with the suggestion and has modified its recommendation to substantially conform.</p> <p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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Form JV-535		
Commentator	Comment	Committee Response
	<p>rights holder as the last identified by the court. c. A different educational rights holder from the one last identified by the court.”</p> <p>#3, add in parenthesis or brackets at the beginning of that line,“(Check only if 1 and 2 are not applicable)”</p> <p>#9, replace “designated with “identified” so that #9 would read, “The responsible adult identified in 1a. is appointed as educational rights holder for the child, nonminor or nonminor dependent.”</p> <p>Move #9 and #12 so that they are directly below #8.</p> <p>#9-12, delete the heading “Appointment of Educational Rights Holder” and replace with “Rights of Educational Rights Holders.”</p> <p>#10 and #11, combine these two and change the language so that it will now read, “The educational rights holder is authorized to make educational and developmental services decisions for the child, nonminor dependent to the extent permitted by law and is authorized to have access to the child’s, non-minor’s or nonminor dependent’s educational and developmental services records and information to the extent</p>	<p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>The committee agrees that revisions are needed, but does not recommend the exact revisions suggested. To reduce confusion and promote accuracy, the committee has modified its recommendation by combining items 9 and 10, deleting item 12, and incorporating that referral into item 3.</p> <p>For the reasons just discussed, the committee does not recommend the suggested revision. The committee has modified its recommendation to consolidate the rights and duties of an appointed ERH into four items under one heading on the form.</p> <p>For the reasons just discussed, the committee does not recommend the suggested revision. As discussed above, the committee does recommend specifying the ERH’s authority to disclose educational and developmental services records to the child’s attorney or CASA.</p>

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Form JV-535		
Commentator	Comment	Committee Response
	<p>permitted by law.”</p> <p>#13 and 14, remove both # 13 and #14. Since these expectations of the educational rights holders are also found in the Rules of the Court this language is not necessary. If needed, these expectations of the educational rights holders can be clarified in FAQs, fact sheets and other implementation materials or resource materials distributed by the AOC or other organizations.</p>	<p>The committee does not recommend the suggested revision. Because form JV-535 may be the only paper the ERH receives from the court, it is important that the form retain the description of the ERH’s rights and duties.</p>
<p>Orange County Department of Education Lysa M. Saltzman Counsel</p>	<p>Based on our work with local educational agencies and the courts in regard to dependents and delinquents, we believe the proposed revisions to Form JV-535 are more confusing and would not facilitate clear communication between the courts and local educational agencies. Part of the confusion relates to incorporating developmental services decisions for a child. While we appreciate that the individual appointed to make educational decisions for the dependent may be the same person authorized to make decisions regarding the provision of any developmental services provided to the child in accordance with the Lanterman Developmental Disabilities Services Act, it may be less confusing and easier for the local educational agencies and development services providers to follow if there were two separate forms specifically addressing the rights and responsibilities of the different agency service providers.</p> <p>As a general observation, we also have concerns about incorporating non-minor and nonminor dependent into the order designating an educational rights holder as this would appear to exceed the authority of Education Code sections 56041.5 and 49061(a) as well as FERPA. In accordance with the Education Code, all rights accorded to a parent transfer to the child upon the age of 18, unless the child has been</p>	<p>The committee does not recommend the suggested revisions. All other commentators, including children’s attorneys, social workers, and courts, who addressed these specific issues indicated that the form, as circulated, would facilitate clear communication between the court and the local educational agency and would make it easier to identify the ERH. Further modifications to the form in response to comments received are intended to further clarify its content. If the forms prove confusing in practice, the committee may consider developing an instructional form to guide users.</p> <p>The committee recognizes that educational rights transfer to the pupil when he or she reaches 18 years of age. Sections 361(a)(1) and 726(b)(1) describe the circumstances in which the juvenile court may nevertheless appoint or continue the appointment of a rights holder: when the youth has chosen not to make educational or developmental-services decision for</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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Form JV-535		
Commentator	Comment	Committee Response
	<p>conserved. Similarly, under FERPA, the rights transfer to a student at age 18. While the court may maintain jurisdiction over a non-minor or non-minor dependent, the non-minor or non-minor dependent are statutorily authorized to make their own educational decisions and would not need an educational rights holder absent specific findings by the court. Under the Education Code and FERPA, when an individual with exceptional needs reaches the age of 18, with the exception of an individual who has been determined to be incompetent under state law, the local educational agency shall provide any notice of procedural safeguards required by this part to both the individual and the parents of the individual. All other rights accorded to the parent under this part shall transfer to the individual with exceptional needs. The local educational agency shall notify the individual and the parent of the transfer of rights.</p> <p>Given the court is required to make specific findings with regard to non-minor and non minor dependents, it may be appropriate to have a separate form delineating those specific findings that would apply to minors who reach 18 years of age and are identified as a non-minor dependent or otherwise in need of a responsible adult to make educational or developmental services decisions for the non-minor or non-minor dependent.</p> <p>In addition, the California Attorney General was asked to resolve concerns whether there are any statutory or other prohibitions against certain public officials (a social worker, probation officer, and juvenile court judge) serving as foster parents for children who are wards of the juvenile court. The California Attorney General concluded that generally a social</p>	<p>himself or herself or has been deemed incompetent by the court. With respect to a holder of developmental-services rights, the court must also find that the continued appointment would be in the best interests of the youth. Rules 5.534(j)(2), 5.650(b), and 5.708(f) incorporate these exceptions into the rules governing appointment of a rights holder for a youth over 18 years of age. These circumstances seem consistent with the Education Code’s recognition of an 18-year-old youth as an adult. To the extent that the Legislature finds them inconsistent, it holds the authority to amend the codes to clarify its intent. As a final note, nothing in the rules or forms is intended to prohibit the LEA from providing the required notice of procedural safeguards to the youth.</p> <p>The committee agrees that these findings must be documented. Courts that wish to do so using a Judicial Council form may use items 8 and 9 on <i>Attachment to Order Designating Educational Rights Holder</i> (form JV-535(A)). Other courts may document the findings on a local form, an order after hearing, or the minute order for the hearing at which the appointment is made.</p> <p>The committee does not intend these rules and forms to require a juvenile court judicial officer to serve as a foster parent. The committee intends these rules and forms to authorize the judicial officer to make educational or developmental-services decisions for a child or youth consistent with sections 319(g), 361(a),</p>

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Form JV-535		
Commentator	Comment	Committee Response
	<p>worker and probation officer, but not a juvenile court judge, may act as foster parents for juvenile court wards.</p> <p>In regard to the proposed revisions to Form JV-535, we have the following additional comments:</p> <p>Section 2: Move the provisions from page 2, Sections 7 and 8, to page 1, and add as new Section 2, subdivision (d) and (e), respectively, as follows:</p> <p>“(d) The adult identified in Section 1(a) is the successor guardian, or conservator and, as such, holds decision-making rights.</p> <p>“(e) the adult identified in 1(a) is the caregiver pursuant to Section 362.7, and holds developmental services decision-making rights.”</p> <p>Under Section 362.7, a “non-relative extended family member” with whom the dependent child may reside is not automatically bestowed educational decision-making rights. As with a foster parent, the court would need to specifically limit the rights of the parent and authorize the ‘non-relative extended family member’ to make educational decisions for the child as the educational rights holder. This individual does not acquire educational decision-making rights as a matter of law. In addition, even when a child lives with a caregiver in accordance with Family Code section 6250 et seq., the right to make educational decisions for the child does not pass to the caregiver unless assigned by the parent or otherwise appointed by the court.</p>	<p>and 726(c). If the legislature determines that those sections confer excessive authority on the court, it holds the power to amend them.</p> <p>The committee agrees to move items 7 and 8 to item 2.</p> <p>The committee has modified its recommendation to specify more clearly that the caregiver would only hold decision-making rights without appointment if the child is in a PPLA.</p>

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Form JV-535		
Commentator	Comment	Committee Response
	<p>Section 3: It appears this section may exceed the authority in Welfare and Institutions Code section 361(a)(3) in regard to the limited circumstances in which the court may, with the input of any interested person, make educational decisions for the child. Prior to this occurring, it appears the statutory scheme contemplates that if the court is unable to identify a responsible adult to make educational decisions for the child, the court shall refer the child to the local educational agency for appointment of a surrogate parent prior to the court authorizing itself to make educational decisions for the child. This provision also appears to exceed the authority in Education Code section 56028(c), which specifies that a “parent” does not include the state or any political subdivision of government.</p> <p>Section 5: We suggest that orders designating educational rights holders for non-minor or non-minor dependents be designated in a separate form since additional findings and determinations are required and may be confusing to the local educational agency.</p> <p>Sections 6, 7, and 8: As indicated above, we suggest moving and revising Sections 7 and 8 to reflect “Section 2(d) and (e), as specified above.</p> <p>Section 9: As indicated above, we suggest a separate form be used related to appointment of educational rights holder for non-minor or non-minor dependent.</p>	<p>The committee has modified its recommendation by moving item 12, for referring the child to the LEA for appointment of a surrogate parent, to item 3 to present the court’s options under section 361(a)(3)–(4) in one location. If, and to the extent that, section 361(a)(3) and Education Code section 56028(c) are in tension, it is the province of the Legislature to resolve that tension.</p> <p>The committee agrees to modify item 5 to add an indication that the decision-making rights have transferred to the youth on his or her 18th birthday. The committee does not believe that a separate form is needed at this time.</p> <p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>The committee does not recommend a separate form for youth over 18 years of age. The court is required to make two additional findings with respect to youth over 18; these are best incorporated into the inquiry the court makes about decision-making rights. In accordance with the statutory scheme, the committee intends the rules and forms to conform to this procedural structure.</p>

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Form JV-535		
Commentator	Comment	Committee Response
	<p>Section 12: We suggest this provision be revised to align with Government Code section 7579.5 and Welfare and Institutions Code section 361(a)(3). The language in the current JV-535 Form, Section 11(e), as set forth below, would be appropriate:</p> <p>“The court cannot identify a responsible adult to make educational decisions for the child, and the child is potentially eligible for special education and related services or already has an individualized education program (“IEP”). Therefore, the court refers the child to the local educational agency (“LEA”). The LEA must make reasonable efforts to appoint a surrogate parent for the child under Government Code section 7579.5 within thirty days of the court’s referral. The LEA must notify the court of the identity of the appointee on attached form JV-536 within seven calendar days of the date of the appointment, termination, resignation, or replacement of a surrogate parent.”</p> <p>Section 13: As indicated above, we suggest that issues related to non-minor or nonminor dependents be addressed in a separate form. In regard to this provision and state and federal confidentiality laws, Government Code section 7579.5(f) is not applicable to a student 18 years of age or older.</p> <p>Section 14: The reference to developmental services and the child’s “development” should be deleted so that this paragraph is consistent with Welfare and Institutions Code section 361(a)(5). In addition, in the last sentence, we suggest inserting the word “educational” before “rights holder.”</p>	<p>The committee has modified its recommendation in response to this and other comments by expanding item 12 and moving it to item 3. The committee intends new section 3 to be consistent with section 361(a)(3) and Government Code section 7579.5 without restating them verbatim.</p> <p>For the reasons discussed above, the committee does not recommend addressing the rights of youth over 18 years of age in a separate form. The committee has modified its recommendation to indicate that the ERH must comply with all <i>applicable</i> confidentiality laws.</p> <p>The committee believes that requiring the ERH to investigate developmental-services needs in addition to educational needs is consistent with the requirements of section 361 as a whole. Though section 361(a)(5) may not expressly address developmental-services rights, it would be inconsistent with the rest of section 361 to require a rights holder with the authority to exercise both</p>

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Form JV-535		
Commentator	Comment	Committee Response
	<p>We also suggest inserting a sentence that the appointed educational rights holder will consult with persons involved with the child’s education at the local educational agency. By having the educational rights holder consult with a representative of the school district to obtain information about the child’s educational program, this will provide the opportunity for the educational rights holder to present current and accurate information about the child’s educational program to the court. Insert Sections 17 and 18 from proposed Form JV-535(A) and edit Section 17(c) by deleting the second reference to the word “assessment” and “evaluation.”</p> <p>Section 15: In the sixth line down, the reference to “Section 4” within the parenthesis should indicate “Section 4(a).”</p> <p>Last Line: We suggest the last line of the form be revised to state as follows: “This order applies to any local educational agency, school, school district, or regional centers serving the child in the State of California.”</p>	<p>types of right to investigate issues relating only to one type.</p> <p>The committee agrees that the ERH should, if possible, consult with a representative of the local educational agency. The educational liaison seems to be the appropriate person. The liaison may, in turn, collect information from LEA personnel more intimately involved with the child’s education or put the ERH in contact with those personnel.</p> <p>The committee has modified the notice in former item 4 to clarify it. The suggestion no longer applies.</p> <p>The committee agrees with the suggested revision and has modified its recommendation accordingly.</p>
<p>Public Counsel Martha Matthews Directing Attorney</p>	<p><u>Form JV-535 # 8.</u> Merely being the caregiver does not automatically confer educational rights or developmental services decisionmaking authority. The situation would need to be a planned permanent living arrangement to confer these rights as a matter of law. The provision should instead read:</p> <p style="text-align: center;">8. The person identified in 1.a is the child’s caregiver</p>	<p>The committee agrees with the suggested revision and has modified its recommendation to substantially conform.</p>

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Form JV-535		
Commentator	Comment	Committee Response
	pursuant to a <u>planned permanent living arrangement</u> and, by law, <u>therefore</u> holds <input type="checkbox"/> educational and developmental services decisionmaking rights.	
Schools Advisory Committee Superior Courts of Sacramento County Hon. Jerilyn Borack	<p>Comments re JV-535</p> <p>Item 1: Frequently both parents retain or have reinstated their rights and they do not reside together. Item 1 only has room for contact information for one person.</p> <p>Item 8: There is often confusion about when caregivers (or foster parents) hold rights “by law”. There should be some language that this refers only to post permanency foster care orders and not to caregivers for children in pre-permanency status.</p> <p>Item 14: The proposed language requires the ed rights holder to “provide information and recommendations to the social worker or probation officer and either make written recommendations to the court or attend...” The statutory law, WIC 361, requires that the ed rights holder provide information to the social worker, make recommendations to the court, or attend the hearing.</p> <p>Surrogate parent: The surrogate parent is not included anywhere on the JV-535 form. The JV-536 form does not reflect the duties of a surrogate parent. If we believe that the surrogate parent appointed by the school district has all the same rights and responsibilities as an educational rights holder, most especially the duty to meet with the child and report, shouldn’t that be explained somewhere?</p>	<p>The committee agrees with the suggestion and has modified its recommendation to provide space for two persons’ information.</p> <p>The committee agrees with the suggested revision and has modified its recommendation accordingly.</p> <p>The committee agrees with the suggested revision and has modified its recommendation accordingly.</p> <p>The committee has modified its recommendation to move item 12, which refers to the surrogate parent, to item 3. The surrogate parent’s rights and responsibilities are limited to decision-making with respect to special education and related services. The ERH holds those rights and responsibilities as well as others. To the extent that the Legislature, in AB 2060, intended to impose the duties in section 361(a)(5) on LEA-</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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

Form JV-535		
Commentator	Comment	Committee Response
	Additional checkbox: At the bottom of page 2 of 2 there should be a checkbox to inform that JV-535(A) is attached.	appointed surrogate parents, the LEA bears primary responsibility for ensuring that the surrogate parent performs these duties. If the surrogate parent does not perform them, the court has the authority to join the LEA in the dependency proceedings to compel performance. The committee agrees with the suggested revision and has modified its recommendation accordingly.
Superior Court of Los Angeles County	The changes to JV-535 are extraordinarily useful to the court and clerical staff. This new form deletes a great deal of extraneous information and is significantly easier to understand. We suggest changing the following: Item #1: 1. <input type="checkbox"/> The following adult is designated the educational rights holder ...This may clarify that this person will be the ed rights holder and is not merely stating who has been the ed rights holder in the past. Item #15. 15. <input type="checkbox"/> If 2a or 2c is checked The clerk will provide a copy ...Even if this is not a change of ed rights holder, each listed party or agency should still be provided the updated order.	No response required. The committee agrees with the suggested revision and has modified its recommendation accordingly. The committee does not recommend the suggested revision <i>per se</i> . In limiting the requirement of service to an initial order or one that differs from the previous JV-535, the committee was responding to requests from many courts that they be relieved of the burden of completing the entire existing JV-535 at every hearing and serving the form after every hearing. The committee has modified its recommendation to require service of the initial JV-535 in a case and any subsequent JV-535 that includes any different information or orders.
Superior Court of San Diego County Michael M. Roddy	JV-535, item 13 - Add section 362.5 (confidentiality for nonminor dependents) – “must comply with all state and federal confidentiality laws, including sections <u>362.5</u> and <u>827</u>	The committee agrees with the suggested revision and has modified its recommendation accordingly.

SPR13-24

Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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

Form JV-535		
Commentator	Comment	Committee Response
Executive Officer	<p>and Government Code section 7579.5(f)....”</p> <p>JV 535, item 15 - Comment: Additional time-sensitive workload and higher mailing costs will result from the expansion of clerk’s duties, i.e., by adding “the county office of education foster youth services coordinator; the regional center service coordinator, if applicable; ... and any previous educational rights holder in person or by first-class mail no later than five court days after the order is signed.”</p> <p>JV-535, item 15 - Change “4” to “4a.” for clarity: “(unless otherwise indicated in 4a.)”</p> <p>JV-535 – Quite consistently, this proposal makes the JV-535 mandatory, even for a temporary appointment; however, in a few places it seems to make this form optional by using the word “may”. This creates confusion on behalf of the courts and the users.</p>	<p>The committee recognizes that requiring service on additional persons will increase the burden on court staff and resources. It is critical, however, that the specified persons receive a copy of the form so they will know the identity of the person holding decision-making rights. The committee hopes that requiring service only if the form reflects a change from the previous form will offset the increase or even lead to a net reduction in workload and costs.</p> <p>The committee has modified the notice in former item 4 to clarify it. The suggestion no longer applies.</p> <p>The committee does not intend that individual items authorizing or permitting certain actions would render a mandatory form optional. The use of the form itself remains mandatory in that it is the sole vehicle through which the court may make the findings and issue the orders contained therein.</p>

Form JV-535(A)		
Commentator	Comment	Committee Response
Children’s Law Center of California Ann Quirk Attorney	<p>A. Item 13: Should include the language “the court may, with the input of any interested person, make educational decisions for the child”.</p> <p>B. Item 16(d): Add “or revision” after “development”</p>	<p>The committee has modified its recommendation to delete this item from the form. The committee has incorporated this order into item 4 on form JV-535.</p> <p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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

Form JV-535(A)		
Commentator	Comment	Committee Response
	<p>C. Item 17(c): Reads “a written referral for assessment for an assessment”. Repeated words should be deleted</p> <p>D. Item 21: should include whether the child waived the right to attend the school of origin</p>	<p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>The committee agrees with the suggestion and has modified its recommendation to add the term “pupil” to clarify that the right to remain in the school of origin belongs to the pupil and that, when the pupil is an adult and section 361(a)(1)(A) does not apply, the pupil himself or herself holds the authority to assert or waive the right.</p>
<p>Orange County Department of Education Lysa M. Saltzman Counsel</p>	<p>Proposed new Form JV-535(A) is identified as an optional form consisting of “additional findings and orders” that may be used to support Form JV-535. Given this is an optional form and is not required to be used each time the court is requested to limit parental rights and identify an educational rights holder, it would be more appropriate for this form to provide only additional findings. These findings could then be used to support the order designating the educational rights holder as set forth in proposed new Form JV-535(A). In order to make the proposed new Form JV-535(A) clearer to reflect information regarding the child in chronological order, we have the following suggestions:</p> <p>Page 1. Section 2: Add the following provision and delete Section 23 on page 2:“(d) The child is currently expelled from school and may be eligible for readmission on or after [date]: _____</p> <p>Page 1. after Section 5: In the section title for “The Court Finds and Orders,” we suggest deleting the reference to orders as this optional form is to assist the court in making additional findings regarding the child and the need to limit parental rights</p>	<p>The committee does not recommend making the suggested revision. The approval of a form for optional use does not relieve the court of the duty to make any and all legally required findings and orders. The inclusion of a finding or order on an optional form in no way renders that finding or order optional if it is otherwise mandatory. Rather, the form’s optional status gives the court the discretion to make the required findings and orders in a manner other than using the form. For example, a court could choose to make findings and orders in the minutes or on a local form.</p> <p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>For the reasons discussed above, the committee does not recommend making the suggested revision. The committee intends that the form be used, at the court’s option, only as an attachment to form JV-535, and has</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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

Form JV-535(A)		
Commentator	Comment	Committee Response
	<p>and possibly appoint an educational rights holder. This same comment applies to the title of the form located at the bottom of pages 1 and 2. Again, we suggest that it read, “Additional Findings Attachment.”</p> <p>Page 2: Move Section 12 as new Section 14, if the purpose of this section is to reflect that the court cannot identify a responsible adult to make educational decisions for the child and the child is potentially eligible for special education under the Individuals with Disabilities Education Act (“IDEA”), or already has an individualized education program (“IEP”), as this should be reflected as a finding made by the court. The language in current Section 12 is a directive to the local educational agency to appoint a surrogate and this provision would be more appropriate in Form JV-535, which is the Order Designating Educational Rights Holder.</p> <p>Section 13: Section 13 should be moved as part of new Section 15 and revised as follows:</p> <p>“The court has identified an educational rights holder to make educational decisions for the child; therefore, the appointment of a surrogate parent by the local educational agency under Section 7579.5 of the Government Code is not warranted.”</p>	<p>modified the recommended title of the form to clarify that intent.</p> <p>The committee has modified its recommendation to delete item 12 from this form. The committee has incorporated the referral to the LEA into item 4 on form JV-535.</p> <p>The committee has modified its recommendation to delete item 13 from this form. The committee has incorporated an abbreviated finding into item 4 on form JV-535. The need for appointing a surrogate parent is independent of the court’s identification of a responsible adult. If a pupil has been referred to the LEA for assessment for special education and related services or already has a valid IEP and any of the circumstances under Government Code section 7579.5(a) exists, the appointment of a surrogate is warranted. The ERH appointed by the court is expected, under sections 7579.5(a)(1)(A) and 7579.6(a), to perform the duties of a surrogate parent with respect to special education and related services. Furthermore, even if no ERH is identified, the appointment of a surrogate parent would</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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

Form JV-535(A)		
Commentator	Comment	Committee Response
	<p>Section 14: Section 14 should be renumbered to reflect “Section 12.” In addition, we recommend that the “no” box be moved under the “yes” box with the following revised statement from old number 13:</p> <p>“Box” No. The appointment of a surrogate parent by a local educational agency under Section 7579.5 of the Government Code is not warranted. Skip to Section 21.”</p> <p>Section 15: Section 15 would become Section 13.</p> <p>In addition, we recommend that copies of the IEP, Section 504 Plan, Individualized Family Service Plan, Individual Program Plan, or other document <i>not</i> be attached to the form because it would be in violation of the Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. Section 1232(g) and 34 C.F.R. Part 99, prohibiting the redisclosure of personally identifiable information contained in educational records. Pursuant to the proposed Form JV-535(A), paragraph 15, the form and attachments may also be provided to any other person entitled to notice under Welfare and Institutions Code section 293, which would allow the confidential educational records to be disclosed to a sibling, the sibling’s caregiver, and the sibling’s attorney. We believe this exceeds the scope of FERPA.</p>	<p>not be warranted if the pupil neither had been referred to the LEA for special education and related services nor already had a valid IEP.</p> <p>The committee agrees with the suggestion to renumber this item and has modified its recommendation accordingly. The committee has incorporated the finding into item 4 on form JV-535.</p> <p>The committee agrees with the suggestion to renumber this item and has modified its recommendation accordingly.</p> <p>The committee agrees with the suggestion and has modified its recommendation to require only that the LEA or regional center provide a copy of any applicable plan only to the designated ERH.</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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

Form JV-535(A)		
Commentator	Comment	Committee Response
	<p>Section 16: We suggest deleting the term “evaluations.” While the IDEA uses the term “evaluation,” local educational agencies use the term “assessment” in accordance with Education Code section 56302.5.</p> <p>Section 16(a): Delete “or evaluation.” Section 16(b): Delete “the development of.” Section 16(c): Delete “or evaluation.” Section 16(d): Delete “the development of.”</p> <p>Sections 17 and 18: Given that the proposed Form JV-535(A) is intended to be an optional form to assist the court in making the findings related to any order limiting the parents’ right to make educational decisions for a child and appointing an educational representative, we recommend that Sections 17 and 18 be deleted from Form JV-535(A) as they are more appropriately incorporated into the proposed Form JV-535 following the appointment of the educational rights holder.</p> <p>Sections 19 and 20: We recommend these provisions be deleted as they are inconsistent with Education Code section 48853(a)(3) in which the parent or guardian, or other person holding the right to make educational decisions for the pupil, pursuant to Section 361 or 726 of the Welfare and Institutions Code or Section 56055 of the Education Code, determines that it is in the best interest of the pupil to be placed in another educational program, in which case the parent or guardian, or other person holding the right to make educational decisions for the pupil shall provide a written statement that he or she has made that determination to the local educational agency.</p>	<p>The committee agrees with the suggestion and has modified its recommendation accordingly. The committee intends the term “assessments” to include evaluations and any other methods used by an LEA or regional center to determine either a person’s eligibility for services or the nature of any needed services.</p> <p>The committee intends that form JV-535(A) be used only in conjunction with, and attached to, form JV-535. The committee has revised the title of the form to clarify that intent. The committee does not recommend moving items 17 and 18 to form JV-535.</p> <p>The committee does not recommend making the suggested revision. Under sections 361(a)(5) and 16000(b), educational and school placement decisions must be based on the best interests of the pupil. The juvenile court is charged with reviewing a pupil’s educational needs and determining whether it is necessary to limit parental decision-making rights at the dispositional hearing under sections 358, 361, and 726 and at subsequent review and permanency hearings under sections 366 and 727.2. A necessary component of this review is consideration whether educational decisions for the pupil, including the educational program and school placement decisions, have been in</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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

Form JV-535(A)		
Commentator	Comment	Committee Response
	<p>Section 21: We recommend deleting the second line referencing the educational rights holder because at this stage in the proceeding, the court is only making findings and has yet to appoint an educational rights holder.</p> <p>Section 22: We recommend the sentence reads as follows:</p> <p>“The placement agency has considered educational stability and the opportunity to be educated in the least restrictive educational program.”</p> <p>This language would be consistent with Education Code section 48850 et seq.</p> <p>Section 23: We recommend this section be moved to page 1 as “Section 2(d)” and revised as set forth above.</p>	<p>the pupil’s best interests.</p> <p>Because the committee intends this form to be used only in conjunction with form JV-535, on which the court will identify the ERH at every hearing, even if a parent or guardian holds decision-making rights, the committee does not believe the finding would be premature. N.B. The committee has recommended amending the definition of “educational rights holder” in rule 5.502 to include any adult who holds educational or developmental-services decision-making rights for a child or youth. The committee intends this definition to include a parent or guardian.</p> <p>The committee agrees in part with the suggestion and has modified its recommendation to replace the term “setting” with “educational program.”</p> <p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p>
<p>Public Counsel Martha Matthews Directing Attorney</p>	<p><u>Form JV-535(A), #18.</u></p> <p>Form should clarify that the person named will be the newly appointed educational rights holder/developmental services decisionmaker:</p> <p>18. The following person, <u>having been appointed by the Court as the educational rights holder pursuant to this</u></p>	<p>The committee does not recommend making the suggested revision. In cases in which the court cannot identify a responsible adult to serve as ERH and needs to make educational or developmental-services decisions, or in cases in which it has referred the pupil to the LEA for appointment of a surrogate and time is of</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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

Form JV-535(A)		
Commentator	Comment	Committee Response
	<u>order</u> , is directed to take whatever steps are necessary to request any assessments, evaluations, or services identified in item 15 or 16 (<i>name and address unless confidential</i>):	the essence, the court would also need to direct an individual who represents the pupil’s interests to make the requests.
Schools Advisory Committee Superior Courts of Sacramento County Hon. Jerilyn Borack	<p>Comments re JV-535(A) Item 17: Box a should read “...and/or services under section 504...” as 504 and special ed are different and 504 may not be “included” as a special ed service.</p> <p>Forms to be completed by child’s attorney, CRC Rule 5.650(e)</p> <p>There is considerable information required on form JV-535 and JV-535(A) that is not readily available to the child’s attorney but is available to the social worker. In Sacramento County it is the responsibility of the social worker or probation officer to complete and submit the forms.</p>	<p>The committee agrees with the suggestion and has modified its recommendation to replace “including” with “or.”</p> <p>The committee believes that the child’s attorney, as the sole individual legally and ethically bound to represent the child’s interests, is the appropriate person to complete and submit forms JV-535 and 535(A) in most cases. However, the committee has revised its recommendation for cases in which a party requests the limitation of parental rights or the appointment of an ERH, to require the person who makes the request to complete and submit the forms.</p>
Superior Court of San Diego County Michael M. Roddy Executive Officer	<p>JV-535(A), top/left box - Add “, NONMINOR, OR NONMINOR DEPENDENT’S” – “<u>CHILD’S, NONMINOR, OR NONMINOR DEPENDENT’S NAME</u>”</p> <p>JV-535(A), item 1 - Add “nonminor dependent’s” – “Child’s, or nonminor’s, or nonminor dependent’s date of birth:”</p> <p>JV-535(A), item 5 - Add “nonminor dependent’s” – “Child’s, or nonminor’s, or nonminor dependent’s attorney:”</p>	<p>The committee does not recommend making the suggested revision. The term “child,” in the context of a juvenile-court case caption, is understood to indicate the person on whose behalf the petition was filed.</p> <p>The committee agrees that the term “child” is too narrow and has revised the form to use the term “child’s or youth’s,” where a youth is a young person who may be a minor or an adult.</p> <p>The committee agrees that the term “child” is too narrow and has revised the form to use the term “child’s or</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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

Form JV-535(A)		
Commentator	Comment	Committee Response
	<p>JV-535(A), item 9 - <i>Query</i>: Should a checkbox be added for “nonminor” (per WIC § 303(a))?</p> <p>On lines 2 and 3, <i>change</i> “him-“ to “himself” for clarity and for consistency with WIC § 361(a)(1)(A).</p> <p>JV-535(A), item 10 - <i>Query</i>: Should “nonminor” be added – “and the child, <u>nonminor</u>, or nonminor dependent is placed...”?</p> <p>JV-535(A), item 12 - Add underscored text for consistency with proposed CRC 5.651(d)(3)(A): “The LEA must notify the court on attached form JV-536 within five court days of the date of the appointment, termination, resignation, or replacement of a surrogate parent, <u>and must send copies of the notice to the child’s attorney and the social worker or probation officer identified on the form.</u>”</p> <p>JV-535(A), item 16 - Suggest changing “requires” to “needs,” which is used in the first line – e.g., “requires <u>needs</u> assessment or evaluation,” “requires <u>needs</u> the development of an IFSP,” “requires <u>needs</u> intake and assessment or evaluation for services,” “requires <u>needs</u> the development...”</p> <p>JV-535(A), item 21 - <i>Query</i>: Should “nonminor” be added – “The child, <u>nonminor</u>, or nonminor dependent ...”?</p>	<p>youth’s,” where a youth is a young person who may be a minor or an adult.</p> <p>The committee does not recommend adding a checkbox for “nonminor.” The committee intends the terms “dependent” and “ward” to refer to a nonminor over whom the court has retained dependency or delinquency jurisdiction under section 303(a) as well as to a minor.</p> <p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>The committee has modified its recommendation to add “youth” to item 10.</p> <p>The committee has deleted item 12 from this form. The LEA is charged with complying with the requirements of rule 5.650(d)(3)(A) to the same extent as it is with complying with any other legal requirements.</p> <p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>The committee has modified its recommendation to use the term “pupil” to encompass any person to whom this form applies.</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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

Form JV-536		
Commentator	Comment	Committee Response
Children’s Law Center of California Ann Quirk Attorney	A.Item 4: AB2060 added requirements for school district surrogates. Language should be added to state that surrogates are required to meet with the child, to investigate the child’s educational needs and whether those needs are being met, and, before each statutory review hearing, to provide information and recommendations to the social worker or probation officer, or to make written recommendations to the court, or attend the review hearing and participate in those portions of the hearing that concern the child’s education	Although the committee agrees that the surrogate parent should perform the listed duties, it does not recommend specifying them on form JV-536. This form is intended to be used by the LEA to report to the juvenile court on the LEA’s efforts to appoint a surrogate parent. Item 4 thus serves as a warrant to the court that the surrogate will perform the duties required by law. The LEA may communicate the appointed surrogate parent’s legal duties to him or her without using a court form. In addition, there is some doubt whether the references to “surrogate” in AB 2060’s amendments to sections 361 and 726 are sufficient to supersede the specification of the duties of a surrogate parent in Education Code section 56050 and Government Code section 7579.5.
Orange County Department of Education Lysa M. Saltzman Counsel	Section 7: We suggest Section 7 be revised as set forth below consistent with Government Code section 7579.5: “The local educational agency has not appointed a surrogate parent within thirty days as required by Rule 5.651(d) and is continuing its efforts to identify and appoint a surrogate parent.”	The committee agrees with the suggested revision and has modified its recommendation in substantial conformity.
Superior Court of San Diego County Michael M. Roddy Executive Officer	JV-536, first sentence (above item 1) - Change “seven calendar days” to “five court days” for consistency with proposed CRC 5.651(d)(3) – “This form must be completed and returned to the court at the address listed above within seven calendar <u>five court</u> days of the date of the appointment, termination, or replacement of a surrogate parent.” JV-536, item 6 - Add subd. (g), which authorizes resignation – “The previous surrogate parent resigned or was terminated	The committee agrees with the suggested revision and has modified its recommendation accordingly, except to use the term “business days” because LEA personnel might not be familiar with the court calendar. The committee agrees with the suggested revision and has modified its recommendation accordingly.

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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

Form JV-536		
Commentator	Comment	Committee Response
	<p>under section 7579.5(g) or (h) of the Government Code.”</p> <p>JV-536, item 7 - CRC 5.651(d) does not require the LEA to appoint a surrogate parent within 30 days. Rather, it states, “the agency must make reasonable efforts to identify and appoint a surrogate parent within 30 calendar days” Suggest deleting strikeout text and correcting typo (“an”) – “The local educational agency has not appointed an surrogate parent within 30 days as required by rule 5.651(d).”</p>	<p>The committee agrees with the suggested revision and has modified its recommendation accordingly.</p>

Form JV-537		
Commentator	Comment	Committee Response
<p>Children’s Law Center of California Ann Quirk Attorney</p>	<p>A. Misstates requirements of ERH. As mentioned above, ERH does not have to provide the information to the CSW/PO but can instead provide it to the court in writing or in person.</p> <p>B. Item 1(c): Requires option for child’s school to be confidential.</p> <p>C. Item 2 (a)–(d): Requires option for ERH’s information to be confidential</p> <p>D. Add question for ERH to list the response (or lack of</p>	<p>The committee agrees with the suggested revision and has modified its recommendation accordingly.</p> <p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>The committee does not recommend making the suggested revision. This form is submitted by the ERH to the juvenile court. The agency and the pupil’s attorney also have access to the form and will know the identity of the ERH. To the extent that the commentator is concerned that the disclosure of information on the form to the parents or guardians may create a safety risk, the committee has modified the instructions to remind the ERH to refer to the court’s finding and order regarding disclosure on form JV-535.</p> <p>The committee agrees with the suggestion and has</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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

Form JV-537		
Commentator	Comment	Committee Response
	response) of the LEA or regional center to the request for assessments.	modified its recommendation accordingly.
National Center for Youth Law Maya Cooper Policy Manager	#7 , adding the words “developmental delays” so the sentence would read, “The child has the following disabilities or developmental delays.”	The committee agrees with the suggestion and has modified its recommendation accordingly.
Orange County Department of Education Lysa M. Saltzman Counsel	<p>Sections 7, 8, and 9: It is unclear whether the responses to these sections of the form are based on the direct observations of the child by the educational rights holder or are being reported from documents maintained by the local educational agency or regional center. To provide clarity, we suggest that Sections 7, 8, and 9 be moved and included as “Section 6(c), (d) and (e).” This will clarify that the information provided is based on the observations of the educational rights holder.</p> <p>Section 10: Following our suggestions above, Section 10 would become Section 7. We also suggest that the information in Section 7(a) and 7(b) be part of a new Section 8 that would follow the format in Section 6 to read as follows:</p> <p>“Based on my observations: (a) These services or accommodations <input type="checkbox"/> are <input type="checkbox"/> are not appropriate (explain) (b) Date of most recent individualized education program (“IEP”), Section 504 Plan, Individual Program Plan (“IPP”), or Individualized Family Service Plan (“IFSP”).</p> <p>Section 12: This section could be confusing for school districts because assessments to determine eligibility under the IDEA typically include a psychoeducational assessment and, if appropriate, an assessment to determine the needs for mental health services. In order to follow the terminology used by</p>	<p>The committee does not recommend the suggested revision. The court needs to have the information in items 7, 8, 9, and 10. The form assumes that the ERH may acquire this information or make recommendations on bases other than personal observation. If there is reason to doubt the accuracy of the information therein or to question the ERH’s basis for acquiring information or forming opinions, the court and the attorneys may seek clarification from the ERH.</p> <p>For the reasons discussed above, the committee does not recommend the suggested revision.</p> <p>The committee does not recommend the suggested revision. The committee intends this form to be used by the ERH to communicate with the juvenile court. The current terms have been used on the form since their initial approval in 2007. Courts and rights holders have</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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

Form JV-537		
Commentator	Comment	Committee Response
	<p>local educational agencies, we would suggest that Section 12(a)(1) be revised to reflect the following:</p> <p>“(1) Individuals with Disabilities Education Act (“IDEA”)</p> <p>“box” (a) Psychoeducational assessment</p> <p>“box” (b) Educationally-related mental health services assessment</p> <p>“box” (c) Other (Specify):</p> <hr/> <p>(2) Section 504 of the Rehabilitation Act of 1973”</p> <p>It may also be more appropriate to reference Regional Center or Department of Developmental Services for the types of assessments requested to determine eligibility under an Individualized Family Service Plan (“IFSP”) or Individual Program Plan (“IPP”) for children who have yet to be identified as eligible for special education services under the IDEA, Early Intervention Services through Regional Center or the Department of Developmental Services.</p>	<p>reported no confusion arising from the use of these terms. Furthermore, if an ERH were to request an IEP assessment, as well as the assessments in item 10(a)(5)–(6), the request would seem to be overly specific from the LEA’s standpoint. It could combine all three assessments under a single umbrella if that was its usual practice. On the other hand, if the ERH requests only an IEP assessment, the LEA remains free to conduct its usual assessment encompassing those assessments under item 10(a)(5)–(6).</p> <p>The committee agrees. Item 11 allows the ERH to specify whether the request was made to an LEA or to a regional center.</p>
<p>Public Counsel Martha Matthews Directing Attorney</p>	<p>Form JV-537:</p> <p>There should be a place on this form for the Education Rights Holder to identify any concerns or issues to be conveyed to the Court or for which Court intervention may be requested. There should be a space for the ERH to ask for additional support and to report on the attendance, grades, and credits of the pupil and to attach any report cards or other pertinent documents. The current form is limited to inputs and not the progress or and educational wellness of the child</p>	<p>The committee agrees that the form should have space for the ERH to report on the educational progress or level of achievement of the child or youth. Item 4 on the form provides space for the ERH to report any pertinent information to the court. Although the examples in parentheses are not intended to be exclusive, the committee has revised them to include educational progress as one of the listed examples and has expanded</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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

Form JV-537		
Commentator	Comment	Committee Response
		the space available. The form also
Schools Advisory Committee Superior Courts of Sacramento County Hon. Jerilyn Borack	<p>Comments re JV-537</p> <p>1. There is no place on the form to remind anyone, as stated in the JV-535, that providing information to the parents would create a safety risk to the child and that the information should remain confidential.</p> <p>2. The form should also include the requirement to provide a summary of the results of requests for assessments; i.e., appointment made, unable to get a call back, assessment in progress, etc.</p>	<p>The committee agrees that this form should include space to indicate whether, consistent with the court’s determination on form JV-535, the information on this form may or may not be disclosed to the parent or guardian. With respect to the broader issue of confidentiality, the appointment order on form JV-535 makes clear that the ERH is bound by all applicable state and federal confidentiality laws. Sections 361(a)(5) and 726(c)(2) authorize the ERH to disclose information to the social worker or probation officer and the court; this authority is presumably subject to broadly applicable confidentiality provisions, which apply to the use and dissemination of this form. Further specification of the ERH’s duty of confidentiality is outside the scope of this proposal.</p> <p>The committee agrees and has modified its recommendation accordingly.</p>
Superior Court of San Diego County Michael M. Roddy Executive Officer	<p>JV-537, item 8 - Delete hyphen in “developmental services.” The statutes (e.g., WIC §§ 319, 361, 366.3, 726) and other Judicial Council forms do not use hyphens.</p>	For the reasons discussed in its response to the general comments, the committee does not recommend the suggested revision.

Form JV-538		
Commentator	Comment	Committee Response
Orange County Department of Education	As an overall observation, we recommend that the terminology used in this form be consistent with that set forth in Education	The committee agrees with the suggestion and has modified its recommendation accordingly.

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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

Form JV-538		
Commentator	Comment	Committee Response
Lysa M. Saltzman Counsel	<p>Code section 48853.5. For example, in Section 7(a), we would suggest deleting the reference to “parent” so that it reads, “The child and the person holding the right to make educational decisions . . .”</p> <p>It may also be helpful to ensure that the terminology used in this form is consistent with that in the California Rules of Court, Rule 5.652(b). The Rules of Court use the term “pupil,” whereas the Form JV-538 and Education Code section 48853.5 use the term “child” or “foster child.”</p> <p>Similarly, in Section 7(b)(1), we would suggest using the language in Education Code section 48853.5(e)(7) that states, “The educational liaison shall provide the foster child and the person holding the right to make educational decisions for the foster child with a written explanation stating the basis for the recommendation and how the recommendation serves the foster child’s best interest.”</p>	<p>The committee agrees with the suggestion and has modified its recommendation to use the term “pupil” consistently.</p> <p>The committee recommends deleting items 7(b)(1) and (2). Item 7(b)(1) essentially repeats item 6, though phrasing it in the negative. Item 7(b)(2) simply restates a requirement already clear in statute and rule of court.</p>
Public Counsel Martha Matthews Directing Attorney	<p>Form JV-538</p> <p>Revise 5. to state “As soon as the county placing agency became aware <u>that a proposed placement or change in placement would cause the pupil to reside in a different school attendance zone or school district than the pupil’s school of origin</u>, the county placement agency contacted the appropriate person at the local educational agency.</p> <p>Insert before current section 8:</p> <p>“8. The social worker or probation officer</p> <p>a. took into account the appropriateness of the current educational setting and the proximity to the school of origin</p>	<p>The committee agrees with the suggestion and has modified its recommendation in substantial conformity. The committee intends the revised language to be consistent with both section 16010.6(a) and Education Code section 49069.5(c).</p> <p>The committee agrees with the suggestion and has modified its recommendation accordingly. The social worker or probation officer must include this information in the case plan, under sections 706.6(d) and 16501.1(f)(8), and submit the case plan to the court before the dispositional hearing, under sections 358 and</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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

Form JV-538		
Commentator	Comment	Committee Response
	<p>in proposing a change in placement.</p> <p>b. coordinated with the educational rights holder and appropriate local educational agencies to ensure that the child remains in the school of origin.</p> <p>c. Made the following efforts to maintain the child in the school of origin (describe and provide details):</p> <p>Revise section 8 (section 9 after revision) to state “<u>After the child’s educational rights holder has determined that it would be in the child’s best interest to attend another school, the placement agency...</u>”</p> <p>Strike 8.c. (now 9.c.) as it is incorporated in the new section 8.</p>	<p>706, and before each statutory review hearing or permanency planning hearing under sections 366, 727.2(c), and 727.3(a)(1). Furthermore, the court must read and consider the case plan, under sections 358, 706, and 727.2(e)–(g), and has the authority under sections 362 and 727 to issue any and all reasonable orders for the care and maintenance of the child or youth. These provisions, read together, provide authority for the court to make the suggested findings.</p> <p>The committee agrees that item 8 should be revised and has modified its recommendation to add language consistent with Education Code section 48853.5(e).</p> <p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p>
<p>Superior Court of San Diego County Michael M. Roddy Executive Officer</p>	<p>JV-538, item 8.d. - Insert “an” before “individualized education” – i.e., ... the child has a disability or <u>an</u> individualized education plan”</p> <p>JV-538, item 10.a. - Delete hyphen in “developmental services.”</p>	<p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>For the reasons stated in its response to the general comments, the committee does not recommend making the suggested revision.</p>

Form JV-539		
Commentator	Comment	Committee Response
<p>Children’s Law Center of California Ann Quirk Attorney</p>	<p>A. Multiple signature lines are unnecessary and confusing; change to single signature line and include space for the person’s title.</p>	<p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p>
<p>Orange County Department of</p>	<p>It appears it would be more appropriate to title the form</p>	<p>The committee does not recommend making the</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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

Form JV-539		
Commentator	Comment	Committee Response
<p>Education Lysa M. Saltzman Counsel</p>	<p>“Request for Hearing regarding Appointment of Educational Rights Holder” as the primary purpose of the form is to inform the court that the educational rights holder or surrogate parent has resigned, been terminated, or is no longer able to serve, and a new educational rights holder needs to be appointed.</p> <p>Section 3: We suggest that the reference to “me” be replaced with a box that says “Educational Rights Holder” and another box for “Child’s Attorney” as it is unclear who the social worker or probation officer are providing notice to.</p> <p>Similarly, the second sentence could be revised to state:</p> <p>“Based on the information provided by the social worker or probation officer, the <input type="checkbox"/> Educational Rights Holder, <input type="checkbox"/> Child’s Attorney is requesting a hearing for the court to review a change of placement affecting the child’s educational program.”</p> <p>Should there be a dispute regarding the student’s continued placement in the school of origin, the foster child has the right to remain in the school of origin pending resolution of the dispute in accordance with the existing dispute resolution process available to a pupil served by the local educational agency, in accordance with Education Code section 48853.5(e)(9). It would appear that the court would not have the authority or jurisdiction to have a hearing regarding the proposed removal from the school of origin as indicated in the title of the form.</p> <p>In addition, on the bottom right-hand side of the form, there is a reference to California Rules of Court, Rule 5.652, and it</p>	<p>suggested revision, as the form is intended to serve two purposes.</p> <p>The committee does not recommend making the suggested revision. The checkboxes under the revised signature lines indicate the identity of the person making the request.</p> <p>The committee does not recommend making the suggested revision. The checkboxes under the revised signature lines indicate the identity of the person making the request.</p> <p>The committee has concluded that the court does have the authority to hold a hearing. If the court determines that it needs to issue any orders to an agency not already a party to the proceedings for the care and maintenance of the child or youth under sections 362 and 727, the court may, after notice and a hearing, join in the juvenile court proceedings any agency it determines has failed to meet a legal obligation to provide services to a child, nonminor, or nonminor dependent.</p> <p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p>

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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

Form JV-539		
Commentator	Comment	Committee Response
	appears the more appropriate reference might be Rule 5.651(e).	
Schools Advisory Committee Superior Court of Sacramento County Hon. Jerilyn Borack	<p>Comments re JV-539</p> <p>1. The form could be made clearer by separating the body into two sections; one designated “Appointment of Educational Rights Holder, and the second designated “Review of Removal”.</p> <p>2. The form should be able to be submitted to the court by the social worker without the delay potentially caused by the extra step of the social worker having to get in touch with the child’s attorney who then must take action to get the form filed. The signature should be either social worker or child’s attorney.</p> <p>3. The necessity of obtaining the signature of the ed rights holder will again cause delay. We do not believe that it is necessary to have the signature of the ed rights holder.</p>	<p>The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>The committee agrees with the suggestion with respect to item 2 and has modified its recommendation accordingly. The committee does not recommend making the suggested revision with respect to item 3. The social worker or probation officer is required by section 16010.6(a) to notify the dependent’s attorney as soon as the agency makes a decision to place or change the placement of a foster child, so any delay should be minimal.</p> <p>The committee agrees that it is not necessary to have two signatures on the form. The separate lines were intended to offer an alternative. To make it clear that only one signature is needed, the committee has modified its recommendation as suggested above by the Children’s Law Center.</p>
Superior Court of Los Angeles County	With respect to JV-539, we suggest adding the social worker or the probation officer to those who may sign under box #2 to request an educational rights holder. There are instances where an educational rights holder needs to be appointed quickly, and the attorney for the child may not be available to file the request. Time is of the essence in many of these situations. The request can be made by the social worker or probation officer and notice can then be given to the attorneys that the request has been made. CRC 5.651(c)(10)-(12) requires the social	The committee agrees with the suggestion and has modified its recommendation accordingly.

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Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Amend Cal. Rules of Court, rules 5.502, 5.518, 5.534, 5.575, 5.650, 5.651, 5.660, 5.695, 5.708, 5.790, and 5.810; renumber rule 5.650(a) as 5.649; revise Judicial Council forms JV-180, JV-225, JV-227, JV-535, JV-536, JV-537, JV-538, JV-539, and JV-540; and approve form JV-535(A))

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

Form JV-539		
Commentator	Comment	Committee Response
	worker or probation officer to provide this information to the court in mandated reports. This change in the form would provide a simple form that could be used to notify the court of a need for a new ed rights holder between hearings.	
Superior Court of San Diego County Michael M. Roddy Executive Officer	JV-539, item 2 - Insert period after “serving in that capacity.”	The committee agrees with the suggestion and has modified its recommendation accordingly.

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
1.	County Welfare Directors Association by Diana Boyer	AM	<p>Suggestion provided by one of our counties for the proposed JV form:</p> <ol style="list-style-type: none"> 1. Form JV-535. It is recommended that the JV-535 be revised to indicate the parent/guardian has retained educational or developmental rights, if denied. 2. Form JV-535, title. Why not modify title of the form to include both limiting educational and/or developmental rights to reflect the changes? 	<ol style="list-style-type: none"> 1. The committee agrees with the suggestion and has modified its recommendation accordingly. 2. The committee agrees with the suggestion to revise the title of form JV-535 and has modified the recommended title to read: <i>Order Designating Educational Rights Holder</i>. The committee also recommends the amendment of the rules of court where they refer to form JV-535 by its title. Because of the burden on trial courts from revising forms, however, the committee does not recommend revising other Judicial Council forms in each place they refer to form JV-535 at this time. The committee has corrected Accurate numerical cross-references in the existing forms should be sufficient to direct users to the correct form. If existing cross-references in other forms prove unwieldy or confusing, the committee may consider revising the references in a later cycle.
2.	Los Angeles County Counsel's Office by James Owens	AM	<ol style="list-style-type: none"> 1. Rule 5.651. The reference to the current subdivisions refers to subdivisions contained in the present Rule 5.650. 2. Rule 5.652(a)(2). Subdivision (2) is somewhat confusing. It is requested that the 	<ol style="list-style-type: none"> 1. The committee has revised the numbering of the rules. This comment no longer applies. 2. The committee agrees that the rule as circulated was confusing. The committee has

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p>language be changed to state: "If the court cannot identify a responsible adult to serve as the child's developmental services decision maker, including when the child is placed with an identified caregiver who is not authorized to represent the child in matters related to developmental services, then the court may, with the input of any interested person, make developmental services decisions for the child."</p> <p>3. Rule 5.[651](f)(1). The cited rules, 5.530, 5.512, and 5.575, do not include the developmental services decision maker in the list of persons who are entitled to notice of hearings. These rules should be amended to add the developmental services decision maker to these rules.</p> <p>4. Rule 5.653 to become Rule 5.654. Presently there is no existing Rule 5.653. A portion of the current Rule 5.651 will become the new rule 5.653 under the proposed changes. The present rule 5.652 will be renumbered rule 5.654. A new Rule 5.652 will be adopted in its place to address "the appointment, authority, and duties of the "developmental services decision maker" required by SB 368."</p> <p>5. Overall. Overall the proposal does address the stated purpose. It would be appropriate</p>	<p>renumbered the rule and simplified the language to the extent possible while remaining consistent with statute.</p> <p>3. The committee agrees with the commentator's concern, but recommends clarifying rule 5.650 rather than amending rules 5.512, 5.530, and 5.575.</p> <p>4. The committee agrees with the suggestion and has changed the numbering scheme in the current recommendation to address the concern.</p> <p>5. The committee agrees with the suggestion and has modified its recommendation accordingly.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			to add a section to form JV-535 to include a section that indicates that a parent or guardian has retained educational or developmental services decision-making rights and to record contact information.	
3.	Orange County Bar Association by Dimetria Jackson	AM	<ol style="list-style-type: none"> 1. Form JV-535. We recommend that form JV-535 be revised to include an option for the court to indicate that a parent or guardian has retained educational or developmental services decision making rights and to record contact information. 2. Form JV-535. We also recommend that the title of the form be amended to reflect the fact it now has two purposes, both educational and developmental services. 	<ol style="list-style-type: none"> 1. The committee agrees with the suggestion and has modified its recommendation accordingly. 2. The committee has modified the recommended title of form JV-535 to read: <i>Order Designating Educational Rights Holder</i>. The rules and forms have also been amended to clarify that an educational rights holder may hold decision-making rights with respect to education, developmental services, or both.
4.	Orange County Public Defender's Office by Mark Brown	AM	<ol style="list-style-type: none"> 1. Generally. In general, the Orange County Public Defender supports the Committee's proposed changes to the rules and forms to render them consistent with recent legislation intended to improve access to educational and developmental services for juvenile dependents and wards. However, the modifications discussed below should be made to the Committee's proposed changes. 2. Rule 5.651(i)(2). The Committee's proposed changes to Rule 5.651(i)(2) would permit 	<ol style="list-style-type: none"> 1. No response required. 2. The committee agrees with the suggestion and has modified rule 5.650 to require the court to

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p>the child’s educational representative to participate in all juvenile court hearings (unless otherwise prohibited). This change is too broad. Rule 5.651(i)(2) should permit the “educational representative to be present at and to participate in any juvenile court hearing or mediation that concerns the child’s educational services.”</p> <p>3. Rule 5.652(f)(2). The provisions in Rule 5.651(i)(2) for the educational representative should be consistent with the Committee’s proposed provisions in Rule 5.652(f)(2) for the developmental services decision maker.</p> <p>4. Form JV-535. Since JV-535 is amended to include a court’s authority to limit a parent’s right to make developmental decisions for a child, to appoint a developmental services decision maker, and to specify elements of the decision maker’s authority, the title of the form should also include a reference to those findings and orders.</p>	<p>permit the educational rights holder to be present and participate in those portions of any hearing that concerns the child’s or youth’s education or developmental services.</p> <p>3. The committee has combined the requirements for a rights holder into a single set of rules.</p> <p>4. The committee agrees with the suggestion to revise the title of form JV-535 and has modified the recommended title to read: <i>Order Designating Educational Rights Holder</i>. The rules and forms have also been amended to clarify that an educational rights holder may hold decision-making rights with respect to education, developmental services, or both.</p>
5.	Public Counsel Law Center by Brian Capra	AM	1. Generally. Public Counsel proudly sponsored SB 368, which enables developmentally disabled children involved in the dependency and delinquency systems to have a court-appointed responsible adult to act on their behalf for developmental services. Public Counsel is pleased with	1. No response required.

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p>many of the changes to the rules and forms proposed in SPR12-20. We do believe this proposal serves to appropriately address SB 368’s stated purpose but we respectfully recommend that the following changes also be made to fully effectuate its intent. Although our comments appear lengthy, please note that much of our suggested changes are duplicative and are merely restated to correspond with the applicable forms.</p> <p>2. Rule 5.534(j). Rule 5.534(j) should be edited to also reflect the ability of the court to <i>temporarily</i> limit the developmental services decision-making rights of a parent, as provided by California Welfare and Institutions Code § 319(g). Recommended language: “If the court limits <u>or temporarily limits</u> the right of a parent to make developmental services decisions for the child ...”</p> <p>3. Rule 5.650. Rule 5.650 should be edited to include language <i>temporarily</i> limiting a parent’s right to make developmental services decisions, in order to be consistent with California Welfare and Institutions Code § 319(g). Further, we believe that, just as with special education and related services, the court may also limit or temporarily limit the parent’s or guardian’s</p>	<p>2. The committee has incorporated provisions for temporary limitation into its recommendation in the spring 2013 cycle.</p> <p>3. The committee has incorporated provisions for temporary limitation into its recommendation in the spring 2013 cycle.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p>developmental decision-making rights regardless of whether the child is, or may be eligible for, developmental services. Lastly, as explained more thoroughly below, we believe the JV-535 should be renamed to include developmental services and the developmental services decision-maker.</p> <p>Recommended language: “The court may, to the extent necessary to protect the child, <u>limit or temporarily limit</u> a parent’s or guardian’s rights to make educational or developmental services decisions for a child who is declared a dependent or ward of the court under section 300, 601, or 602, but the limitations may not exceed those necessary to protect the child. Before disposition, the court may temporarily limit a parent’s or guardian’s right to make educational or developmental decisions under section 319(g). The court may <u>limit or temporarily limit</u> a parent’s or guardian’s educational or developmental decision-making rights regardless of whether the child is, or may be eligible for, special education and related services <u>or developmental services</u>. When it limits the right of a parent or guardian to make educational decisions for a child, the court must use <i>Findings and Orders Limiting Right to Make Educational <u>and</u> Developmental Services Decisions for the Child, Appointing Educational</i></p>	

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p><i>Representative and Developmental Services Decision Maker, and Determining Child’s Educational and Developmental Services Needs.</i> (form JV-535). The court may also use form JV-535 to <u>limit or temporarily limit</u> the right of a parent or guardian to make developmental services decisions for the child.</p> <p>4. Rule 5.[651]. Rule 5.[651] should be edited to include language <i>temporarily</i> limiting a parent’s right to make developmental services decisions, in order to be consistent with California Welfare and Institutions Code § 319(g).</p> <p>Recommended language: If the court <u>limits or temporarily limits</u> the right of a parent or guardian to make developmental services decisions for a child, the court must at the same time appoint a responsible adult to make those decisions for the child unless...</p> <p>5. Form JV-225, item 14j. Form JV-225 provides parents with an opportunity to give the court important information about their child’s health and education. Item fourteen under new subsection (j) has been amended to include a question asking the parents whether if their child has ever been referred to a regional center for developmental services. We recommend that a follow up</p>	<p>4. The committee has incorporated provisions for temporary limitation into its recommendation in the spring 2013 cycle.</p> <p>5. The committee agrees in principle with the suggestion and has modified its recommendation to solicit that information as part of item 14j.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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	Commentator	Position	Comment	Committee Response
			<p>question (14.k) be included, if 14.j is answered in the affirmative, specifying which regional center(s) the child was referred to and when the referral(s) took place.</p> <p>Recommended language:</p> <p>j. Has your child ever been referred to a regional center for developmental services? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><u>k. If so, which regional center(s)?</u> <u>Regional Center (name, city):</u> <u>When was the referral made:</u></p> <p>6. Form JV-225, item 17. Item seventeen currently asks parents whether their right to make educational decisions for their child has been limited. A second part (proposed 17.b) should be added to inquire whether the right of the parents to make developmental services decisions has been similarly limited.</p> <p>Recommended language:</p> <p>17. a. Has your right to make educational decisions for the child been limited? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, who has the right to make educational decisions for the child? Name:</p>	<p>6. The committee agrees with the suggestion and has modified its recommendation accordingly.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p>Relationship to child:</p> <p><u>b. Has the right to make developmental services decisions for the child been limited?</u> <input type="checkbox"/> Yes <input type="checkbox"/> No <u>If yes, who has the right to make educational decisions for the child?</u> <u>Name:</u> <u>Relationship to child:</u></p> <p>7. Form JV-535, title. This form should be re-titled to reflect the creation of the Developmental Services Decision-Maker role and ensure all involved parties know when use of the form is appropriate.</p> <p>Recommended title: <u>JV-535: Findings and Orders Limiting Right to Make Educational and Developmental Services Decisions for the Child, Appointing Educational Representative and Developmental Services Decision Maker, and Determining Child’s Educational and Developmental Services Needs.</u></p> <p>8. Form JV-535, item 11. Item eleven on page one of JV-535 should also be edited from “development services” to “<i>developmental services</i>” to ensure consistency across all forms.</p> <p>Recommended language:</p>	<p>7. The committee has revised the title and structure of form JV-535 so that the form applies to developmental-services decisionmaking rights.</p> <p>8. The committee agrees with the suggestion and has modified its recommendation accordingly.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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	Commentator	Position	Comment	Committee Response
			<p>11. After considering the evidence, the court finds and orders under Welfare and Institutions Code section 319(g), 361(a), or 726(b):</p> <p>a. The right of the <input type="checkbox"/> parent (<i>name</i>): <input type="checkbox"/> parent (<i>name</i>): <input type="checkbox"/> guardian (<i>name</i>): <input type="checkbox"/> guardian (<i>name</i>): Address: Telephone: Address: Telephone: to make <input type="checkbox"/> educational <input type="checkbox"/> developmental services decisions for the child is (<i>specify</i>): <input type="checkbox"/> retained <input type="checkbox"/> reinstated <input type="checkbox"/> limited by this court <input type="checkbox"/> temporarily limited by this court (<i>if before disposition</i>).</p> <p>9. Additional Comments Beyond those Proposed in SPR 12-20:</p> <p>Public Counsel Law Center also recommends changes to several forms not mentioned in the Judicial Council proposal. As outlined below, we believe changes to the following forms are necessary to render them consistent with SB 368 and ensure improved access to educational and developmental services for juvenile dependents and wards.</p> <p><u>Proposed Changes to JV-417:</u></p> <p><i>Comment:</i> Item eight on page two of JV-417 should be edited to allow the court to note if the developmental services decision-making rights</p>	<p>9. At this time, the committee does not recommend making the suggested changes to forms JV-417, JV-420, JV-421, JV-425, JV-426, JV-430, JV-431, JV-435, JV-436, JV-440, JV-441, JV-445, JV-446, JV-455, JV-456, JV-665, JV-667, JV-672, JV-674, and JV-678. These forms are optional, giving courts the choice whether to use them or local equivalent forms. If local courts find that revisions are necessary, they can choose to adopt local forms using the Judicial Council forms as models. The committee is reluctant to propose the revision of so many forms because courts have emphasized that frequent and extensive forms revision imposes a significant burden on their human and financial resources. If changes to the law</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p>of the parent have been limited. This section of the form should also be re-titled to reflect the existence of this role.</p> <p>Proposal:</p> <p><u>Educational and Developmental Services</u></p> <p>8. a. <input type="checkbox"/> A limitation on the right of the parents to make educational decisions for the child is not necessary. The parents hold educational rights and responsibilities in regard to the child’s education, including those described in rule 5.650(e)–(f) of the California Rules of Court. A copy of rule 5.650(e)–(f) may be obtained from the court clerk.</p> <p>b. <input type="checkbox"/> A limitation on the right of the parents to make educational decisions for the child is necessary, and those rights are limited as stated in <i>Findings and Orders Limiting Right to Make Educational <u>and Developmental Services</u> Decisions for the Child, Appointing Educational Representative <u>and Developmental Services Decision Maker, and Determining Child’s Educational <u>and Developmental Services</u> Needs</u></i> (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representation are described in rule 5.650(e)–(f) of the California Rules of Court. A copy of rule 5.650(e)–(f) may be obtained from the</p>	<p>require the revision of these forms in a future cycle, the committee may consider revisions consistent with this comment at that time.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p>court clerk.</p> <p><u>c. □ A limitation on the right of the parents to make developmental services decisions for the child is not necessary. The parents hold developmental services decision making authority, including those described in rule 5.[651](b)–(c) of the California Rules of Court. A copy of rule 5.[651](b)–(c) may be obtained from the court clerk.</u></p> <p><u>d. □ A limitation on the right of the parents to make developmental services decisions for the child is necessary, and those rights are limited as stated in <i>Findings and Orders Limiting Right to Make Educational and Developmental Services Decisions for the Child, Appointing Educational Representative and Developmental Services Decision Maker, and Determining Child’s Educational and Developmental Services Needs</i> (form JV-535) filed in this matter. The developmental services rights and responsibilities of the developmental services decision maker are described in rule 5.[651](b)–(c) of the California Rules of Court. A copy of both Rules may be obtained from the court clerk.</u></p> <p>Comment: Item eleven on page two of JV-417 should also be edited to allow the court to note that a developmental services decision-maker has been appointed to ensure the child is</p>	<p>The committee does not recommend the suggested change to forms JV-417, JV-420, JV-421, JV-425, JV-426, JV-430, JV-435, JV-440, JV-445, JV-446, and JV-455. These forms already include a</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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	Commentator	Position	Comment	Committee Response
			<p>receiving the services they need.</p> <p>Proposal:</p> <p>11. <input type="checkbox"/> The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 10:</p> <p>a. <input type="checkbox"/> Social worker</p> <p>b. <input type="checkbox"/> Parent (<i>name</i>):</p> <p>c. <input type="checkbox"/> Surrogate parent (<i>name</i>):</p> <p>d. <input type="checkbox"/> Educational representative (<i>name</i>):</p> <p>e. <input type="checkbox"/> <u>Developmental services decision maker</u> (<i>name</i>):</p> <p>f. <input type="checkbox"/> Other (<i>name</i>):</p> <p><u>Proposed Changes to JV-420:</u></p> <p>Comment: Item thirteen on page three of JV-420 should be edited to allow the court to note if the developmental services decision-making rights of the parent have been limited. This section of the form should also be re-titled to reflect the existence of this role.</p> <p>Proposal:</p> <p><u>Educational and Developmental Services</u></p> <p>3. a. <input type="checkbox"/> A limitation on the right of the parents to make educational decisions for the child is not necessary. The parents hold educational rights</p>	<p>space for the court to identify “Other” persons in item 11.f. The court may use this space to note the appointment of a developmental services decision maker and order that person to fulfill her responsibilities.</p> <p>See response to comment 9, at page 166, above.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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	Commentator	Position	Comment	Committee Response
			<p>and responsibilities in regard to the child’s education, including those described in rule 5.650(e)–(f) of the California Rules of Court. A copy of rule 5.650(e)–(f) may be obtained from the court clerk.</p> <p>b. <input type="checkbox"/> A limitation on the right of the parents to make educational decisions for the child is necessary, and those rights are limited as stated in <i>Findings and Orders Limiting Right to Make Educational and Developmental Services Decisions for the Child, Appointing Educational Representative and Developmental Services Decision Maker, and Determining Child’s Educational and Developmental Services Needs</i> (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representation are described in rule 5.650(e)–(f) of the California Rules of Court. A copy of rule 5.650(e)–(f) may be obtained from the court clerk.</p> <p>c. <input type="checkbox"/> <u>A limitation on the right of the parents to make developmental services decisions for the child is not necessary. The parents hold developmental services decision making authority, including those described in rule 5.[651](b)–(c) of the California Rules of Court. A copy of rule 5.[651](b)–(c) may be obtained from the court clerk.</u></p>	

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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	Commentator	Position	Comment	Committee Response
			<p><u>d. <input type="checkbox"/> A limitation on the right of the parents to make developmental services decisions for the child is necessary, and those rights are limited as stated in <i>Findings and Orders Limiting Right to Make Educational and Developmental Services Decisions for the Child, Appointing Educational Representative and Developmental Services Decision Maker, and Determining Child’s Educational and Developmental Services Needs</i> (form JV-535) filed in this matter. The developmental services rights and responsibilities of the developmental services decision maker are described in rule 5.[651](b)–(c) of the California Rules of Court. A copy of both Rules may be obtained from the court clerk.</u></p> <p>Comment: Item sixteen on page three of JV-420 should also be edited to allow the court to note that a developmental services decision maker has been appointed to ensure the child is receiving the services they need.</p> <p>Proposal:</p> <p>16. <input type="checkbox"/> The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 15:</p> <p>a. <input type="checkbox"/> Social worker</p> <p>b. <input type="checkbox"/> Parent (<i>name</i>):</p> <p>c. <input type="checkbox"/> Surrogate parent (<i>name</i>):</p>	

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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	Commentator	Position	Comment	Committee Response
			<p>d. <input type="checkbox"/> Educational representative (<i>name</i>):</p> <p>e. <input type="checkbox"/> <u>Developmental services decision maker (<i>name</i>):</u></p> <p>f. <input type="checkbox"/> Other (<i>name</i>):</p> <p><u>Proposed Changes to JV-421:</u></p> <p><i>Comment:</i> Item twenty-seven on page five of JV-421 should be edited to allow the court to note if the developmental services decision-making rights of the parent have been limited. This section of the form should also be re-titled to reflect the existence of this role.</p> <p><i>Proposal:</i></p> <p><u>Educational and Developmental Services</u></p> <p>a. <input type="checkbox"/> A limitation on the right of the parents to make educational decisions for the child is not necessary. The parents hold educational rights and responsibilities in regard to the child’s education, including those described in rule 5.650(e)–(f) of the California Rules of Court. A copy of rule 5.650(e)–(f) may be obtained from the court clerk.</p> <p>b. <input type="checkbox"/> A limitation on the right of the parents to make educational decisions for the child is necessary, and those rights are limited as stated in <i>Findings and Orders Limiting Right to Make Educational and Developmental</i></p>	<p>See response to comment 9, at page 166, above.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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	Commentator	Position	Comment	Committee Response
			<p><i>Services Decisions for the Child, Appointing Educational Representative and Developmental Services Decision Maker, and Determining Child’s Educational and Developmental Services Needs</i> (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representation are described in rule 5.650(e)–(f) of the California Rules of Court. A copy of rule 5.650(e)–(f) may be obtained from the court clerk.</p> <p><u>c. □ A limitation on the right of the parents to make developmental services decisions for the child is not necessary. The parents hold developmental services decision making authority, including those described in rule 5.[651](b)–(c) of the California Rules of Court. A copy of rule 5.[651](b)–(c) may be obtained from the court clerk.</u></p> <p><u>d. □ A limitation on the right of the parents to make developmental services decisions for the child is necessary, and those rights are limited as stated in <i>Findings and Orders Limiting Right to Make Educational and Developmental Services Decisions for the Child, Appointing Educational Representative and Developmental Services Decision Maker, and Determining Child’s Educational and Developmental Services Needs</i> (form JV-535) filed in this matter. The developmental</u></p>	

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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	Commentator	Position	Comment	Committee Response
			<p><u>services rights and responsibilities of the developmental services decision maker are described in rule 5.[651](b)–(c) of the California Rules of Court. A copy of both Rules may be obtained from the court clerk.</u></p> <p><i>Comment:</i> Item thirty on page five of JV-421 should also be edited to allow the court to note that a developmental services decision maker has been appointed to ensure the child is receiving the services they need.</p> <p><i>Proposal:</i></p> <p>30. <input type="checkbox"/> The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 29:</p> <p>g. <input type="checkbox"/> Social worker</p> <p>h. <input type="checkbox"/> Parent (<i>name</i>):</p> <p>i. <input type="checkbox"/> Surrogate parent (<i>name</i>):</p> <p>j. <input type="checkbox"/> Educational representative (<i>name</i>):</p> <p>k. <input type="checkbox"/> <u>Developmental services decision maker (<i>name</i>):</u></p> <p>l. <input type="checkbox"/> Other (<i>name</i>):</p> <p><u>Proposed Changes to JV-425:</u></p> <p><i>Comment:</i> Item ten on page three of JV-425 should be edited to allow the court to note if the developmental services decision-making rights of the parent have been limited. This section of</p>	<p>See response to comment 9, at page 166, above.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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	Commentator	Position	Comment	Committee Response
			<p>the form should also be re-titled to reflect the existence of this role.</p> <p>Proposal:</p> <p><u>Educational and Developmental Services</u></p> <p>a. <input type="checkbox"/> A limitation on the right of the parents to make educational decisions for the child is not necessary. The parents hold educational rights and responsibilities in regard to the child’s education, including those described in rule 5.650(e)–(f) of the California Rules of Court. A copy of rule 5.650(e)–(f) may be obtained from the social worker. The parents must ensure the child’s regular school attendance and make reasonable efforts to obtain the education services necessary to meet the child’s specific needs.</p> <p>b. <input type="checkbox"/> A limitation on the right of the parents to make educational decisions for the child is necessary, and those rights are limited as stated in <i>Findings and Orders Limiting Right to Make Educational and Developmental Services Decisions for the Child, Appointing Educational Representative and Developmental Services Decision Maker, and Determining Child’s Educational and Developmental Services Needs</i> (form JV-535) filed in this matter. The educational rights and responsibilities of the educational</p>	

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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	Commentator	Position	Comment	Committee Response
			<p>representation are described in rule 5.650(e)–(f) of the California Rules of Court. A copy of rule 5.650(e)–(f) may be obtained from the social worker.</p> <p>c. <input type="checkbox"/> <u>A limitation on the right of the parents to make developmental services decisions for the child is not necessary. The parents hold developmental services decision making authority, including those described in rule 5.[651](b)–(c) of the California Rules of Court. A copy of rule 5.[651](b)–(c) may be obtained from the social worker. The parents must make reasonable efforts to obtain the developmental services necessary to meet the child’s specific needs.</u></p> <p>d. <input type="checkbox"/> <u>A limitation on the right of the parents to make developmental services decisions for the child is necessary, and those rights are limited as stated in <i>Findings and Orders Limiting Right to Make Educational and Developmental Services Decisions for the Child, Appointing Educational Representative and Developmental Services Decision Maker, and Determining Child’s Educational and Developmental Services Needs</i> (form JV-535) filed in this matter. The developmental services rights and responsibilities of the developmental services decision maker are described in rule 5.[651](b)–(c) of the California Rules of Court. A copy of both</u></p>	

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p><u>Rules may be obtained from the social worker.</u></p> <p>Comment: Item thirteen on page three of JV-425 should also be edited to allow the court to note that a developmental services decision maker has been appointed to ensure the child is receiving the services they need.</p> <p>Proposal:</p> <p>13. <input type="checkbox"/> The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 12:</p> <p>a. <input type="checkbox"/> Social worker</p> <p>b. <input type="checkbox"/> Parent (<i>name</i>):</p> <p>c. <input type="checkbox"/> Surrogate parent (<i>name</i>):</p> <p>d. <input type="checkbox"/> Educational representative (<i>name</i>):</p> <p>e. <input type="checkbox"/> <u>Developmental services decision maker (<i>name</i>):</u></p> <p>f. <input type="checkbox"/> Other (<i>name</i>):</p> <p><u>Proposed Changes to JV-426:</u></p> <p>Comment: Item thirteen on page four of JV-426 should be edited to allow the court to note if the developmental services decision-making rights of the parent have been limited. This section of the form should also be re-titled to reflect the existence of this role</p> <p>Proposal:</p>	<p>See response to comment 9, at page 166, above.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p><u>Educational and Developmental Services</u></p> <p>a. <input type="checkbox"/> A limitation on the right of the parents to make educational decisions for the child is not necessary. The parents hold educational rights and responsibilities in regard to the child’s education, including those described in rule 5.650(e)–(f) of the California Rules of Court. A copy of rule 5.650(e)–(f) may be obtained from the court clerk.</p> <p>b. <input type="checkbox"/> A limitation on the right of the parents to make educational decisions for the child is necessary, and those rights are limited as stated in <i>Findings and Orders Limiting Right to Make Educational <u>and Developmental Services</u> Decisions for the Child, Appointing Educational Representative <u>and Developmental Services</u> Decision Maker, and Determining Child’s Educational <u>and Developmental Services</u> Needs</i> (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representation are described in rule 5.650(e)–(f) of the California Rules of Court. A copy of rule 5.650(e)–(f) may be obtained from the court clerk.</p> <p>c. <input type="checkbox"/> <u>A limitation on the right of the parents to make developmental services decisions for the child is not necessary. The parents hold</u></p>	

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p><u>developmental services decision making authority, including those described in rule 5.[651](b)–(c) of the California Rules of Court. A copy of rule 5.[651](b)–(c) may be obtained from the court clerk.</u></p> <p><u>d. <input type="checkbox"/> A limitation on the right of the parents to make developmental services decisions for the child is necessary, and those rights are limited as stated in <i>Findings and Orders Limiting Right to Make Educational and Developmental Services Decisions for the Child, Appointing Educational Representative and Developmental Services Decision Maker, and Determining Child’s Educational and Developmental Services Needs</i> (form JV-535) filed in this matter. The developmental services rights and responsibilities of the developmental services decision maker are described in rule 5.[651](b)–(c) of the California Rules of Court. A copy of both Rules may be obtained from the court clerk.</u></p> <p>Comment: Item sixteen on page four of JV-426 should also be edited to allow the court to note that a developmental services decision maker has been appointed to ensure the child is receiving the services they need.</p> <p>Proposal:</p> <p>16. <input type="checkbox"/> The following persons are ordered to</p>	

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p>take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 15:</p> <ul style="list-style-type: none"> a. <input type="checkbox"/> Social worker b. <input type="checkbox"/> Parent (<i>name</i>): c. <input type="checkbox"/> Surrogate parent (<i>name</i>): d. <input type="checkbox"/> Educational representative (<i>name</i>): e. <input type="checkbox"/> <u>Developmental services decision maker (<i>name</i>):</u> f. <input type="checkbox"/> Other (<i>name</i>): <p><u>Proposed Changes to JV-430:</u></p> <p><i>Comment:</i> Item fifteen on page four of JV-430 should be edited to allow the court to note if the developmental services decision-making rights of the parent have been limited. This section of the form should also be re-titled to reflect the existence of this role.</p> <p><i>Proposal:</i></p> <p><u>Educational and Developmental Services</u></p> <ul style="list-style-type: none"> a. <input type="checkbox"/> A limitation on the right of the parents to make educational decisions for the child is not necessary. The parents hold educational rights and responsibilities in regard to the child’s education, including those described in rule 5.650(e)–(f) of the California Rules of Court. A copy of rule 5.650(e)–(f) may be obtained from the court clerk. 	<p>See response to comment 9, at page 166, above.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p>b. <input type="checkbox"/> A limitation on the right of the parents to make educational decisions for the child is necessary, and those rights are limited as stated in <i>Findings and Orders Limiting Right to Make Educational and Developmental Services Decisions for the Child, Appointing Educational Representative and Developmental Services Decision Maker, and Determining Child's Educational and Developmental Services Needs</i> (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representation are described in rule 5.650(e)–(f) of the California Rules of Court. A copy of rule 5.650(e)–(f) may be obtained from the court clerk.</p> <p>c. <input type="checkbox"/> A limitation on the right of the parents to make developmental services decisions for the child is not necessary. The parents hold developmental services decision making authority, including those described in rule 5.[651](b)–(c) of the California Rules of Court. A copy of rule 5.[651](b)–(c) may be obtained from the court clerk.</p> <p>d. <input type="checkbox"/> A limitation on the right of the parents to make developmental services decisions for the child is necessary, and those rights are limited as stated in <i>Findings and Orders Limiting Right to Make Educational and</i></p>	

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p><u><i>Developmental Services Decisions for the Child, Appointing Educational Representative and Developmental Services Decision Maker, and Determining Child’s Educational and Developmental Services Needs</i></u> (form JV-535) filed in this matter. The developmental services rights and responsibilities of the developmental services decision maker are described in rule 5.[651](b)–(c) of the California Rules of Court. A copy of both Rules may be obtained from the court clerk.</p> <p>Comment: Item eighteen on page four should also be edited to allow the court to note that a developmental services decision maker has been appointed to ensure the child is receiving the services they need.</p> <p>Proposal:</p> <p>18. <input type="checkbox"/> The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 17:</p> <p>a. <input type="checkbox"/> Social worker</p> <p>b. <input type="checkbox"/> Parent (<i>name</i>):</p> <p>c. <input type="checkbox"/> Surrogate parent (<i>name</i>):</p> <p>d. <input type="checkbox"/> Educational representative (<i>name</i>):</p> <p>e. <input type="checkbox"/> <u>Developmental services decision maker (<i>name</i>):</u></p> <p>f. <input type="checkbox"/> Other (<i>name</i>):</p>	

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p><u>Educational and Developmental Services</u></p> <p>a. <input type="checkbox"/> A limitation on the right of the parents to make educational decisions for the child is not necessary. The parents hold educational rights and responsibilities in regard to the child’s education, including those described in rule 5.650(e)–(f) of the California Rules of Court. A copy of rule 5.650(e)–(f) may be obtained from the court clerk.</p> <p>b. <input type="checkbox"/> A limitation on the right of the parents to make educational decisions for the child is necessary, and those rights are limited as stated in <i>Findings and Orders Limiting Right to Make Educational <u>and Developmental Services</u> Decisions for the Child, Appointing Educational Representative <u>and Developmental Services Decision Maker, and Determining Child’s Educational <u>and Developmental Services</u> Needs</u></i> (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representation are described in rule 5.650(e)–(f) of the California Rules of Court. A copy of rule 5.650(e)–(f) may be obtained from the court clerk.</p> <p>c. <input type="checkbox"/> <u>A limitation on the right of the parents to make developmental services decisions for the child is not necessary. The parents hold</u></p>	

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p><u>developmental services decision making authority, including those described in rule 5.[651](b)–(c) of the California Rules of Court. A copy of rule 5.[651](b)–(c) may be obtained from the court clerk.</u></p> <p><u>d. <input type="checkbox"/> A limitation on the right of the parents to make developmental services decisions for the child is necessary, and those rights are limited as stated in <i>Findings and Orders Limiting Right to Make Educational and Developmental Services Decisions for the Child, Appointing Educational Representative and Developmental Services Decision Maker, and Determining Child’s Educational and Developmental Services Needs</i> (form JV-535) filed in this matter. The developmental services rights and responsibilities of the developmental services decision maker are described in rule 5.[651](b)–(c) of the California Rules of Court. A copy of both Rules may be obtained from the court clerk.</u></p> <p>Comment: Item eighteen on page four should also be edited to allow the court to note that a developmental services decision maker has been appointed to ensure the child is receiving the services they need.</p> <p>Proposal:</p> <p>18. <input type="checkbox"/> The following persons are ordered to</p>	

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p>take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 17:</p> <p>a. <input type="checkbox"/> Social worker b. <input type="checkbox"/> Parent (<i>name</i>): c. <input type="checkbox"/> Surrogate parent (<i>name</i>): d. <input type="checkbox"/> Educational representative (<i>name</i>): e. <input type="checkbox"/> <u>Developmental services decision maker (<i>name</i>):</u> f. <input type="checkbox"/> Other (<i>name</i>):</p> <p><u>Proposed Changes to JV-436:</u></p> <p><i>Comment:</i> Item three on page one should be edited and re-titled to ensure that, when reunified, the parent, custodian, or guardian is apprised of their responsibility to make efforts to obtain the developmental services needed for their child.</p> <p><i>Proposal:</i></p> <p><u>Educational and Developmental Services</u></p> <p>3. <input type="checkbox"/> The <input type="checkbox"/> mother <input type="checkbox"/> biological father <input type="checkbox"/> Indian custodian <input type="checkbox"/> presumed father <input type="checkbox"/> legal guardian <input type="checkbox"/> other (<i>specify</i>): must ensure the child’s regular school attendance and make reasonable efforts to obtain the <u>educational and developmental</u> services necessary to meet the child’s specific needs.</p>	<p>See response to comment 9, at page 166, above.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p><u>Proposed Changes to JV-440:</u></p> <p><i>Comment:</i> Item fifteen on page four of JV-440 should be edited to allow the court to note if the developmental services decision-making rights of the parent have been limited. This section of the form should also be re-titled to reflect the existence of this role.</p> <p><i>Proposal:</i></p> <p><u>Educational and Developmental Services</u></p> <p>a. <input type="checkbox"/> A limitation on the right of the parents to make educational decisions for the child is not necessary. The parents hold educational rights and responsibilities in regard to the child’s education, including those described in rule 5.650(e)–(f) of the California Rules of Court. A copy of rule 5.650(e)–(f) may be obtained from the court clerk.</p> <p>b. <input type="checkbox"/> A limitation on the right of the parents to make educational decisions for the child is necessary, and those rights are limited as stated in <i>Findings and Orders Limiting Right to Make Educational and Developmental Services Decisions for the Child, Appointing Educational Representative and Developmental Services Decision Maker, and Determining Child’s Educational and</i></p>	<p>See response to comment 9, at page 166, above.</p>

SPR12-20

Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p><u>Developmental Services Needs</u> (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representation are described in rule 5.650(e)–(f) of the California Rules of Court. A copy of rule 5.650(e)–(f) may be obtained from the court clerk.</p> <p>c. <input type="checkbox"/> <u>A limitation on the right of the parents to make developmental services decisions for the child is not necessary. The parents hold developmental services decision making authority, including those described in rule 5.[651](b)–(c) of the California Rules of Court. A copy of rule 5.[651](b)–(c) may be obtained from the court clerk.</u></p> <p>d. <input type="checkbox"/> <u>A limitation on the right of the parents to make developmental services decisions for the child is necessary, and those rights are limited as stated in <i>Findings and Orders Limiting Right to Make Educational and Developmental Services Decisions for the Child, Appointing Educational Representative and Developmental Services Decision Maker, and Determining Child’s Educational and Developmental Services Needs</i> (form JV-535) filed in this matter. The developmental services rights and responsibilities of the developmental services decision maker are described in rule 5.[651](b)–(c) of the California Rules of Court. A copy of both</u></p>	

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p><u>Rules may be obtained from the court clerk.</u></p> <p>Comment: Item eighteen on page four should also be edited to allow the court to note that a developmental services decision maker has been appointed to ensure the child is receiving the services they need.</p> <p>Proposal:</p> <p>18. <input type="checkbox"/> The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 17:</p> <p>a. <input type="checkbox"/> Social worker</p> <p>b. <input type="checkbox"/> Parent (<i>name</i>):</p> <p>c. <input type="checkbox"/> Surrogate parent (<i>name</i>):</p> <p>d. <input type="checkbox"/> Educational representative (<i>name</i>):</p> <p>e. <input type="checkbox"/> <u>Developmental services decision maker (<i>name</i>):</u></p> <p>f. <input type="checkbox"/> Other (<i>name</i>):</p> <p><u>Proposed Changes to JV-441:</u></p> <p>Comment: Item three on page one should be edited and re-titled to ensure that, when reunified, the parent, custodian, or guardian is apprised of their responsibility to make efforts to obtain the developmental services needed for their child.</p> <p>Proposal:</p>	<p>See response to comment 9, at page 166, above.</p>

SPR12-20

Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p><u>Educational and Developmental Services</u></p> <p>3. <input type="checkbox"/> The <input type="checkbox"/> mother <input type="checkbox"/> biological father <input type="checkbox"/> Indian custodian <input type="checkbox"/> presumed father <input type="checkbox"/> legal guardian <input type="checkbox"/> other (<i>specify</i>): must ensure the child’s regular school attendance and make reasonable efforts to obtain the <u>educational and developmental</u> services necessary to meet the child’s specific needs.</p> <p><u>Proposed Changes to JV-445:</u></p> <p><i>Comment:</i> Item seventeen on page three should be edited to allow the court to note that a developmental services decision maker has been appointed to ensure the child is receiving the services they need. This section of the form immediately preceding item fifteen should also be re-titled to reflect the existence of this role.</p> <p><i>Proposal:</i></p> <p><u>Educational and Developmental Services</u></p> <p>17. <input type="checkbox"/> The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 16:</p> <p>a. <input type="checkbox"/> Social worker b. <input type="checkbox"/> Parent (<i>name</i>):</p>	<p>See response to comment 9, at page 166, above.</p>

SPR12-20

Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p>c. <input type="checkbox"/> Surrogate parent (<i>name</i>):</p> <p>d. <input type="checkbox"/> Educational representative (<i>name</i>):</p> <p>e. <input type="checkbox"/> <u>Developmental services decision maker</u> (<i>name</i>):</p> <p>f. <input type="checkbox"/> Other (<i>name</i>):</p> <p><u>Proposed Changes to JV-446:</u></p> <p><i>Comment:</i> Item twenty-three on page four should be edited to allow the court to note that a developmental services decision maker has been appointed to ensure the child is receiving the services they need. This section of the form immediately preceding item twenty-one should also be re-titled to reflect the existence of this role.</p> <p><i>Proposal:</i></p> <p><u>Educational and Developmental Services</u></p> <p>23. <input type="checkbox"/> The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 22:</p> <p>a. <input type="checkbox"/> Social worker</p> <p>b. <input type="checkbox"/> Parent (<i>name</i>):</p> <p>c. <input type="checkbox"/> Surrogate parent (<i>name</i>):</p> <p>d. <input type="checkbox"/> Educational representative (<i>name</i>):</p> <p>e. <input type="checkbox"/> <u>Developmental services decision maker</u> (<i>name</i>):</p> <p>f. <input type="checkbox"/> Other (<i>name</i>):</p>	<p>See response to comment 9, at page 166, above.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p><u>Proposed Changes to JV-455:</u></p> <p><i>Comment:</i> Item fifteen on page four of JV-455 should be edited to allow the court to note if the developmental services decision-making rights of the parent have been limited. This section of the form should also be re-titled to reflect the existence of this role.</p> <p><i>Proposal:</i></p> <p><u>Educational and Developmental Services</u></p> <p>a. <input type="checkbox"/> A limitation on the right of the parents to make educational decisions for the child is not necessary. The parents hold educational rights and responsibilities in regard to the child’s education, including those described in rule 5.650(e)–(f) of the California Rules of Court. A copy of rule 5.650(e)–(f) may be obtained from the court clerk.</p> <p>b. <input type="checkbox"/> A limitation on the right of the parents to make educational decisions for the child is necessary, and those rights are limited as stated in <i>Findings and Orders Limiting Right to Make Educational and Developmental Services Decisions for the Child, Appointing Educational Representative and Developmental Services Decision Maker, and Determining Child’s Educational and</i></p>	<p>See response to comment 9, at page 166, above.</p>

SPR12-20

Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p><u>Developmental Services Needs</u> (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representation are described in rule 5.650(e)–(f) of the California Rules of Court. A copy of rule 5.650(e)–(f) may be obtained from the court clerk.</p> <p>c. <input type="checkbox"/> <u>A limitation on the right of the parents to make developmental services decisions for the child is not necessary. The parents hold developmental services decision making authority, including those described in rule 5.[651](b)–(c) of the California Rules of Court. A copy of rule 5.[651](b)–(c) may be obtained from the court clerk.</u></p> <p>d. <input type="checkbox"/> <u>A limitation on the right of the parents to make developmental services decisions for the child is necessary, and those rights are limited as stated in <i>Findings and Orders Limiting Right to Make Educational and Developmental Services Decisions for the Child, Appointing Educational Representative and Developmental Services Decision Maker, and Determining Child’s Educational and Developmental Services Needs</i> (form JV-535) filed in this matter. The developmental services rights and responsibilities of the developmental services decision maker are described in rule 5.[651](b)–(c) of the California Rules of Court. A copy of both</u></p>	

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p><u>Rules may be obtained from the court clerk.</u></p> <p>Comment: Item eighteen on page four should also be edited to allow the court to note that a developmental services decision maker has been appointed to ensure the child is receiving the services they need.</p> <p>Proposal:</p> <p>18. <input type="checkbox"/> The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 17:</p> <p>a. <input type="checkbox"/> Social worker</p> <p>b. <input type="checkbox"/> Parent (<i>name</i>):</p> <p>c. <input type="checkbox"/> Surrogate parent (<i>name</i>):</p> <p>d. <input type="checkbox"/> Educational representative (<i>name</i>):</p> <p>e. <input type="checkbox"/> <u>Developmental services decision maker (<i>name</i>):</u></p> <p>f. <input type="checkbox"/> Other (<i>name</i>):</p> <p><u>Proposed Changes to JV-456:</u></p> <p>Comment: Item three on page one should be edited and re-titled to ensure that, when reunified, the parent, custodian, or guardian is apprised of their responsibility to make efforts to obtain the developmental services needed for their child.</p> <p>Proposal:</p>	<p>See response to comment 9, at page 166, above.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p><u>Educational and Developmental Services</u></p> <p>3. <input type="checkbox"/> The <input type="checkbox"/> mother <input type="checkbox"/> biological father <input type="checkbox"/> Indian custodian <input type="checkbox"/> presumed father <input type="checkbox"/> legal guardian <input type="checkbox"/> other (<i>specify</i>): must ensure the child’s regular school attendance and make reasonable efforts to obtain the <u>educational and developmental services</u> necessary to meet the child’s specific needs.</p> <p><u>Proposed Changes to JV-537:</u></p> <p><i>Comment:</i> This form should be re-titled to reflect the creation of the Developmental Services Decision-Maker role and developmental services decision maker should be integrated throughout the form, where applicable.</p> <p><i>Proposal:</i></p> <p><u>Educational Representative, Developmental Services Decision Maker</u>, or Surrogate Parent Information. Throughout the form “educational representative or surrogate parent” should be edited to read “<u>educational representative, developmental services decision maker</u>, or surrogate parent.” This change will need to be made in the box at the top of page one and in items 2.a., 2.d., 2.e.,</p>	<p>The committee agrees with the suggestion that form JV-537 should reflect the authority of a rights holder to make developmental-services decisions. The committee has recommended that the form’s title be modified to read: <i>Educational Rights Holder Statement</i> and incorporated references to developmental-services decision making throughout the form.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p>and 3 of JV-537.</p> <p><i>Comment:</i> There should be new items created to account developmental services that replicate items 8 through 10 pertaining to educational needs. As a result of these changes, the rest of the form will need to be re-numbered.</p> <p><i>Proposal:</i></p> <p><u>11. The child has the following developmental needs (specify):</u></p> <p><u>12. The child needs the following services to meet his or her developmental needs (specify):</u></p> <p><u>13. The child is receiving the following developmentally-related services (explain):</u></p> <p>a. <u>These services <input type="checkbox"/> are <input type="checkbox"/> are not appropriate (explain):</u></p> <p>b. <u>Date of most recent individual program plan (IPP) or individualized family services plan (IFSP):</u></p> <p><i>Comment:</i> Section 12a (to be renumbered to 13a) should be edited to include individual program plan (IPP) or individualized family services plan (IFSP).</p> <p>Further, AB 3632 county mental health</p>	<p>The committee recognizes the need for items soliciting information regarding developmental services and has modified its recommendation to expand the scope of items 8–10 to clarify that they include developmental-services needs. The rights holder may use items 3–12 on the form to submit information to the court. The committee also notes that a rights holder may submit information or recommendations to the court without using a preprinted form.</p> <p>The committee agrees with the suggested substantive change and has modified its recommendation accordingly. Item 12 has been renumbered as item 11.</p> <p>The committee agrees with the suggestion and has</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p>assessments should be replaced with “educationally related mental health services assessments.” AB 3632 was repealed last year by the Budget Act of 2011 (SB 87, 2011) and the corresponding education trailer bill (AB 114, 2011). The Legislature now calls these services “educationally related mental health services.” For examples, see Item 6110-161-0001, provision 26 of the Budget Act of 2011, allocating \$218 million for educationally related mental health services and Item 6110-161-0001, provision 22 of the Budget Act of 2012 (AB 1464, as amended 6/13/12), allocating \$321 million for educationally related mental health services.</p> <p>Proposal:</p> <p>13. a Type of assessments requested (check all that apply):</p> <ul style="list-style-type: none"> (1) Individualized education plan (2) Section 504 plan (3) Individualized family services plan (IFSP) (4) Individual program plan (IPP) (5) Educationally related mental health services assessments (6) Psycho-educational assessment (7) Other: <p>Proposed Changes to JV-539</p>	<p>modified its recommendation to replace the term AB 3632 with “educationally related mental health services.”</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p>Comment: This form should be re-titled to reflect the creation of the Developmental Services Decision-Maker role.</p> <p>Proposal: <u>Request for Hearing Regarding Child’s Educational or Developmental Services (JV-539)</u></p> <p>Proposal:</p> <p>A new box should be created underneath the title in between “Appointment of Educational Representative” and “Review of Proposed Removal From School of Origin” to state: “Appointment of Developmental Services Decision Maker.”</p> <p>Comment: Item 2 of this form should be revised to include the developmental services decision maker.</p> <p>Proposal:</p> <p>2. On (date): <input type="checkbox"/> <u>the educational representative resigned or is no longer serving in that capacity</u> <input type="checkbox"/> <u>the surrogate parent resigned or was terminated</u> <input type="checkbox"/> <u>the developmental services decision maker resigned or is no longer serving in that capacity.</u> I am requesting a</p>	<p>The committee agrees with the suggestion and has modified its recommended title to read: <i>Request for Hearing Regarding Child’s Access to Services</i>. As defined in rule 5.502, the <i>educational rights holder</i> may make developmental-services decisions when appointed by the court to do so.</p> <p>The committee recognizes the need to include the developmental services decision maker and recommends expanding the scope of the first box rather than adding another box.</p> <p>The committee intends that this form might be used to request the appointment of a rights holder to make developmental-services decisions. As defined in rule 5.502, the <i>educational rights holder</i> may make developmental-services decisions when appointed by the court to do so.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p><u>hearing appointment of an <input type="checkbox"/> educational representative <input type="checkbox"/> developmental services decision maker.</u></p> <p>Proposal: A signature block should be added to state: “<u>Signature of person serving as developmental services decision maker.</u>”</p> <p>Proposed Changes to JV-665</p> <p>Comment: The title of the form listed at the bottom of the second page under item 25 should be edited to reflect the updated title mentioned above.</p> <p>Proposal:</p> <p><input type="checkbox"/> <u>Findings and Orders Limiting Right to Make Educational and Developmental Services Decisions for the Child, Appointing Educational Representative and Developmental Services Decision Maker, and Determining Child’s Educational and Developmental Services Needs (form JV-535)</u></p> <p>Proposed Changes to JV-667</p> <p>Comment: Item six on page two should be edited to allow the court to note if the developmental services decision-making rights of the parent have been limited.</p>	<p>See response to comment 9, at page 166, above.</p> <p>See response to comment 9, at page 166, above.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p>Proposal:</p> <p>6. k. <input type="checkbox"/> The right of the parent guardian to make educational decisions for the child is specifically limited. <u><i>Findings and Orders Limiting Right to Make Educational and Developmental Services Decisions for the Child, Appointing Educational Representative and Developmental Services Decision Maker, and Determining Child’s Educational and Developmental Services Needs</i></u> (form JV-535) will be completed and transmitted.</p> <p>l. <input type="checkbox"/> <u>The right of the parent/guardian to make developmental services decisions for the child is specifically limited. <i>Findings and Orders Limiting Right to Make Educational and Developmental Services Decisions for the Child, Appointing Educational Representative and Developmental Services Decision Maker, and Determining Child’s Educational and Developmental Services Needs</i> (form JV-535) will be completed and transmitted.</u></p> <p><u>Proposed Changes to JV-672</u></p> <p>Comment: An item should be added after item 22 to allow the court to note the status of the parent or guardian’s right to make developmental services decisions for their child. As a result of this change, the rest of the form will need to be re-numbered. The title of JV-</p>	<p>See response to comment 9, at page 166, above.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p>535 in item 22b should renamed to account for developmental services and the developmental services decision maker.</p> <p>Proposal:</p> <p>22. <u>□ A limitation on the □ parents □ legal guardians to make educational decisions for the child</u></p> <p>a. <u>□ is NOT necessary. The parents hold educational rights and responsibilities in regard to the child’s education, including those described in rule 5.650(e)–(f) of the California Rules of Court. A copy of rule 5.650(e)–(f) may be obtained from the court clerk.</u></p> <p>b. <u>□ is necessary. Those rights are limited as stated in <i>Findings and Orders Limiting Right to Make Educational and Developmental Services Decisions for the Child, Appointing Educational Representative and Developmental Services Decision Maker, and Determining Child’s Educational and Developmental Services Needs</i> (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representation are described in rule 5.650(e)–(f) of the California Rules of Court. A copy of rule 5.650(e)–(f) may be obtained from the court clerk.</u></p>	

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p><u>23. <input type="checkbox"/> A limitation on the <input type="checkbox"/> parents <input type="checkbox"/> legal guardians to make developmental services decisions for the child</u></p> <p><u>a. <input type="checkbox"/> is NOT necessary. The parents or legal guardians hold developmental services decision-making rights and responsibilities, including those listed in California Rules of Court, rule 5.[651](b)–(c).</u></p> <p><u>b. <input type="checkbox"/> is necessary. Those rights are limited as ordered and as set forth in <i>Findings and Orders Limiting Right to Make Educational and Developmental Services Decisions for the Child, Appointing Educational Representative and Developmental Services Decision Maker, and Determining Child’s Educational and Developmental Services Needs</i> (form JV-535).</u></p> <p><u>Proposed Changes to JV-674</u></p> <p><i>Comment:</i> An item should be added after item 24 to allow the court to note the status of the parent or guardian’s right to make developmental services decisions for their child. As a result of this change, the rest of the form will need to be re-numbered. The title of JV-535 in item 24b should renamed to account for developmental services and the developmental services decision maker.</p> <p><i>Proposal:</i></p>	<p>See response to comment 9, at page 166, above.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p>24. <u>□ A limitation on the □ parents □ legal guardians to make educational decisions for the child</u></p> <p>a. <u>□ is NOT necessary. The parents hold educational rights and responsibilities in regard to the child’s education, including those described in rule 5.650(e)–(f) of the California Rules of Court. A copy of rule 5.650(e)–(f) may be obtained from the court clerk.</u></p> <p>b. <u>□ is necessary. Those rights are limited as stated in <i>Findings and Orders Limiting Right to Make Educational and Developmental Services Decisions for the Child, Appointing Educational Representative and Developmental Services Decision Maker, and Determining Child’s Educational and Developmental Services Needs</i> (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representation are described in rule 5.650(e)–(f) of the California Rules of Court. A copy of rule 5.650(e)–(f) may be obtained from the court clerk.</u></p> <p>25. <u>□ A limitation on the □ parents □ legal guardians to make developmental services decisions for the child</u></p>	

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p>a. <input type="checkbox"/> is NOT necessary. The parents or legal guardians hold developmental services decision-making rights and responsibilities, including those listed in California Rules of Court, rule 5.[651](b)–(c).</p> <p>b. <input type="checkbox"/> is necessary. Those rights are limited as ordered and as set forth in <i>Findings and Orders Limiting Right to Make Educational and Developmental Services Decisions for the Child, Appointing Educational Representative and Developmental Services Decision Maker, and Determining Child’s Educational and Developmental Services Needs</i> (form JV-535).</p> <p><u>Proposed Changes to JV-678</u></p> <p><i>Comment:</i> An item should be added after item 21 to allow the court to note the status of the parent or guardian’s right to make developmental services decisions for their child. As a result of this change, the rest of the form will need to be re-numbered. The title of JV-535 in item 21b should renamed to account for developmental services and the developmental services decision maker.</p> <p><i>Proposal:</i></p> <p>21. <input type="checkbox"/> A limitation on the <input type="checkbox"/> parents <input type="checkbox"/> legal guardians to make educational decisions for <u>the child</u></p>	<p>See response to comment 9, at page 166, above.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p><u>a. <input type="checkbox"/> is NOT necessary. The parents hold educational rights and responsibilities in regard to the child’s education, including those described in rule 5.650(e)–(f) of the California Rules of Court. A copy of rule 5.650(e)–(f) may be obtained from the court clerk.</u></p> <p><u>b. <input type="checkbox"/> is necessary. Those rights are limited as stated in <i>Findings and Orders Limiting Right to Make Educational and Developmental Services Decisions for the Child, Appointing Educational Representative and Developmental Services Decision Maker, and Determining Child’s Educational and Developmental Services Needs</i> (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representation are described in rule 5.650(e)–(f) of the California Rules of Court. A copy of rule 5.650(e)–(f) may be obtained from the court clerk.</u></p> <p><u>22. <input type="checkbox"/> A limitation on the <input type="checkbox"/> parents <input type="checkbox"/> legal guardians to make developmental services decisions for the child</u></p> <p><u>a. <input type="checkbox"/> is NOT necessary. The parents or legal guardians hold developmental services decision-making rights and responsibilities, including those listed in California Rules of</u></p>	

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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	Commentator	Position	Comment	Committee Response
			<p><u>Court, rule 5.[651](b)–(c).</u></p> <p><u>b. <input type="checkbox"/> is necessary. Those rights are limited as ordered and as set forth in <i>Findings and Orders Limiting Right to Make Educational and Developmental Services Decisions for the Child, Appointing Educational Representative and Developmental Services Decision Maker, and Determining Child’s Educational and Developmental Services Needs</i> (form JV-535).</u></p>	
6.	Public Counsel Law Center by Susan H. McClure	AM	<ol style="list-style-type: none"> 1. Rule 5.[651](b)(1)(C)(iii): the clause as written is confusing. We suggest revising as follows: “A waiver was obtained prior to moving the child from his or her school of origin and whether the child was otherwise not afforded his or her right to attend his or her school of origin under Education Code section 48853.5(d)(1); and” 2. Rule 5.[651](e)(4)(A): in addition to allowing children to remain in their schools of origin during the duration of the court’s jurisdiction, Education Code 48853.5(d) also allows them to matriculate with their peers in accordance to feeder patterns in the districts of their schools of origin. This is also an important aspect of the school of origin rights and should be incorporated into the JV-539 report by the social worker or probation officer. As a result, we suggest revising 5.[651](e)(4)(A) as follows: 	<ol style="list-style-type: none"> 1. The committee agrees that the clause is confusing and has modified its recommendation to clarify the language. 2. The committee agrees with the suggestion and has modified its recommendation to require that the report discuss whether the child or youth has been allowed to remain in the school of origin to the extent required by Education Code section 48853.5(e)(1).

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p>“(A) A discussion of whether the local educational agency has allowed the foster child to</p> <ul style="list-style-type: none"> (i) Continue his or her education in the school of origin for the duration of the jurisdiction of the court; or (ii) Matriculate with his or her peers in accordance with the established feeder pattern of the school districts;” 	
7.	Superior Court of San Diego County by Mike Roddy	AM	<ol style="list-style-type: none"> 1. General. Throughout the proposal, “decision maker” is used, but the operative statutes (WIC §§ 319(g)(4), 361(a)(5), 726(a)(5)) use “decisionmaker” (one word). Also, the proposed rules use “decisionmaking” (one word). (See, e.g., rule 5.653(c)(10) & (12).) If consistency with the statutes is desired, a global search-and-replace of the proposed rules and forms (e.g., JV-535, item 11.e.) can easily provide it. 2. General. San Diego already implemented minute codes that are used to order that a copy of the birth certificate be provided, as well as the necessarily findings for an appointment of developmental services decisionmaker in both Dependency and Delinquency. 3. General. New required family findings of due diligence for probation officers will require new minute codes which will be a workload impact for courtroom clerks as 	<ol style="list-style-type: none"> 1. The committee does not recommend using the term <i>decision maker</i>. The committee has taken pains to ensure that the authority to make developmental-services decisions has been incorporated into the rules and forms as appropriate. 2. No response required. 3. The committee recognizes that some of the requirements will result in a workload impact for courts. However, the requirement that probation officers exercise due diligence in

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p>well as a coordination effort with justice partners.</p> <p>4. Form JV-535. The proposal includes updating mandatory form JV-535 to include the appointment of a developmental services decisionmaker. The JV-535 is already a long and complex form that is not user friendly. It is many pages long and usually there are a limited number of fields used for a given court order, yet all 3 pages must be used and served. This is a workload and cost impact. San Diego suggests simplifying the form as the education rights holder will not always be appointed as the developmental decisionmaker as well. San Diego has created a local one page form specific to the appointment of a developmental decision maker that is clear and concise. The JV-535 form should be made an optional form so courts are able to use a local form if it works better for their jurisdiction.</p> <p>5. Rule 5.651(c)(4). Change “(g)(2)” to “(f)”</p>	<p>the family-finding investigation is mandated by section 628(d). The court is charged by statute with overseeing the juvenile delinquency system and is in a unique position to inquire into the probation department’s compliance. To reduce workload, the court might model the changes to minute codes and procedures on those required for dependency proceedings and implemented by the 2010 amendments to rules 5.690 and 5.695.</p> <p>4. The committee agrees in part with the suggestion and has streamlined form JV-535 so that it includes only the information needed to guide local educational agencies and educational rights holders in the performance of their legal duties. The committee has shifted other required findings and orders, the availability of which to parties and service providers is not as critical, to an optional attachment, form JV-535(A). Furthermore, the committee has recommended that the service of form JV-535 be required only when the form reflects a change in court order or information from the previous JV-535.</p> <p>5. The committee’s subsequent revisions have</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p>due to relettering of rule.</p> <p>Recommended change: (4) ... The child’s attorney may request a hearing for appointment of a new educational representative by filing <i>Request for Hearing Regarding Child’s Education</i> (form JV-539) and must provide notice of the hearing as provided in (g)(2)(f). The court on its own motion may direct the clerk to set a hearing.</p> <p>6. Rule 5.652(a)(2): The wording of this section seems awkward and confusing. We recommend "The court cannot identify a responsible adult to serve as the child’s developmental services decisionmaker, in which case the court may, with the input of any interested person, make developmental services decisions for the child."</p> <p>If this recommendation is not followed, the grammatical error should be fixed as noted: “(2) The court cannot identify a responsible adult to serve as the child’s developmental services decision maker and, if the child is placed with an identified caregiver, and the child’s caregiver is not authorized to represent the child in matters related to developmental services, in which case the court may, with the input of any interested person, make developmental services decisions for the child.””</p>	<p>made this suggestion obsolete.</p> <p>6. The committee’s subsequent revisions have made this suggestion obsolete.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p>7. Rule 5.652(f). This section requires that the developmental services decisionmaker be noticed for all "juvenile court hearings regarding or affecting the child's developmental services". The social worker would be better aware of the when pertinent issues will be raised and the noticing requirement should specify that the social worker is to provide notice. Without this change, the language is unclear.</p> <p>8. Rule 5.653, title. The title should include the provisions added by the proposal, e.g.: "<u>Educational and developmental services decisionmaking</u> rights of children before the juvenile court".</p> <p>9. Rule 5.653(b). The title should include the provisions added by the proposal, e.g.: "Conduct of hearings related to, or that may affect, a child's education <u>or developmental services</u>".</p> <p>10. Rule 5.653(b)(2)(E)(i). Insert "and" before "developmental services."</p> <p>Recommended language: If the court finds the parent's or guardian's educational and developmental services decisionmaking rights should not be limited, the court must direct the parent to his or her rights and</p>	<p>7. The committee does not recommend specifying in this rule that the social worker must provide notice. This rule is subject to the notice requirements in sections 290.1–293.</p> <p>8. The committee's subsequent revisions have made this suggestion obsolete.</p> <p>9. The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>10. The committee agrees with the suggestion and has modified its recommendation accordingly.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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

	Commentator	Position	Comment	Committee Response
			<p>responsibilities in regard to the child’s education <u>and</u> developmental services as provided in rules 5.650(e) and (f) 5.651(d)–(e) and 5.652(b)–(c);”</p> <p>11. Rule 5.653(c): The title should include the provisions added by the proposal, e.g.: “Reports for hearings related to, or that may affect, a child’s education <u>or developmental services</u>”</p> <p>12. Rule 5.653(c)(5). Delete “rule 5.653” for consistency with other Cal. Rules of Court (e.g., 5.653(d)).</p> <p>Recommended change: (5) Whether the child may have physical, mental, or learning-related disabilities or other special education needs and is in need of or is already receiving special education and related services as provided by the laws incorporated in rule 5.653(a)(3);</p> <p>13. Rule 5.653(c)(9). Transpose “(IFSP)” and “plan.”</p> <p>Recommended change: (9) Whether the child is or may be eligible for regional center services or is already receiving regional center services. Copies of the current individualized family</p>	<p>11. The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>12. The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>13. The committee agrees with the suggestion and has modified its recommendation accordingly.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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	Commentator	Position	Comment	Committee Response
			<p>services (IFSP) plan <u>(IFSP)</u> as defined in section 1436 of title 20 of the United States Code, ...</p> <p>14. Rule 5.653(c)(9). Consider deleting “, and the current life quality assessments as defined in Welfare and Institutions Code section 4570;” because the DDS is no longer conducting life quality assessments. In Stats. 2009-2010, 4th Ex. Sess., Ch. 9 (A.B. 9) §, eff. 7-28-09, the Legislature repealed WIC § 4570 and added § 4571.</p> <p>The new system for evaluating regional center services must include “assessments of consumer and family satisfaction, provision of services, and personal outcomes” (WIC § 4571(b)), but it is not clear from the language of § 4571 whether “quality assurance assessments” must be conducted on every regional center client. Subd. (e) provides: “The department ... shall establish the methodology by which the quality assurance instrument shall be administered, including, but not limited to, how often and to whom the quality assurance will be administered, and the design of a stratified, random sample among the entire population of consumers served by regional centers.”</p> <p>Recommended language: (9) ... title 20 of the United States Code</p>	<p>14. The committee agrees with the alternative suggestion and has modified its recommendation accordingly.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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	Commentator	Position	Comment	Committee Response
			<p><u>and</u> the current individual program plan (IPP) developed under Welfare and Institutions Code section 4646, and the current life quality assessments as defined in Welfare and Institutions Code section 4570 should be attached to the report;</p> <p>Alternatively, change “the life quality assessments” to “any current quality assurance assessments” and change “4570” to “4571.”</p> <p>Alternative recommended language: (9) ... title 20 of the United States Code, the current individual program plan (IPP) developed under Welfare and Institutions Code section 4646, and the <u>any</u> current life quality <u>assurance</u> assessments as defined in Welfare and Institutions Code section 45701 should be attached to the report;</p> <p>15. Rule 5.653(e). This subdivision seems to make the JV-535 mandatory. Rule 5.650(a) appears to make use of the JV-535 optional for appointment of the developmental services decisionmaker. We would prefer that the JV-535 be optional because we have already developed our own local form (JUV-239). All stakeholders have been trained to use it and prefer it to the JV-535. We limit the right of the parent to make decisions about developmental services with</p>	<p>15. The committee’s subsequent revisions have made this suggestion obsolete.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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	Commentator	Position	Comment	Committee Response
			<p>a minute order code and then use the JUV-239 to appoint the new decisionmaker. The JUV-239 is a simple, one page document that describes the rights and responsibilities of the developmental services decisionmaker.</p> <p>16. Rule 5.653(e). Insert a comma before “including.” (See, e.g., rule 5.653(b)(2)(B), 5.708(f) [using comma before “including” to separate modifying clause].)</p> <p>17. Rule 5.695(c)(3). Because rule 5.653 also contains procedures the court must follow if it limits the right of the parent or guardian to make educational or developmental services decisions for the child, it should be included in this rule, e.g.:</p> <p>Recommended change: (3) The court must consider whether it is necessary to limit the right of the parent or guardian to make educational or developmental services decisions for the child. If the court limits the right, it must follow the procedures stated in rules 5.650–5.6523.</p> <p>18. Rule 5.695(f) & (g). Add a citation to § 309 to provide the authority for the family-finding requirements of the rule.</p>	<p>16. The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>17. The committee’s subsequent revisions have made this suggestion obsolete.</p> <p>18. The committee agrees with the suggestion and has modified its recommendation accordingly.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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	Commentator	Position	Comment	Committee Response
			<p>Recommended changes: (f) Family-finding determination (§ 309) (g) Due Diligence (§ 309)</p> <p>19. Rule 5.708(f). Because rule 5.653 also contains procedures the court must follow if it limits the right of the parent or guardian to make educational or developmental services decisions for the child (see 5.651(a)(2), to be renumbered (5.653(a)(2)), it should be included in this rule, e.g.:</p> <p>Recommended change: The court must consider the child’s educational and developmental needs, including whether it is necessary to limit the rights of the parent or legal guardian to make educational or developmental services decisions for the child, following the requirements and procedures in rules 5.650–5.6523 and 5.654 and in section 361(a).</p> <p>20. Rule 5.708(n)(1)(B). Delete “In addition,” which is redundant. (See, e.g., proposed rule 5.695(h)(4).)</p> <p>Recommended change: (B) In addition, ✱When appropriate, the court must order that a child 16 years of age or older also receive his or her birth certificate.</p> <p>21. Rule 5.790(f). Insert hyphen between</p>	<p>19. The committee’s subsequent revisions have made this suggestion obsolete.</p> <p>20. The committee’s subsequent revisions have made this suggestion obsolete.</p> <p>21. The committee agrees with the suggestion and</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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	Commentator	Position	Comment	Committee Response
			<p>“Family” and “finding” for consistency with the title of rule 5.695(f).</p> <p>22. Rule 5.790(f)(2)(A) & (B). Change “the investigation” to “his or her investigation” for consistency with c. (Alternatively, change “his or her investigation” to “the investigation” in rule 5.695(f)(2)(A) & (B).)</p> <p>23. Rule 5.790(f)(2)(B). Change “social worker” to “probation officer.” For consistency with rule 5.695(f)(2)(B), change the latter “the investigation” to “an investigation.”</p> <p>Recommended change:</p> <p>(A) The probation officer has used due diligence in conducting the <u>his or her</u> investigation to identify, locate, and notify the child’s relatives; or</p> <p>(B) The probation officer has not used due diligence in conducting the <u>his or her</u> investigation to identify, locate, and notify the child’s relatives. If the court makes this finding, the court may order the probation officer to use due diligence in conducting the <u>an</u> investigation to identify, locate, and notify the child’s relatives—except for any individual the social worker <u>probation officer</u> identifies who is inappropriate to</p>	<p>has modified its recommendation accordingly.</p> <p>22. The committee agrees with the alternative suggestion to change “its” to “the” in rule 5.595(f) and has modified its recommendation accordingly.</p> <p>23. The committee agrees with the suggestion to replace <i>social worker</i> with <i>probation officer</i> and has modified its recommendation accordingly.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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	Commentator	Position	Comment	Committee Response
			<p>notify under rule 5.637(b)—and may require a written or oral report to the court at a later time.</p> <p>24. Rule 5.790(g). Add “done any of the following” for consistency with rule 5.695(g).</p> <p>When making the finding required under (f)(2), the court may consider, among other examples of due diligence, whether the probation officer has <u>done any of the following</u>:</p> <p>25. Rule 5.790(h)(5). Because rule 5.653 also contains procedures the court must follow if it limits the right of the parent or guardian to make educational or developmental services decisions for the child (see 5.651(a)(2), to be renumbered (5.653(a)(2)), it should be included in this rule (see also proposed rule 5.693(c)(3)), e.g.:</p> <p>Recommended change: (5) The court must consider whether it is necessary to limit the right of the parent or guardian to make educational or developmental services decisions for the child. If the court limits this right, it must follow the procedures in rules 5.650–5.6523.</p>	<p>24. The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>25. The committee’s subsequent revisions have made this suggestion obsolete.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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	Commentator	Position	Comment	Committee Response
			<p>26. Form JV-225. Add to the second paragraph (“To the parent or guardian”) instructions on what to do if more space is needed than what the form provides, e.g., “Check here if you need more space for any of the answers. Attach a sheet of paper and write “JV-225” at the top of the page. Number of pages attached:” (See, e.g., form JV-180, item 10.)</p> <p>27. Form JV-225, item 11. Add “or contact lenses” (“Does your child wear glasses or contact lenses?”).</p> <p>28. Form JV-225, item 14d. Delete “quality of life assessment” or change “quality of life assessment” to “quality assurance assessment.” (See comments above for proposed rule 5.653(c)(9) regarding the repeal of WIC § 4570.)</p> <p>Recommended change: d. If applicable, do you have a copy of your child’s individualized education program (IEP), section 504 plan, individualized family services plan (IFSP), or individual program plan (IPP), or quality of</p>	<p>26. The committee agrees with the spirit of the comment and has modified its recommendation to provide instructions regarding the attachment of additional pages.</p> <p>27. The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>28. The committee agrees with the suggestion and has modified its recommendation accordingly.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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	Commentator	Position	Comment	Committee Response
			<p>life assessment? OR d. If applicable, do you have a copy of your child’s individualized education program (IEP), section 504 plan, individualized family services plan (IFSP), individual program plan (IPP), or quality of life <u>assurance</u> assessment?</p> <p>29. Form JV-225, item 14j. Should space be provided to identify the regional center (for example: “If yes, please name the regional center:”)?</p> <p>30. Form JV-225, items 16c & d. Change “the child” to “your child” in both questions for consistency with items 1 – 16.a.; add “(s)” to “delay” in the second sentence.</p> <p>Recommended change:</p> <p>c. If the <u>your</u> child is three years old or younger, do you believe that the <u>your</u> child may be eligible for services to help with motor, developmental, or other delays?</p> <p>What assessments, evaluations, services, treatment, or accommodations do</p>	<p>29. The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>30. The committee agrees with the suggestion and has modified its recommendation accordingly.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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	Commentator	Position	Comment	Committee Response
			<p>you believe the <u>your</u> child may need for the delay(s)?</p> <p>d. Do you believe the <u>your</u> child may have a disability?</p> <p>What assessments, evaluations, services, treatment, or accommodations do you believe the <u>your</u> child may need for the disability?</p> <p>31. Form JV-225, item 17. Change “the child” to “your child” in both questions for consistency with items 1 – 16a.</p> <p>Recommended change:</p> <p>Has your right to make educational decisions for the <u>your</u> child been limited?</p> <p>If yes, who has the right to make educational decisions for the <u>your</u> child?</p> <p>32. Form JV-535, title. Shorten title and add reference to developmental services, e.g.:</p> <p>FINDINGS AND ORDERS LIMITING REGARDING RIGHT TO MAKE</p>	<p>31. The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>32. The committee agrees with the suggestion to revise the title of form JV-535 and has modified the recommended title to read: <i>Order Designating Educational Rights Holder</i>. The committee also recommends the amendment of the rules of court where they</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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	Commentator	Position	Comment	Committee Response
			<p>EDUCATIONAL DECISIONS FOR ABOUT THE CHILD'S; APPOINTING EDUCATIONAL REPRESENTATIVE, AND/OR DEVELOPMENTAL SERVICES DETERMINING CHILD'S EDUCATIONAL NEEDS</p> <p><i>In other words:</i></p> <p>FINDINGS AND ORDERS REGARDING RIGHT TO MAKE DECISIONS ABOUT THE CHILD'S EDUCATIONAL AND/OR DEVELOPMENTAL SERVICES</p> <p><i>Note: If the title of the form is changed, all references to the JV-535 in the Cal. Rules of Court will need to be changed accordingly.</i></p> <p>33. Form JV-535, left footer, pages 2 and 3. Add closing bracket after date.</p> <p>JV-535 [Rev. January 1, 2013]</p> <p>34. Form JV-535, right footer, page 1. Add citations to Educ. Code 56055 (see items 11.c. and 11.d.), WIC § 319 (see item 11), and 34 CFR 300.300, 300.519, 303.422 (see items 11.c., 11.d., and 14). Change CRC rule numbers to reflect proposed renumbering of rules.</p>	<p>refer to form JV-535 by its title. Because of the burden on trial courts from revising forms, however, the committee does not recommend revising other Judicial Council forms where they refer to form JV-535 at this time. Accurate numerical cross-references in the existing forms should be sufficient to direct users to the correct form. If existing cross-references in other forms prove unwieldy or confusing, the committee may consider revising the references in a later cycle.</p> <p>33. The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>34. The committee does not recommend adding the suggested references. The suggested code sections are referenced in the sections cited on the form or in the rules of court.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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	Commentator	Position	Comment	Committee Response
			<p>Recommended change:</p> <p>Education Code §§ 56055, 56156; Government Code, § 7579.5; Welfare and Institutions Code §§ 319, 361(a), 726; <u>Title 34, Code of Federal Regulations, §§ 300.300, 300.529, 303.422</u> Cal. Rules of Court, rules 5.695(c)(3), 5.790(f)(5), 5.650 <u>5.650, 5.651, 5.652, 5.653, 5.695, 5.790</u></p> <p>35. Form JV-535, item 11a. Change “development” to “developmental.”</p> <p>36. Form JV-535, item 11b. After “Parental rights have been terminated,” add: “or the guardianship has been set aside,” (see, e.g., proposed rule 5.650(b)(3) [“The parent’s rights have been terminated or the guardianship has been set aside”].)</p> <p>Recommended language:</p> <p>Parental rights have been terminated, <u>or the guardianship has been set aside</u>, and no one holds educational rights for this child.</p> <p>37. Form JV-535, items 11c(1) & d. Change “303.19” to “303.422.” The citation to 34 Code of Federal Regulations 303.19 is incorrect.</p> <p>...</p>	<p>35. The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>36. The committee agrees with the suggestion and has modified its recommendation accordingly.</p> <p>37. The committee agrees with the suggestion and has modified its recommendation accordingly.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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	Commentator	Position	Comment	Committee Response
			<p>Criteria for excluding individuals as surrogate parents may be found in 34 CFR 303.422 (as well as 34 CFR 300.519, which is correctly cited).</p> <p>...</p> <p>38. Form JV-535, items 11f. and 13. As noted in the first comment above, the operative statutes (WIC §§ 319(g)(4), 361(a)(5), 726(a)(5)) use “decisionmaker” (one word), not “decision maker.”</p> <p>39. Form JV-535, item 11g. After “Note:” change “box 11.e.” to “box 11.g.” and delete the comma after “(form JV-536).”</p> <p>Note: If box 11.e.g. is checked, <i>Local Educational Agency Response to JV-535—Appointment of Surrogate Parent</i> (form JV-536); must be attached when this order is served on the local education agency.</p> <p>40. Form JV-535, item 12f(5). Delete “(5) Quality of life assessment” and change “(6)” to “(5).” (See comments above for proposed rule 5.653(c)(9) regarding the repeal of WIC § 4570.)</p>	<p>38. The committee does not recommend using the term <i>decisionmaker</i>. Although the enabling legislation used the term as one word, a review of commonly accepted authorities did not reveal any such instance. Rather, all listed the two words separately. Staff has taken care to ensure that the terms are used consistently within the rules and forms.</p> <p>39. The committee’s subsequent revisions have made this suggestion obsolete.</p> <p>40. The committee has chosen to use the term <i>quality assurance assessment</i> as suggested above.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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	Commentator	Position	Comment	Committee Response
			<p>The child is receiving services based on the following plan (<i>check all that apply</i>):</p> <p>(1) Individualized education program (IEP)</p> <p>(2) Section 504 plan</p> <p>(3) Individualized family services plan (IFSP)</p> <p>(4) Individual program plan (IPP)</p> <p>(5) Quality of life assessment</p> <p>(6)<u>(5)</u> Other (<i>explain</i>):</p> <p>41. Form JV-535, item 15. Insert “child’s” before “social worker”; insert “the child’s” before “probation officer”; change “and probation officer” to “or the child’s probation officer”; change “and to the educational representative” to “to the educational representative, and to the developmental services decisionmaker”; and change “on the form” to “in item 2.”</p> <p>Recommended change:</p> <p>15. The clerk will provide a copy of the completed JV-535 to the child if 10 years or older, to the child's attorney, to the <u>child’s</u> social worker and <u>or the child’s</u> probation officer, to the foster youth liaison, and to the educational representative, <u>and to the developmental services decisionmaker</u> at the end of the proceeding or no later than seven</p>	<p>41. The committee’s subsequent revisions have made this suggestion obsolete.</p>

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Juvenile Law: Access to Services (amend Cal. Rules of Court, rules 5.502, 5.534, 5.650(a), 5.695, 5.708, and 5.790; renumber rule 5.650(b)–(j) as rule 5.651 and amend; renumber rule 5.651 as rule 5.653 and amend; renumber rule 5.652 as rule 5.654; adopt new rule 5.652; and revise Judicial Council forms JV-225 and JV-535)

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	Commentator	Position	Comment	Committee Response
			<p>calendar days after the order. The clerk will make the form available to the parents or guardians (unless otherwise indicated on the form <u>in item 2</u>), the Court Appointed Special Advocate (CASA) volunteer, and, if requested, to all other persons provided notice under section 293.</p> <p>42. Form JV-535, general. The JV-535 does not include all the revisions that would be necessary to make it apply to developmental services decisions. It does not include a provision for the court to make such decisions. It does not include a place for service on the regional center. 11a: should be developmental services. As previously noted, we would prefer that the JV-535 be optional.</p> <p>43. Request for Specific Comments</p> <p>Does the proposal appropriately address the stated purpose?</p> <p>Answer: Yes.</p> <p>Should form JV-535 be revised to include an option for the court to indicate that a parent or guardian has retained educational or developmental services decisionmaking rights and to record contact information?</p>	<p>42. The committee’s subsequent revisions have addressed these concerns.</p> <p>43. See committee responses to individual comments below.</p> <p>No response required.</p>

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			<p>Answer: The proposal already includes this option in item 11.a. (see check boxes for “retained” and “reinstated”).</p> <p>Would the proposal provide cost savings? If so, please quantify.</p> <p>Answer: On page 5, the proposal states, “One amendment to rule 5.650, however, would relieve the court of the need to use form JV-535 every time it considered whether to limit a parent’s right to make educational or developmental services decisions, leading to increased court efficiency and flexibility.” Which amendment to rule 5.650 accomplishes this? The proposed amendment to rule 5.650 reads:</p> <p><u>“When it limits the right of a parent or guardian to make educational decisions for a child, the court must use <i>Findings and Orders Limiting Right to Make Educational Decisions for the Child, Appointing Educational Representative, and Determining Child’s Educational Needs</i> (form JV-535). The court may also use form JV-535 to limit the right of a parent or guardian to make developmental services decisions for the child.”</u> (Proposal, p. 9.)</p> <p>Because the language is mandatory (“the</p>	<p>No response required.</p> <p>The committee’s subsequent revisions have addressed this concern.</p>

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			<p>court must use”) and no exceptions are provided, it is difficult to see how the court is relieved “of the need to use form JV-535” when it limits the parent’s decisionmaking rights. Does the phrase “every time it <u>considered</u> whether to limit a parent’s right” mean that the JV-535 need not be used if the court considers the issue but decides not to limit a parent’s rights?</p> <p>Even if the answer is yes, the proposed amendment uses essentially the same language of the existing rule 5.650(b): “The court must use <i>Findings and Orders Limiting Right to Make Educational Decisions for the Child, Appointing Educational Representative, and Determining Child’s Educational Needs</i> (form JV-535) when it limits the right of a parent or guardian to make educational decisions for a child.” Perhaps the proposal language means to say that use of the JV-535 is optional when the court limits the right to make developmental services decisions (even though it says “<u>educational or</u> developmental services decisions”), but it is not clear how any proposed amendment to rule 5.650 might provide cost savings by means of “increased court efficiency and flexibility.”</p> <p>What would the implementation requirements</p>	

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			<p>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 system, or modifying case management system.</p> <p>Answer: We have already revised local forms and codes in our dependency case management system to implement SB 368 and developed new codes to implement AB 791 and AB 938. However, because forms JV-225 and JV-535 are mandatory, we will incur one-time costs for printing and distributing the new forms.</p> <p>Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <p>Answer: This amount of time should be sufficient.</p>	<p>No response required.</p> <p>No response required.</p>
8.	State Bar of California Standing Committee on the Delivery of Legal Services by Catherine Bennett	A	It appears that the form is being updated in conformity to changes in the Rules of Court.	No response required.
9.	TCPJAC/CEAC Joint Rules Working Group by Claudia Ortega	AM	<p>The TCPJAC/CEAC Joint Rules Working Group agrees with this proposal if it is modified to allow courts 6 months to 1 year to implement.</p> <p>Operational impacts identified by the working group:</p>	The committee has concluded that an extended implementation period is not necessary because the California Rules of Court already provide for an extended implementation period for new or revised juvenile forms. Although the effective date of the revised forms is January 1, 2013, rule

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			<p>Implementation: The working group recommends an implementation date of 6 months to 1 year from the date the Judicial Council approves the proposal so that the courts have more time to implement.</p> <p>Potential Fiscal Impact: The working group believes the costs of implementing this proposal would be modest. See potential fiscal impact categorized under the four substantive areas of the proposal:</p> <p><i>SB 368: Developmental Services (Amend rules 5.650 and 5.651, adopt rule 5.652, revise forms JV-225 and JV-535)</i></p> <p>Authorization gained through this proposal of the juvenile court to consider limiting parental control over decisions affecting a child’s developmental services may increase the length of some hearings. However, this may be offset to some degree by one of the amendments to rule 5.650 which would relieve the court of the need to use JV-535 form every time it considered certain decisions, thereby leading to increased court efficiency and flexibility.</p> <p>The form revisions would require courts to incur one-time costs associated with printing and distributing new forms.</p> <p><i>AB 938: Family-Finding and Engagement</i></p>	<p>5.504(c) gives a court one year from the effective date of the forms to implement the revisions. “During that one-year period, the court may authorize the use of a legally accurate alternative form....”</p> <p>See response below.</p> <p>The committee’s subsequent revisions have made this suggestion obsolete.</p> <p>The committee has tried to minimize the number of forms to be revised as a result of its recommendation.</p>

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			<p><i>(Amend rule 5.790)</i> The requirement might increase the length of dispositional hearings in delinquency cases.</p> <p>A separate hearing on this issue is allowable if necessary. Such hearings would require time of the judicial officer, clerk, and other courtroom staff as well as calendaring.</p> <p>The already existing parallel requirement in dependency cases was implemented one year ago. The expected impact of this new proposal in delinquency cases is expected to be substantially smaller in impact. This is because the delinquency requirement is only applicable to a small sub-set of delinquency cases (where the minor is at risk of being placed in foster care), whereas the existing dependency requirement applies to almost all dependency cases.</p> <p><i>AB 1933: Right to Continue in School of Origin (Amend rules 5.651 and 5.653)</i> The working group did not note any anticipated fiscal impact to courts.</p> <p><i>AB 791: Receipt of Birth Certificate (Amend rules 5.695 and 5.708)</i> The working group did not note any anticipated fiscal impact to courts.</p> <p>Impact on Existing Automated Systems: Impact</p>	<p>The committee has concluded that the modification is required by section 628(d).</p> <p>The committee has concluded that delaying the hearing on the family-finding investigation much beyond 30 days from the child’s detention would render the requirements of section 628(d) null.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>The committee has tried to minimize the number</p>

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			<p>to existing court’s case management system is minimal. JV-225 and JV-535 are already existing forms, and will need to be modified. New document type codes may also need to be added.</p> <p>Increase Training Needs Requiring the Commitment of Staff Time and Court Resources: Court staff may need to be oriented to the form modifications, training anticipated to be minor.</p> <p>Increase to Existing Court Staff Workload: There is likely to be a modest overall increase to existing court staff workload under this proposal. Court staff already draft minute orders, but some elements would need to be added to reflect:</p> <p>Court orders for birth certificate to be provided.</p> <p>Documentation of court findings regarding family-finding due diligence in delinquency dispositional hearings.</p> <p>To the degree that hearings are lengthened and/or a separate hearing is added, court staff who support those hearings will be impacted.</p> <p>However, one of the amendments to rule 5.653 would relieve the court of the need to use JV-535 form every time it considered certain</p>	<p>of forms to be revised as a result of its recommendation.</p> <p>The committee has tried to limit the impact of its recommendation on the trial courts’ time, resources, and workload to that required by statute.</p> <p>The committee has tried to limit the impact of its recommendation on the trial courts’ time, resources, and workload to that required by statute.</p>

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			<p>decisions, thereby leading to increased court efficiency and flexibility and may reduce court staff workload to some degree.</p> <p>Impact on Local or Statewide Justice Partners: Potential impact on local or statewide justice partners is categorized below:</p> <p><i>AB 938: Family-Finding and Engagement (Amend rule 5.790)</i> Probation is already required to conduct family-finding due diligence in delinquency dispositional hearing situations, and that this proposal only adds judicial review as to the occurrence of that due diligence, not imposing any new duties on probation.</p> <p>However, even though this proposal doesn't impose any additional duties on probation – it is quite possible that probation will be impacted because this new oversight will increase their workload in terms of presenting factual information about their family finding work for the court to assess, responding to inquiries about their efforts by the court as it makes its finding, and responding to less than favorable assessments.</p> <p>Probation already provides a report, and now they will need to add a paragraph to that already required report.</p>	<p>The committee has tried to limit the impact of its recommendation on local justice partners to that required by statute.</p>

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			<p><i>AB 791: Receipt of Birth Certificate</i>(Amend rules 5.695 and 5.708)</p> <p>This proposal has the court order that the child’s birth certificate be provided to either the child’s caregiver or the child if the child is over the age of 16. If the birth certificate is not readily available – there will be work and potentially cost incurred in garnering another official copy of the birth certificate and delivering it to the appropriate party.</p> <p><i>AB 1933: Right to Continue in School of Origin</i> (Amend rules 5.651 and 5.653)</p> <p>This proposal may substantially lengthen the time a child remains in their school of origin. This could result in impact on local justice partners, especially if the school of origin is a large distance from the court. Additional transportation, for example, might need to be provided by the social services agency if it moved forward with placement and the child decided to stay at their school of origin. (Often this situation is avoided.)</p>	<p>The committee has tried to limit the impact of its recommendation on local justice partners to that required by statute.</p> <p>The committee has tried to limit the impact of its recommendation on local justice partners to that required by statute. Please note that the Joint Rules Working Group expressed satisfaction that the recirculated proposal imposed no burden or obligation beyond what is need to implement statutory requirements.</p>
10.	Alex Wilson J.D. 2012; San Francisco	AM	<p>Rule 5.653(c). I feel that it should be made clear what specific information the probation officer or social worker must consider regarding 5.653 (c) "Reports for hearings related to, or that may affect, a child's education." Specifically, the court should require that prior to each hearing the probation officer/social worker review the current and prior grades and attendance of the ward, and also behavioral interventions taken by</p>	<p>The committee recognizes the importance of the commentator’s concerns, but has concluded that the suggested changes are outside the scope of the proposal. The proposed changes to rule 5.653(c) are intended to make the rule consistent with recent legislation intended to improve access to educational and developmental services for juvenile dependents and wards. The circulated amendments to subdivision (c) are narrowly</p>

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			<p>the school. Furthermore, each time the court considers making educational changes or assessments, the child's current basic academic information (grades, attendance, behavior, standardized tests) should be included in the judgment and/or orders to ensure responsible, reviewable, and accountable decision-making.</p> <p>Unfortunately, counties and schools rely on different standards when considering "whether the child may have [...] learning-related disabilities." As written, it is insufficient to rely on 5.653 (c)(5)-(12) because it is not clear what the social worker/probation officer must consider when reporting and making recommendations. Though other Rules of Court specify the information required in the SW/PO reports, this Rule of Court should enumerate certain required information regardless of a formal report: grades, attendance, behavioral interventions, etc.</p> <p>The State, as <i>parens patriae</i>, has an affirmative obligation to ensure that these wards receive the full benefit of a public education. Often, the court is the last check-point regarding a ward's educational assessments and needs. Thus, it is critical that the court and all interested parties have the literal, true facts regarding a ward's educational assessment: grades, attendance, standardized test scores, behavioral issues, etc. The judge, and all participants, should base all</p>	<p>focused on making technical changes and expanding the subdivision's application to "developmental services." As recirculated this year, the proposal addresses the commentator's concerns that fall within its scope.</p>

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			<p>educational decisions on the totality of the facts. At the very least, the court should look beyond "eligibility" criteria for special education, and consider the true, individual academic needs of all wards. For instance, a ward with particularly high grades may benefit from more rigorous courses. As currently written, it is unclear whether a high achieving student's academic performance will be considered.</p> <p>My ultimate concern is that the courts, judicial officers, and attorneys will not be provided with sufficient information regarding a child's educational performance and needs. If a school fails to identify the needs of a ward, and the social worker/probation officer also fail to identify a lapse in educational needs, hopefully the court or child's attorney will identify those needs. Without the basic grades, attendance, and behavioral record of a ward, the court is blindly following the advice of overworked social workers, probation officers, interested parties, and school staff. It is not too onerous to require that the (parent)/school/social worker/or probation officer supply the court with a child's recent academic grades and attendance. Often, this information can be obtained by simply asking a teacher or school to print one or two pages. If the school/social worker/probation officer/attorney is unable to supply this simple and readily available information, it should immediately be noted in the record and there</p>	

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			<p>should be a thorough inquiry into "why" such information cannot be provided.</p> <p>(Consider, Boston Juvenile Court probation officers have access to a ward's or delinquent's academic record; and, they can access such information at the court house. This info includes grades, attendance, and behavioral detentions, suspensions, and expulsions. Thus, up-to-date academic information is provided to the court at every hearing. For status offenders and delinquency cases this information is particularly helpful in identifying gang-related behavior, run-away violations, and curfew violations.)</p> <p>At the very least, the court should consider making it mandatory that this basic information (grades, attendance, behavioral modifications, test scores) are made available to all parties once the parental rights over a child's education has been curtailed or is simply brought into question by one party.</p> <p>Mandating that this information be in the court record will make projects like the San Joaquin Education review more fruitful, commonplace, and more efficient.</p> <p>The court should consider how these particular rules will apply to wards that will remain under juvenile court jurisdiction after their 18th</p>	

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			birthday. Especially, wards that opt to participate in ongoing educational or vocational training programs. (AB-12 AB-212 considerations)	
11.	Cynthia Wojan Juvenile Court Coordinator Superior Court of Solano County	A	No specific comment.	No response required.