

Title	Juvenile Law: Miscellaneous Rule and Form Changes (amend Cal. Rules of Court, rules 5.570, 5.640, and 5.725; revise forms JV-180, JV-219-INFO, JV-320, and JV-732; and adopt form JV-181)
Summary	The proposed rule and form amendments would promote compliance with legal mandates and policies and would facilitate judicial consistency.
Source	Family and Juvenile Law Advisory Committee Hon. Jerilyn L. Borack and Hon. Susan D. Huguenor, Cochairs
Staff	Melissa Ardaiz, 415-865-7567, melissa.ardaiz@jud.ca.gov
Discussion	<p><i>Psychotropic Medications</i> Rule 5.640, Psychotropic medications, and form JV-219-INFO, <i>Information About Psychotropic Medication Forms</i> The Family and Juvenile Law Advisory Committee recommends amending rule 5.640 of the California Rules of Court and revising form JV-219-INFO to bring each into compliance with new law.</p> <p>New Welfare and Institutions Code section 739.5, effective January 1, 2008, states that only a juvenile court judicial officer can authorize the administration of psychotropic medication to a ward of the juvenile court who is removed from the custody of the parent and placed in foster care. (Assem. Bill 1514 [Maze]; Stats. 2007, ch. 120). Before the adoption of section 739.5, rule 5.640 provided local jurisdictions with the option of adopting a local rule of court that would allow the juvenile court judicial officer to authorize the administration of psychotropic medication to a child declared a ward of the court and removed from the custody of a parent. Under that prior procedure, in courts that adopted such a local rule, wards also would be subject to the procedure outlined in rule 5.640.</p> <p>The proposed amendments to rule 5.640 and form JV-219-INFO incorporate the provisions of section 739.5 and clarify that only the juvenile court judicial officer has the authority to make orders regarding the administration of psychotropic medication to a child once that child is declared a ward of the court and removed from the custody of the parents or guardian for placement in foster care, as defined in Welfare and Institutions Code section 727.4. The amendments also mandate the use of the Judicial Council psychotropic medication forms in such situations.</p>

Request to Change Court Order

Form JV-180, *Request to Change Court Order*; form JV-181, *Court Order for JV-180*, and rule 5.570, Request to change court order

The committee proposes splitting current form JV-180 into two separate forms. Current form JV-180 contains both the request to change the court order and the court order itself. The proposed amended form JV-180 would contain only the request to change the court order, while proposed new form JV-181 would contain the actual court order. It is necessary to separate these forms to ease the entry of information into the statewide California Court Case Management System, currently under development as well as into local court case management systems.

The committee also proposes revising the court order language in new form JV-181 to make technical changes and to comply with the recommendation provided by the Court of Appeal, Fourth Appellate District, Division Two, in the case *In re C.J.W.* (2007) 157

Cal.App.4th 1075. The court wrote, “We observe the required form JV-180 is itself internally inconsistent and ambiguous on the issue of whether a hearing is being held.” The court recommended that “form JV-180 be reformed to avoid the kind of problems created here.” The revised language requested by the court for form JV-180 is now found in new form JV-181. The proposed revisions also are necessary to make the forms consistent, easier to use, and compliant with the requirements in rule 5.570.

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

Selection of a Permanent Plan

Rule 5.725, Selection of permanent plan (§ 366.26), and form JV-320, *Orders Under Welfare and Institutions Code Sections 366.26, 727.3, 727.31*

Senate Bill 703 (Ducheny) (Stats. 2007, ch. 583) and Assembly Bill 298 (Maze) (Stats. 2007, ch. 120) amended Welfare and Institutions Code section 366.26, effective January 1, 2008, to add another exception to the termination of the parental rights requirement in juvenile proceedings. The new exception in section 366.26(c)(1)(A), states that the court shall terminate parental rights unless “the child is living with a relative who is unable or unwilling to adopt the child because of circumstances that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of providing the child with a stable and permanent

environment through legal guardianship, and the removal of the child from the custody of his or her relative would be detrimental to the emotional well-being of the child. For purposes of an Indian child, “relative” shall include an “extended family member,” as defined in the federal Indian Child Welfare Act (25 U.S.C. Sec. 1903(2)).”

The committee proposes amending rule 5.725(e) and revising form JV-320 to incorporate this new statutory exception to the termination of parental rights.

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

Maximum Time of Confinement

Form JV-732, *Commitment to the California Department of Corrections and Rehabilitation, Division of Juvenile Justice*

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

The committee also proposes revising the form to allow the court to clarify the ward’s educational status and any existing exceptional needs. The proposed boxes require the court to make findings regarding whether a youth has exceptional education needs on the

youth's commitment to the DJJ.

When this form was originally adopted in 2003, it included a "youth does not have exceptional needs" check box option, but it was deleted at the suggestion of one commentator who feared judicial officers would choose that option without actually confirming a youth had no exceptional needs, thus precluding a youth who may in fact have those needs from receiving appropriate services. DJJ has asked that we add that check box as the lack of a "no exceptional needs" option leaves open the possibility that, when nothing is checked, item 11 was accidentally overlooked, rather than a choice having been affirmatively made. DJJ staff believes this leads to confusion and doubt as to the needs of youth committed to their care.

Section 1742 of the Welfare and Institutions Code mandates that DJJ be provided with certain information and documents before a youth with exceptional needs, as defined in section 56026 of the Education Code, can be transferred to its physical care. Though there may be youth with other types of educational needs committed to DJJ, only the commitment of youth described by section 56026 of the Education Code are covered by this form.

Text of the proposed revisions of rules 5.570, 5.640, and 5.725 of the California Rules of Court are attached at pages 5–8.

Proposed changes for forms JV-180, JV-219-INFO, JV-320, and JV-732 and proposed new form JV-181 are attached at pages 9–22.

Text of Assembly Bill 1514 is attached at pages 23–24.

Text of Welfare and Institutions Code section 366.26 is attached at pages 25–32.

Text of *In Re C.J.W.* is attached at pages 33–34.

Attachments

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

1 **Rule 5.570. Request to change court order**

2
3 **(a) Contents of petition (§§ 388, 778)**

4
5 A petition for modification must be liberally construed in favor of its
6 sufficiency. The petition must be verified and, to the extent known to the
7 petitioner, must contain the following:

8
9 (1)–(3) ***

10
11 (4) The address of the child, unless confidential under ~~(b)~~ (c);

12
13 (5) The name and residence address of the parent or guardian or an adult
14 relative of the child, if appropriate under circumstances described in
15 rule 5.524 to receive notice following the procedures found in Welfare
16 and Institutions Code sections 291 and 297(c);

17
18 (6)–(10) ***

19
20 **(b)–(i) *****

21
22 **Rule 5.640. Psychotropic medications**

23
24 **(a) Definition (§§ 369.5~~(b)~~(d), 739.5(d))**

25
26 ***

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

28
29 (1) Once a child is declared a dependent child of the court and is removed
30 from the custody of the parents or guardian, only a juvenile court
31 judicial officer is authorized to make orders regarding the
32 administration of psychotropic medication to the child.

33
34 (2) Once a child is declared a ward of the court and removed from the
35 custody of the parents or guardian for placement in foster care, as
36 defined in Welfare and Institutions Code section 727.4, only a juvenile
37 court judicial officer is authorized to make orders regarding the
38 administration of psychotropic medication to the child.

39
40 **(c) Procedure to obtain authorization**

41

1 (1) *Application Regarding Psychotropic Medication* (form JV-220),
2 *Prescribing Physician’s Statement—Attachment* (form JV-220(A)),
3 *Proof of Notice: Application Regarding Psychotropic Medication* (form
4 JV-221), *Opposition to Application Regarding Psychotropic*
5 *Medication* (form JV-222), and *Order Regarding Application for*
6 *Psychotropic Medication* (form JV-223) must be used to obtain
7 authorization to administer psychotropic medication to a dependent
8 child of the court who is removed from the custody of the parents or
9 guardian, or to a ward of the court who is removed from the custody of
10 the parents or guardian for placement in foster care.

11
12 (2)–(4)***

13
14 (5) *Application Regarding Psychotropic Medication* (form JV-220) may be
15 completed by the prescribing physician, medical office staff, child
16 welfare services staff, probation officer, or the child’s caregiver. The
17 physician prescribing the administration of psychotropic medication for
18 the ~~dependent~~ child must complete and sign *Prescribing Physician’s*
19 *Statement—Attachment* (form JV-220(A)).

20
21 (6) ***

22
23 (7)–(8) ***

24
25 (9) The court may grant the application without a hearing or may set the
26 matter for hearing at the court’s discretion. If the court sets the matter
27 for a hearing, the clerk of the court must provide notice of the date,
28 time, and location of the hearing to the parents or legal guardians, their
29 attorneys of record, the dependent child if 12 years of age or older, a
30 ward of the juvenile court of any age, the child’s attorney of record, the
31 child’s current caregiver, the child’s social worker, the social worker’s
32 attorney of record, the child’s Child Abuse Prevention and Treatment
33 Act guardian ad litem, and the child’s Court Appointed Special
34 Advocate, if any, at least two court days before the hearing. Notice
35 must be provided to the child’s probation officer and the district
36 attorney, if the child is a ~~delinquent child~~ ward of the juvenile court.

37
38 (d)–(g) ***

39
40 (h) **Section 601–602 wardships; local rules**

41
42 A local rule of court may be adopted providing that authorization for the
43 administration of such medication to a child declared a ward of the court

1 under sections 601 and 602 and removed from the custody of the parent or
2 guardian for placement in a facility that is not considered a foster care
3 placement may be similarly restricted to the juvenile court. If the local court
4 adopts such a local rule, then the procedures under this rule apply; any
5 reference to social worker also applies to probation officer.

6
7 **Rule 5.725. Selection of permanent plan (§§ 366.26, 727.31)**

8
9 **(a) Application of rule**

10
11 This rule applies to children who have been declared dependents or wards of
12 the juvenile court.

13
14 (1) ~~For those dependents,~~ Only section 366.26 and division 12, part 3,
15 chapter 5 (commencing with section 7660) of the Family Code or
16 Family Code sections 8604, 8605, 8606, and 8700 apply for the
17 termination of parental rights. Part 4 (commencing with section 7800)
18 of division 12 of the Family Code, ~~or former Civil Code section 232,~~
19 does not apply.

20
21 (2) The court may not terminate the rights of only one parent under section
22 366.26 unless that parent is the only surviving parent; or unless the
23 rights of the other parent have been terminated under ~~former Civil Code~~
24 ~~section 224, 224m, 232, or 7017,~~ or division 12, part 3, chapter 5
25 (commencing with section 7660), or division 12, part 4 (commencing
26 with section 7800) ~~of division 12~~ of the Family Code, or Family Code
27 sections 8604, 8605, or 8606; or unless the other parent has
28 relinquished custody of the child to the welfare department.

29
30 (3) ***

31
32 (4) For termination of parental rights of an Indian child, the procedures in
33 this rule and in rule 5.485 must be followed.

34
35 **(b)–(d) *****

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

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

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

(A) ***

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

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

(i)–(iii) ***

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

(v) ***

(2)–(9) ***

(f)–(i) ***

This form can be used to request a change in a court order, to ask the court to dismiss your case, or to ask the court to establish a relationship with your sibling. After filling out this form, bring it to the clerk of the court. If you want to keep your address confidential, fill out form JV-182, Confidential Information (Request to Change Court Order), and do not write the address on this form.

Clerk stamps date here when form is filed.

**DRAFT 12
04/08/08 mc
Not Approved
by the Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name:

Child's Name:

Fill in case number, if known:

Case Number:

1 Type of request:

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

2 Your information

- a. Your name: _____
- b. Your address: _____
- c. Your city, state, zip code: _____
- d. Your telephone number: _____
- e. Your relationship to the child: _____

I am related to the child on the mother's side on the father's side.

I am a blood relative relative by adoption relative by marriage.

- f. *If you are an attorney filling out this form for a client, complete items a-e above with your information and input your client's information and your State Bar number below:*

Your client's name: _____

Your client's address: _____

Your client's relationship to the child: _____

Your State Bar number: _____

3 Child's information:

- a. Child's name: _____
- b. Date of birth: _____
- c. Child's attorney (*if known*): _____

- d. The child lives with (*check all that apply, if known*):
 parent legal guardian relative or in a
 foster home group home.

e. Name of person the child lives with or place where the child lives _____

Child's address (*if known*): _____

f. Names of child's parents or legal guardians (*if known*): _____

Address of parent (*if known*): _____

Address of parent (*if known*): _____

Check here if form JV-182 is attached



Child's name:

- g. Child's Indian tribe (if applicable and known): _____
- h. Child's Court Appointed Special Advocate (if applicable and known): _____
- i. Child's education surrogate (if applicable and known): _____
- j. Child's social worker (if applicable and known): _____

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

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

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

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

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

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



Child's name: _____

8 I have sent a copy of my request to the people listed below, as applicable. I have checked the correct boxes on the left to show to whom I sent notice and the boxes on the right to show whether these people agree with my request.

If you do not have an attorney, the clerk will send notice and copies of your request to all persons required to receive notice under Welfare and Institutions Code sections 297 and 386 and rules 5.524 and 5.570 of the California Rules of Court.

Notice Sent	Agree	Disagree	Don't Know	Not Applicable
<input type="checkbox"/> Child (if 10 years old, or older): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Child's attorney (name): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Parent (name): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Parent (name): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Legal guardian (name): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Legal guardian (name): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Social worker (name): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Current caregiver/foster parent (name): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Preadoptive parent (name): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Court Appointed Special Advocate (name): _____	<input type="checkbox"/>	<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"/>
<input type="checkbox"/> Indian custodian (name): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Sibling (if dependent and over the age of 10)(name): _____	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Sibling's caregiver (name): _____	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Sibling's attorney (name): _____	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Attorney for (name/relationship to child): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Attorney for (name/relationship to child): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Attorney for (name/relationship to child): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> County counsel (name): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other (name): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

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

11 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: _____

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

Date: _____

Type or print your name

Sign your name

Clerk stamps date here when form is filed.

**DRAFT 7
02/28/08 xyz
Not approved by
the Judicial Council**

After reading and considering the JV-180 filed by:

Name _____

on _____ (date),

The Court Finds and Orders:

① All parties and attorneys agree to the request. The request to change a court order is granted:

- a. as requested in item 6 of JV-180.
- b. as follows (*state specific modifications*):

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name:

Child's Name:

Fill in case number:

Case Number:

② The request is denied because:

- a. The request is not signed.
- b. The facts do not support what is requested.
- c. The request does not state new evidence or change of circumstances.
- d. The request does not show that it will be in the best interest of the child to change the order.
- e. Other (*state the specific reason*): _____

③ The court orders a hearing on the JV-180 request because the best interest of the child may be promoted by the proposed change of order.

The hearing will take place on (date): _____

at (time) _____ a.m./p.m. (*circle one*)

in department _____ of the Superior Court

of _____ County located at _____

Date: _____

▶ _____
Judicial officer



Case Number:

Child's name: _____

After the hearing held on (*date*): _____

in department _____ of the Superior Court
of _____ County

The Court Finds and Orders:

The petition is denied because it is not in the best interest of the child.

The requested change is granted (*specify, if necessary*): _____

The requested change is granted as modified (*state specific modifications*):

Date: _____

▶ _____
Judicial officer

JV-219-INFO Information About Psychotropic Medication Forms

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

JV-220, *Application Regarding Psychotropic Medication*

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

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

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

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

General Instructions

- ① Use psychotropic medication forms when a child is under the jurisdiction of the juvenile court and living in an out-of-home placement and the child's physician is asking for an order:
 - a. giving permission for the child to receive a psychotropic medication that is not currently authorized *or*
 - b. renewing an order for a psychotropic medication that was previously authorized for the child because the order is due to expire.
- ② Use of the forms is mandatory for a child who is a dependent of the juvenile court living in an out-of-home placement.
- ③ Use of the forms is mandatory for a child who is a ward of the juvenile court living in a foster care placement, as defined in Welfare and Institutions Code section 727.4.
- ④ Use of the forms is optional for a child who is a ward of the juvenile court living in an out-of-home facility that is not considered a foster care placement as defined in Welfare and Institutions Code section 727.4, unless use of the forms is required by a local rule of court.
- ⑤ Use of the forms is not required if the court has previously entered an order giving the child's parent the authority to approve or deny the administration of psychotropic medication to the child.
- ⑥ Form JV-220(A), *Prescribing Physician's Statement—Attachment*, must be completed and signed by the prescribing physician and forwarded to the person responsible for completing form JV-220, *Application Regarding Psychotropic Medication*, as provided for in local court rules or local practice protocols. The completed JV-220(A), with all its attachments, must be attached to JV-220 when it is filed with the court.
- ⑦ The person or persons responsible for providing notice under local court rules or local practice protocols must complete, sign, and file with the court form JV-221, *Proof of Notice: Application Regarding Psychotropic Medication*.

JV-220, Application Regarding Psychotropic Medication

- ① This form gives the court basic information about where the child lives and whether the current situation has caused the child to be moved to a temporary location such as a psychiatric hospital, a juvenile hall, a shelter home, or respite care. It also provides the name and contact information for the child's social worker or probation officer.
- ② This form may be completed by the prescribing physician, the medical office staff, the child welfare services staff, the probation department staff, or the child's caregiver. If completed by a staff person from the medical office, the child welfare services agency, the probation department, or the child's caregiver, he or she must check the appropriate box, type or print his or her name, and sign the form. If completed by the prescribing physician, he or she must check the appropriate box and complete and sign JV-220(A).



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

- ① This form must be completed and signed by the prescribing physician, who must provide information related to the administration of the psychotropic medication, including the child's diagnosis, relevant medical history, other therapeutic services, the psychotropic medication to be administered, and the basis for the psychotropic medication recommendation.
- ② Prior court authorization must be obtained before a psychotropic medication not currently authorized is given to a child except in an emergency situation. An emergency situation occurs when a physician finds that the child requires psychotropic medication because of a mental condition and the purpose of the medication is to protect the life of the child or others, prevent serious harm to the child or others, or to treat current or imminent substantial suffering and it is impractical to obtain prior authorization from the court. Court authorization must be sought as soon as practical but never more than two court days after the emergency administration of the psychotropic medication.

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

- ① This form provides verification of the notice required by rule 5.640 of the California Rules of Court.
- ② This form must be completed and signed by the person or persons responsible for providing notice as required by local court rules or local practice protocols. A separate signature line is provided on each page of the form to accommodate those courts in which the provision of notice is shared between agencies—for example, when local court rule or local practice protocol requires the child welfare services agency to provide notice to the parent or legal guardian and the caregiver and the juvenile court clerk's office to provide notice to the attorneys and CASA volunteer. If one agency does all the required noticing, only one signature is required on page 2 of the form.

JV-222, Opposition to Application Regarding Psychotropic Medication

- ① This form must be used when the parent or guardian, the attorney of record for a parent or guardian, the child, the child's attorney, or the child's CAPTA guardian ad litem does not agree that the child should take the recommended psychotropic medication.
- ② Within two court days of receiving notice of the application regarding psychotropic medication, the parent or guardian, his or her attorney, the child, the child's attorney, or the child's CAPTA guardian ad litem who disagrees must complete, sign, and file form JV-222 with the clerk of the juvenile court.
- ③ The court will make a decision about the child's psychotropic medication after reading the application and its attachments and any opposition filed on time. The court is not required to set a hearing when an opposition is filed. If the court does set the matter for a hearing, the juvenile court clerk must provide notice of the date, time, and location of the hearing to the parents or legal guardians, their attorneys, the child if 12 years of age or older, the child's attorney, the child's current caregiver, the child's social worker, and the social worker's attorney at least two court days before the date set for the hearing. In delinquency matters, the clerk also must notice the child regardless of his or her age, the child's probation officer, and the district attorney.

JV-223, Order Regarding Application for Psychotropic Medication

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

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): <hr/> <p style="text-align: center;">TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____</p> <p>E-MAIL ADDRESS (<i>Optional</i>): _____</p> <p>ATTORNEY FOR (<i>Name</i>): _____</p>	FOR COURT USE ONLY DRAFT 8 02/28/08 xyz Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
ORDERS UNDER WELFARE AND INSTITUTIONS CODE SECTIONS 366.26, 727.3, 727.31	CASE NUMBER:

Child's name: Date of birth: _____ Age: _____ Parent's name (<i>if known</i>): _____ <input type="checkbox"/> Mother <input type="checkbox"/> Father Parent's name (<i>if known</i>): _____ <input type="checkbox"/> Mother <input type="checkbox"/> Father
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1. a. Hearing date: _____ Time: _____ Dept.: _____ Room: _____
 b. Judicial officer:
 c. Parties and attorneys present:

2. The court has read and considered the assessment prepared under Welfare and Institutions Code section 366.21(i) or 366.22(b) and the report and recommendation of the social worker probation officer and other evidence.
3. The court has considered the wishes of the child, consistent with the child's age, and all findings and orders of the court are made in the best interest of the child.

THE COURT FINDS AND ORDERS

4. a. Notice has been given as required by law.
- b. This case involves an Indian child and the court finds that notice has been given to the parents, Indian custodian, Indian child's tribe, and the BIA in accordance with Welfare and Institutions Code section 224.2; the original certified mail receipts, return cards, copies of all notices, and any responses to those notices are in the court file.
5. The child is 10 years or older and is not present; the court finds that the child was properly notified of the right to be present.
6. The court takes judicial notice of all prior findings, orders, and judgments in this proceeding.
7. The court previously made a finding denying or terminating reunification services under Welfare and Institutions Code sections 361.5, 366.21, 366.22, 727.2, or 727.3, for
 Parent (*name*): _____ Mother Father
 Parent (*name*): _____ Mother Father

CHILD'S NAME: _____	CASE NUMBER: _____
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8. a. There is clear and convincing evidence that it is likely the child will be adopted.
- b. This case involves an Indian child and the court finds by evidence beyond a reasonable doubt, including the testimony of one or more qualified expert witnesses, that continued custody of the child by the parent of Indian custodian is likely to result in serious emotional or physical damage to the child.

(If item 8a or 8b is checked, go to item 9 unless 10, 11, or 12 is applicable. If item 8a or 8b is not checked, go to item 14 or 15.) **The fact that the child is not placed in a preadoptive home or with a person or family prepared to adopt the child is not a basis for concluding that the child is unlikely to be adopted.**

9. The parental rights of
- a. Parent (name): Mother Father
- b. Parent (name): Mother Father
- c. Alleged fathers (names):
- d. Unknown mother All unknown fathers
are terminated, adoption is the child's permanent plan, and the child is referred to the California Department of Social Services or a local licensed adoption agency for adoptive placement.
- e. **The adoption is likely to be finalized by (date):**
(If item 9 is checked, go to items 16, 17, 18, 19, and 20.)

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

11. Termination of parental rights would be detrimental to the child for the following reasons *(If item 11 is checked, check reasons below and go to item 14 or 15):*
- a. The parents or guardians have maintained regular visitation and contact with the child, and the child would benefit from continuing the relationship.
- b. The child is 12 years or older and objects to termination of parental rights.
- c. The child is placed in a residential treatment facility, adoption is unlikely or undesirable, and continuation of parental rights will not prevent a permanent family placement if the parents cannot resume custody when residential care is no longer needed.
- d. The child is living with a foster parent or Indian custodian who is unable or unwilling to adopt the child because of exceptional circumstances that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of providing the child with a stable and permanent home. Removal of the child from the physical custody of the foster parent or Indian custodian would be detrimental to the emotional well-being of the child. This clause does not apply to any child who is either
- (1) under the age of 6; or
 - (2) the member of a sibling group with at least one child under the age of 6 and the siblings are or should be placed together.
- e. There would be substantial interference with the child's sibling relationship.
- f. The child is an Indian child and there is a compelling reason for determining that termination of parental rights would not be in the best interest of the child, including, but not limited to:
- (1) Termination of parental rights would substantially interfere with the child's connection to his or her tribal community or the child's tribal membership rights.
 - (2) The child's tribe has identified guardianship or another permanent plan for the child.

12. Termination of parental rights would not be detrimental to the child, but no adoptive parent has been identified or is available, and the child is difficult to place because the child *(if item 12 is checked, check reasons below and go to item 13):*
- a. is a member of a sibling group that should stay together.
- b. has a diagnosed medical, physical, or mental disability.
- c. is 7 years or older.

CHILD'S NAME: _____	CASE NUMBER: _____
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13. a. Termination of parental rights is not ordered at this time. Adoption is the permanent placement goal, and efforts are to be made to locate an appropriate adoptive family. A report to the court is due by *(date, not to exceed 180 days from the date of this order)*:
(If item 13a is checked, provide for visitation in items 13b and 13c as appropriate, and go to items 16, 17, 18, 19, and 20.)

b. Visitation between the child and
 Parent (name): Mother Father
 Parent (name): Mother Father
 Legal guardian (name):
 Other (name):
 is scheduled as follows (specify):

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

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

a. Visitation between the child and
 Parent (name): Mother Father
 Parent (name): Mother Father
 Legal guardian (name):
 Other (name):
 is scheduled as follows (specify):

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

c. Dependency Wardship is terminated.

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

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

15. a. The child's permanent plan is an identified placement with (name of placement): _____
 with a specific goal of (specify):
 (1) returning home
 (2) adoption
 (3) legal guardianship
 (4) permanent placement with a fit and willing relative
 (5) a less restrictive foster setting
 (6) independent living with identification of a caring adult to serve as a lifelong connection

CHILD'S NAME: _____	CASE NUMBER: _____
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b. The child's specific goal is likely to be achieved by (date):

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

c. Visitation between the child and

Parent (name):

Mother Father

Parent (name):

Mother Father

Legal guardian (name):

Other (name):

is scheduled as follows (specify):

d. Visitation between child and (names):

is detrimental to the child's physical or emotional well-being and is terminated.

16. The child's placement is necessary.

17. The child's placement is appropriate.

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

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

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

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

22. Other (specify):

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

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

b. Six-month postpermanency review

24. The Parent (name):

Mother Father

Parent (name):

Mother Father

Child

Other (name):

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

Date: _____

JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO. (Optional): _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY DRAFT 5 02/28/08 mc Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
YOUTH'S NAME: PARENT'S NAME:	
COMMITMENT TO THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, DIVISION OF JUVENILE JUSTICE	CASE NUMBER: JUVENILE:

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

THE COURT FINDS AND ORDERS:

3. The youth was under the age of 18 years at the time of the commission of the offense for which the youth is being committed to the Division of Juvenile Justice.
4. The mental and physical condition and qualifications of this youth render it probable that the youth will benefit from the reformatory discipline or other treatment provided by the Division of Juvenile Justice.
5. a. The youth is committed to the Division of Juvenile Justice for a 90-day period of observation and diagnosis.
 b. The youth is committed to the Division of Juvenile Justice for acceptance.
 c. The youth is a ward of the Division of Juvenile Justice under a prior commitment; and
 is recommitted to the Division of Juvenile Justice; or
 is returned to the Division of Juvenile Justice with the following recommendation:
 the parole status of the youth be revoked;
 the parole status of the youth not be revoked; or
 the parole status of the youth will be determined by the Division of Juvenile Justice.

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

<u>Sustained</u>	<u>Petition Date</u>	<u>Offense</u>	<u>Code</u>	<u>Degree</u>	<u>707(b)</u>	<u>Enhancement</u>	<u>Term</u>
a.							
b.							

YOUTH'S NAME: 	CASE NUMBER: JUVENILE:
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6. c. Sustained
Petition Date Offense Code Degree 707(b) Enhancement Term

d.

e.

Continued in attachment 6.

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

8. The maximum period of confinement based on the individual facts and circumstances of the matter is (state years and months):

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

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

11. Exceptional needs:

a. The youth is an individual with exceptional needs.

b. The youth has an individualized education program and it:
 is included as attachment 11b.
 will be furnished to the Division of Juvenile Justice when obtained.

c. The youth is not an individual with exceptional needs.

d. Educational records do not indicate that a determination has been made regarding any exceptional needs the youth may have.

12. The court requests that the youth be considered for the _____ Program.

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

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

YOUTH'S NAME: <hr/>	CASE NUMBER: JUVENILE:
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15. Youth has has not been prescribed psychotropic medication.
 Type and dosage of medication (*specify*):

Additional documentation provided in attachment 15.

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

Date:

JUDICIAL OFFICER

BILL NUMBER: AB 1514 CHAPTERED
BILL TEXT

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

INTRODUCED BY Assembly Member Maze

FEBRUARY 23, 2007

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1514, Maze. Juveniles: psychotropic medication.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) In the case of an Indian child:

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

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

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

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

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

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

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

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

(d) The proceeding for the appointment of a guardian for a child who is a dependent of the juvenile court shall be in the juvenile court. If the court finds pursuant to this section that legal guardianship is the appropriate permanent plan, it shall appoint the legal guardian and issue letters of guardianship. The assessment prepared pursuant to [subdivision \(g\) of Section 361.5](#), [subdivision \(i\) of Section 366.21](#), and [subdivision \(b\) of Section 366.22](#) shall be read and considered by the court prior to the appointment, and this shall be reflected in the minutes of the court. The person preparing the assessment may be called and examined by any party to the proceeding.

(e) The proceeding for the adoption of a child who is a dependent of the juvenile court shall be in the juvenile court if the court finds pursuant to this section that adoption is the appropriate permanent plan and the petition for adoption is filed in the juvenile court. Upon the filing of a petition for adoption, the juvenile court shall order that an adoption hearing be set. The court shall proceed with the adoption after the appellate rights of the natural parents have been exhausted. The full report required by [Section 8715 of the Family Code](#) shall be read and considered by the court prior to the adoption and this shall be reflected in the minutes of the court. The person preparing the report may be called and examined by any party to the proceeding. It is the intent of the Legislature, pursuant to this subdivision, to give potential adoptive parents the option of filing in the juvenile court the petition for the adoption of a child who is a dependent of the juvenile court. Nothing in this section is intended to prevent the filing of a petition for adoption in any other court as permitted by law, instead of in the juvenile court.

(f) At the beginning of any proceeding pursuant to this section, if the child or the parents are not being represented by previously retained or appointed counsel, the court shall proceed as follows:

(1) In accordance with [subdivision \(c\) of Section 317](#), if a child before the court is without counsel, the court shall appoint counsel unless the court finds that the child would not benefit from the appointment of counsel. The court shall state on the record its reasons for that finding.

(2) If a parent appears without counsel and is unable to afford counsel, the court shall appoint counsel for the parent, unless this representation is knowingly and intelligently waived. The same counsel shall not be appointed to represent both the child and his or her parent. The public defender or private counsel may be appointed as counsel for the parent.

(3) Private counsel appointed under this section shall receive a reasonable sum for compensation and expenses, the amount of which shall be determined by the court. The amount shall be paid by the real parties in interest, other than the child, in any proportions the court deems just. However, if the court finds that any of the real parties in interest are unable to afford counsel, the amount shall be paid out of the general fund of the county.

(g) The court may continue the proceeding for a period of time not to exceed 30 days as necessary to appoint counsel, and to enable counsel to become acquainted with the case.

(h)(1) At all proceedings under this section, the court shall consider the wishes of the child and shall act in the best interests of the child.

(2) In accordance with [Section 349](#), the child shall be present in court if the child or the child's counsel so requests or the court so orders. If the child is 10 years of age or older and is not present at a hearing held pursuant to this section, the court shall determine whether the minor was properly notified of his or her right to attend the hearing

and inquire as to the reason why the child is not present.

(3)(A) The testimony of the child may be taken in chambers and outside the presence of the child's parent or parents, if the child's parent or parents are represented by counsel, the counsel is present, and any of the following circumstances exists:

(i) The court determines that testimony in chambers is necessary to ensure truthful testimony.

(ii) The child is likely to be intimidated by a formal courtroom setting.

(iii) The child is afraid to testify in front of his or her parent or parents.

(B) After testimony in chambers, the parent or parents of the child may elect to have the court reporter read back the testimony or have the testimony summarized by counsel for the parent or parents.

(C) The testimony of a child also may be taken in chambers and outside the presence of the guardian or guardians of a child under the circumstances specified in this subdivision.

(i)(1) Any order of the court permanently terminating parental rights under this section shall be conclusive and binding upon the child, upon the parent or parents and upon all other persons who have been served with citation by publication or otherwise as provided in this chapter. After making the order, the juvenile court shall have no power to set aside, change, or modify it, except as provided in paragraph (2), but nothing in this section shall be construed to limit the right to appeal the order.

(2) A child who has not been adopted after the passage of at least three years from the date the court terminated parental rights and for whom the court has determined that adoption is no longer the permanent plan may petition the juvenile court to reinstate parental rights pursuant to the procedure prescribed by [Section 388](#). The child may file the petition prior to the expiration of this three-year period if the State Department of Social Services or licensed adoption agency that is responsible for custody and supervision of the child as described in subdivision (j) and the child stipulate that the child is no longer likely to be adopted. A child over 12 years of age shall sign the petition in the absence of a showing of good cause as to why the child could not do so. If it appears that the best interests of the child may be promoted by reinstatement of parental rights, the court shall order that a hearing be held and shall give prior notice, or cause prior notice to be given, to the social worker or probation officer and to the child's attorney of record, or, if there is no attorney of record for the child, to the child, and the child's tribe, if applicable, by means prescribed by [subdivision \(c\) of Section 297](#). The court shall order the child or the social worker or probation officer to give prior notice of the hearing to the child's former parent or parents whose parental rights were terminated in the manner prescribed by [subdivision \(f\) of Section 294](#) where the recommendation is adoption. The juvenile court shall grant the petition if it finds by clear and convincing evidence that the child is no longer likely to be adopted and that reinstatement of parental rights is in the child's best interest. If the court reinstates parental rights over a child who is under 12 years of age and for whom the new permanent plan will not be reunification with a parent or legal guardian, the court shall specify the factual basis for its findings that it is in the best interest of the child to reinstate parental rights. This subdivision is intended to be retroactive and applies to any child who is under the jurisdiction of the juvenile court at the time of the hearing regardless of the date parental rights were terminated.

(j) If the court, by order or judgment, declares the child free from the custody and control of both parents, or one parent if the other does not have custody and control, the court shall at the same time order the child referred to the State Department of Social Services or a licensed adoption agency for adoptive placement by the agency. However, a petition for adoption may not be granted until the appellate rights of the natural parents have been exhausted. The State Department of Social Services or licensed adoption agency shall be responsible for the custody and supervision of the child and shall be entitled to the exclusive care and control of the child at all times until a petition for adoption is granted, except as specified in subdivision (n). With the consent of the agency, the court may appoint a guardian of the child, who shall serve until the child is adopted.

(k) Notwithstanding any other provision of law, the application of any person who, as a relative caretaker or foster parent, has cared for a dependent child for whom the court has approved a permanent plan for adoption, or who has been freed for adoption, shall be given preference with respect to that child over all other applications for adoptive placement if the agency making the placement determines that the child has substantial emotional ties to the relative caretaker or foster parent and removal from the relative caretaker or foster parent would be seriously detrimental to the child's emotional well-being.

As used in this subdivision, "preference" means that the application shall be processed and, if satisfactory, the family study shall be completed before the processing of the application of any other person for the adoptive placement of the child.

(l)(1) An order by the court that a hearing pursuant to this section be held is not appealable at any time unless all of the following apply:

(A) A petition for extraordinary writ review was filed in a timely manner.

(B) The petition substantively addressed the specific issues to be challenged and supported that challenge by an adequate record.

(C) The petition for extraordinary writ review was summarily denied or otherwise not decided on the merits.

(2) Failure to file a petition for extraordinary writ review within the period specified by rule, to substantively address the specific issues challenged, or to support that challenge by an adequate record shall preclude subsequent review by appeal of the findings and orders made pursuant to this section.

(3) The Judicial Council shall adopt rules of court, effective January 1, 1995, to ensure all of the following:

(A) A trial court, after issuance of an order directing a hearing pursuant to this section be held, shall advise all parties of the requirement of filing a petition for extraordinary writ review as set forth in this subdivision in order to preserve any right to appeal in these issues. This notice shall be made orally to a party if the party is present at the time of the making of the order or by first-class mail by the clerk of the court to the last known address of a party not present at the time of the making of the order.

(B) The prompt transmittal of the records from the trial court to the appellate court.

(C) That adequate time requirements for counsel and court personnel exist to implement the objective of this subdivision.

(D) That the parent or guardian, or their trial counsel or other counsel, is charged with the responsibility of filing a petition for extraordinary writ relief pursuant to this subdivision.

(4) The intent of this subdivision is to do both of the following:

(A) Make every reasonable attempt to achieve a substantive and meritorious review by the appellate court within the time specified in [Sections 366.21](#) and [366.22](#) for holding a hearing pursuant to this section.

(B) Encourage the appellate court to determine all writ petitions filed pursuant to this subdivision on their merits.

(5) This subdivision shall only apply to cases in which an order to set a hearing pursuant to this section is issued on

or after January 1, 1995.

(m) Except for subdivision (j), this section shall also apply to minors adjudged wards pursuant to [Section 727.31](#).

(n)(1) Notwithstanding [Section 8704 of the Family Code](#) or any other provision of law, the court, at a hearing held pursuant to this section or anytime thereafter, may designate a current caretaker as a prospective adoptive parent if the child has lived with the caretaker for at least six months, the caretaker currently expresses a commitment to adopt the child, and the caretaker has taken at least one step to facilitate the adoption process. In determining whether to make that designation, the court may take into consideration whether the caretaker is listed in the preliminary assessment prepared by the county department in accordance with [subdivision \(i\) of Section 366.21](#) as an appropriate person to be considered as an adoptive parent for the child and the recommendation of the State Department of Social Services or licensed adoption agency.

(2) For purposes of this subdivision, steps to facilitate the adoption process include, but are not limited to, the following:

(A) Applying for an adoption home study.

(B) Cooperating with an adoption home study.

(C) Being designated by the court or the licensed adoption agency as the adoptive family.

(D) Requesting de facto parent status.

(E) Signing an adoptive placement agreement.

(F) Engaging in discussions regarding a postadoption contact agreement.

(G) Working to overcome any impediments that have been identified by the State Department of Social Services and the licensed adoption agency.

(H) Attending classes required of prospective adoptive parents.

(3) Prior to a change in placement and as soon as possible after a decision is made to remove a child from the home of a designated prospective adoptive parent, the agency shall notify the court, the designated prospective adoptive parent or the current caretaker, if that caretaker would have met the threshold criteria to be designated as a prospective adoptive parent pursuant to paragraph (1) on the date of service of this notice, the child's attorney, and the child, if the child is 10 years of age or older, of the proposal in the manner described in [Section 16010.6](#).

(A) Within five court days or seven calendar days, whichever is longer, of the date of notification, the child, the child's attorney, or the designated prospective adoptive parent may file a petition with the court objecting to the proposal to remove the child, or the court, upon its own motion, may set a hearing regarding the proposal. The court may, for good cause, extend the filing period. A caretaker who would have met the threshold criteria to be designated as a prospective adoptive parent pursuant to paragraph (1) on the date of service of the notice of proposed removal of the child may file, together with the petition under this subparagraph, a petition for an order designating the caretaker as a prospective adoptive parent for purposes of this subdivision.

(B) A hearing ordered pursuant to this paragraph shall be held as soon as possible and not later than five court days after the petition is filed with the court or the court sets a hearing upon its own motion, unless the court for good cause is unable to set the matter for hearing five court days after the petition is filed, in which case the court shall set the matter for hearing as soon as possible. At the hearing, the court shall determine whether the caretaker has met

the threshold criteria to be designated as a prospective adoptive parent pursuant to paragraph (1), and whether the proposed removal of the child from the home of the designated prospective adoptive parent is in the child's best interest, and the child may not be removed from the home of the designated prospective adoptive parent unless the court finds that removal is in the child's best interest. If the court determines that the caretaker did not meet the threshold criteria to be designated as a prospective adoptive parent on the date of service of the notice of proposed removal of the child, the petition objecting to the proposed removal filed by the caretaker shall be dismissed. If the caretaker was designated as a prospective adoptive parent prior to this hearing, the court shall inquire into any progress made by the caretaker towards the adoption of the child since the caretaker was designated as a prospective adoptive parent.

(C) A determination by the court that the caretaker is a designated prospective adoptive parent pursuant to paragraph (1) or subparagraph (B) does not make the caretaker a party to the dependency proceeding nor does it confer on the caretaker any standing to object to any other action of the department or licensed adoption agency, unless the caretaker has been declared a de facto parent by the court prior to the notice of removal served pursuant to paragraph (3).

(D) If a petition objecting to the proposal to remove the child is not filed, and the court, upon its own motion, does not set a hearing, the child may be removed from the home of the designated prospective adoptive parent without a hearing.

(4) Notwithstanding paragraph (3), if the State Department of Social Services or a licensed adoption agency determines that the child must be removed from the home of the caretaker who is or may be a designated prospective adoptive parent immediately, due to a risk of physical or emotional harm, the agency may remove the child from that home and is not required to provide notice prior to the removal. However, as soon as possible and not longer than two court days after the removal, the agency shall notify the court, the caretaker who is or may be a designated prospective adoptive parent, the child's attorney, and the child, if the child is 10 years of age or older, of the removal. Within five court days or seven calendar days, whichever is longer, of the date of notification of the removal, the child, the child's attorney, or the caretaker who is or may be a designated prospective adoptive parent may petition for, or the court on its own motion may set, a noticed hearing pursuant to paragraph (3). The court may, for good cause, extend the filing period.

(5) Except as provided in [subdivision \(b\) of Section 366.28](#), an order by the court issued after a hearing pursuant to this subdivision shall not be appealable.

(6) Nothing in this section shall preclude a county child protective services agency from fully investigating and responding to alleged abuse or neglect of a child pursuant to [Section 11165.5 of the Penal Code](#).

(7) The Judicial Council shall prepare forms to facilitate the filing of the petitions described in this subdivision, which shall become effective on January 1, 2006.

(o) The implementation and operation of the amendments to paragraph (3) of subdivision (c) and subparagraph (A) of paragraph (4) of subdivision (c) enacted at the 2005-06 Regular Session shall be subject to appropriation through the budget process and by phase, as provided in [Section 366.35](#).

(Cite as: 157 Cal.App.4th 1075)

In re C.J.W.

Cal.App. 4 Dist.,2007.

Court of Appeal, Fourth District, Division 2,
California.

In re C.J. W. et al., Persons Coming Under the
Juvenile Court Law.

San Bernardino County Department of Children's
Services, Plaintiff and Respondent,

v.

Theresa W. et al., Defendants and Appellants.

No. E043005.

Dec. 11, 2007.

***199 OPINION**

GAUT, J.

In April 2007, both parents filed [section 388](#) petitions, ([Cal. Rules of Court, rule 5.570\(b\)](#)) requesting a change in the court's orders. Both petitions alleged as changed circumstances that parents had completed a panoply of programs, including drug treatment, 12-step meetings, Alcoholics Anonymous, Narcotics Anonymous, drug testing, and private counseling, and additional classes in parenting, living skills, anger management, domestic violence, child abuse, religion, and education.

At the hearing in April 2007, the court found no changed circumstances and no benefit to the children. The court denied the [section 388](#) petitions. It then conducted the section 366.26 hearing and terminated parental rights.

3. Discussion

Mother, joined by father, asserts the dependency court erred by not allowing an evidentiary hearing on the [section 388](#) petitions: "Such petitions are to be liberally construed in favor of granting a hearing to consider the parent's request. [Citations.] The parent need only make a prima facie showing to trigger the right to proceed by way of a full hearing. [Citation.]" ([In re Marilyn H. \(1993\) 5 Cal.4th 295, 309-310, 19](#)

[Cal.Rptr.2d 544, 851 P.2d 826.](#)) "There are two parts to the prima facie showing: The parent must demonstrate (1) a genuine change of circumstances or new evidence, and that (2) revoking the previous order would be in the best interests of the children. [Citation.] If the liberally construed allegations of the petition do not show changed circumstances such that the child's best interests will be promoted by the proposed change of order, the dependency court need not order a hearing. [Citation.] We review the juvenile court's summary denial of a [section 388](#) petition for abuse of discretion." ([In re Anthony W. \(2001\) 87 Cal.App.4th 246, 250, 104 Cal.Rptr.2d 422.](#))

[Section 388](#) provides: "(c) If it appears that the best interests of the child may be promoted by the proposed change of order ... the court shall order that a hearing be held...."[California Rules of Court, rule 5.570\(f\), \(h\), and \(i\)](#) set forth the procedures for deciding a [section 388](#) petition: "If it appears to the court that the requested modification will be contested or if the court desires to receive further evidence on the issue, the court must order *201 that a hearing on the petition for modification be held within 30 calendar days after the petition is filed. [¶] ... [¶] ... The petitioner requesting the modification under [section 388](#) has the burden of proof ... require[ing] a preponderance of the evidence to show that the child's welfare requires such a modification. [¶] ... [¶] ... The hearing must be conducted as a disposition hearing under rules 5.690 and 5.695 if [¶] ... [¶] ... There is a due process right to confront and cross-examine witnesses. [¶] Otherwise, proof may be by declaration and other documentary evidence, or by testimony, or both, at the discretion of the court. [¶] ... The petitioner requesting the modification under section 778 has the burden of proving by a preponderance of the evidence that the ward's welfare requires the modification. Proof may be by declaration and other documentary evidence, or by testimony, or both, at the discretion of the court."

In this instance, the court using form JV-180 ([Cal. Rules of Court, rule 5.70\(b\)](#)), made the following internally-inconsistent order: "The best interest of the child[ren] may be promoted by the requested new order, and ... the request states a change of circumstances or new evidence, ... A hearing shall be held on the request as follows: [¶] a. The matter is set

for a hearing on 4-26-07 at 1:30 p.m. in Dept. J-5. [¶] b. The judge will not hold a hearing. The judge will make a decision based on your request and any other papers filed by those listed in item 8. You and anyone listed in item 8 may ask for a hearing, which the judge will hold if there is good cause.” In other words, the court ordered it would and would not hold a hearing.

We observe that the required form JV-180 is itself internally inconsistent and ambiguous on the issue of whether a hearing is being held. It first states “[a] hearing shall be held” and the matter is set for hearing. In the alternative, it states “a hearing shall be held” but “[t]he judge will not hold a hearing” and will make a decision based on the papers filed. But it then concludes a hearing may be requested “which the judge will hold if there is good cause.” When read together, form JV-180 and [California Rules of Court, rule 5.570\(f\), \(h\)\(2\)](#) seem hopelessly inconsistent regarding whether and how a hearing will be conducted.

Nevertheless, we disagree with parents that the court failed to conduct a hearing or that the court summarily denied the [section 388](#) petitions. What ultimately occurred is the court did conduct a hearing but did not allow testimony from the parents on the [section 388](#) petitions. The court, however, did receive written evidence and heard substantial argument from counsel for the parties.^{FN2}

[FN2.](#) As clarification, we note a different judicial officer signed the JV-180 order than conducted the [section 388](#) hearing.

The attorneys for the parents concurred with this manner of proceeding and did not object. We acknowledge respondent's argument that parents have forfeited their claims of error but we discuss it to foreclose any other auxiliary claims by parents. ([In re S.B. \(2004\) 32 Cal.4th 1287, 1293, 13 Cal.Rptr.3d 786, 90 P.3d 746.](#))

Parents complain it was violation of due process that they were not allowed to cross-examine the social workers and present evidence. But parents do not identify what further evidence they wanted to present. Furthermore, a fair reading of the record is the court found the [section 388](#) petitions to be deficient because they did not support granting reunification services to the parents based on

sufficient *202 changed circumstances or the best interests of the children. The court did not base its ruling on information presented by the social workers ([In re Matthew P. \(1999\) 71 Cal.App.4th 841, 849, 851, 84 Cal.Rptr.2d 269](#)) but on the paucity of evidence submitted by parents in their petitions. The hearing, as conducted by the dependency court, comported with due process.

We also conclude the court did not abuse its discretion in denying the [section 388](#) petitions based on the absence of changed circumstances or the children's best interests. Mother and father both have extensive histories of drug use and years of failing to reunify with their children. Their recent efforts at rehabilitation were only three months old at the time of the section 366.26 hearing. ([In re Casey D. \(1999\) 70 Cal.App.4th 38, 48-49, 82 Cal.Rptr.2d 426; In re Kimberly F. \(1997\) 56 Cal.App.4th 519, 531, fn. 9, 65 Cal.Rptr.2d 495.](#)) Although parents were exerting themselves considerably to improve, they did not demonstrate changed circumstances. Even if parents had succeeded in doing so, there was no showing whatsoever of how the best interests of these young children would be served by depriving them of a permanent, stable home in exchange for an uncertain future. ([In re Stephanie M. \(1994\) 7 Cal.4th 295, 317, 27 Cal.Rptr.2d 595, 867 P.2d 706; In re Casey D., supra, at p. 47, 82 Cal.Rptr.2d 426.](#)) It is not reasonably likely additional testimony would have persuaded the court to grant the [section 388](#) petitions and offer reunification services to parents. ([In re Edward H. \(1996\) 43 Cal.App.4th 584, 594, 50 Cal.Rptr.2d 745.](#))

4. Disposition

We suggest the dependency court should reform its practice of granting seemingly inconsistent orders both granting and denying hearings on [section 388](#) petitions. We also recommend form JV-180 be reformed to avoid the kind of problems created here. Nevertheless, we affirm the dependency court's order denying parents' [section 388](#) petitions.

We concur: [RAMIREZ](#), P.J., and [McKINSTER](#), J.
Cal.App. 4 Dist., 2007.
In re C.J.W.
157 Cal.App.4th 1075, 69 Cal.Rptr.3d 197, 07 Cal. Daily Op. Serv. 14,209, 2007 Daily Journal D.A.R. 18,282

Item SPR08-39 Response Form

Title: **Juvenile Law: Miscellaneous Rule and Form Changes** (amend Cal. Rules of Court, rules 5.570, 5.640, and 5.725; revise forms JV-180, JV-219-INFO, JV-320, and JV-732; adopt form JV-181)

- Agree with proposed changes
- Agree with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

- Commenting on behalf of an organization**

Address: _____

City, State, Zip: _____

To Submit Comments

Comments may be written on this form, prepared in a letter format, or submitted online. If you are *not* commenting directly on this form, please include the information requested above and the proposal number for identification purposes. Please submit your comments online or email, mail, or fax comments.

Internet: www.courtinfo.ca.gov/invitationstocomment

Email: invitations@jud.ca.gov

Mail: Ms. Camilla Kieliger
Judicial Council, 455 Golden Gate Avenue
San Francisco, CA 94102

Fax: (415) 865-7664, Attn: Camilla Kieliger

DEADLINE FOR COMMENT: 5:00 p.m., Friday, June 20, 2008

*Circulation for comment does not imply endorsement by the Judicial Council
or the Rules and Projects Committee.
All comments will become part of the public record of the council's action.*