



Judicial Council of California

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INVITATION TO COMMENT

SPR23-21

Title

Juvenile Law: Family Finding and Engagement

Action Requested

Review and submit comments by May 12, 2023

Proposed Rules, Forms, Standards, or Statutes

Amend Cal. Rules of Court, rules 5.637, 5.695, 5.790, and 5.810; revise form JV-672

Proposed Effective Date

January 1, 2024

Proposed by

Family and Juvenile Law Advisory Committee

Hon. Stephanie E. Hulse, Cochair

Hon. Amy M. Pellman, Cochair

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Executive Summary and Origin

The Family and Juvenile Law Advisory Committee proposes amending four rules and one form to conform to recent statutory changes clarifying the due diligence that must be used by a social services agency or probation department in performing its family finding obligation when a child is removed from the home. Senate Bill 384 revises Welfare and Institutions Code sections 309 and 628 to define the obligation of the placing agency to engage in family finding in dependency and juvenile justice (delinquency) cases. The bill defines due diligence, which requires a social worker or probation officer to ask the child in an age-appropriate manner about parents and adult relatives. Due diligence also requires the agency to use a computer-based search engine to identify relatives and kin to provide family support and possible placement for the child. In addition, in the case of an Indian child, the bill also clarifies that the placing agency must contact the Indian child's tribe to help identify relatives and kin.

Background

When a child is placed in foster care, either because the child's parents or guardians are unable to provide adequate care for the child or after being detained in a juvenile delinquency proceeding, it is crucial that the child and family have a supportive network of people to assist them through the associated juvenile court proceedings. Family finding is an integral part of the duties of the

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

child welfare agency and the juvenile probation department in every foster care case. Under current law, child welfare agencies and probation departments are obligated to locate and identify relatives and notify them of their options to participate in a child's care or placement after the child's removal from their parents or guardians. At many hearings in a dependency or juvenile justice case, the court is required to make a finding that the county agency or probation department has exercised due diligence in family finding to locate a child's relatives and those relatives have been evaluated to serve as the child's placement or been offered other opportunities to participate in the child's care.

In 2015, the Continuum of Care Reform Act sought to improve outcomes for children served by child welfare agencies and juvenile probation departments by providing the opportunity for them to grow up in permanent and stable homes and reduce the use of congregate care. The preservation of familial ties for foster children is vital: many studies have shown that children placed with family have better behavioral and mental health outcomes than their peers in traditional foster care. Children who are placed in kinship care, which is broadly defined as relatives or close family friends, have fewer placements and school changes, have higher overall satisfaction with their placements, and are more likely to feel loved and "wanted" in these kinship placements.¹

In 2022, Senate Bill 384 (Cortese; Stats. 2022, ch. 811) revised Welfare and Institutions Code sections 309 and 628 regarding the obligation of the social worker and probation officer to engage in family finding in dependency and delinquency cases.² The bill imposed a new duty for child welfare and probation agencies to inform the California Department of Social Services (CDSS) about their family finding practices. Each county agency must notify relatives about their options to participate in the care and placement of a child who has been removed from their parents or guardians.

The California Department of Social Services (CDSS) has previously provided guidance to county agencies on family finding practices through its All County Letters (ACL) procedure. All County Letters serve as communications from CDSS to California county agencies regarding their obligations and other legal requirements in child welfare and juvenile probation cases. In 2018, CDSS issued ACL 18-42, entitled Family Finding and Engagement, which detailed suggested family finding practices for county agencies in foster care cases. SB 384 requires each county child welfare agency and juvenile probation department to adopt at least one of the vetted family finding practices found in ACL 18-42 and create a public procedure by which relatives can identify themselves to the county placing agency.³ Each county agency must notify relatives

¹ See Sen. Rules Com., Off. Of Sen. Floor Analyses, Unfinished Business analysis of Sen. Bill 384 as amended Aug. 15, 2022, pp. 5–6, https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202120220SB384

² All further statutory references are to the Welfare and Institutions Code and all further rule references are to the California Rules of Court, unless otherwise indicated.

³ See www.cdss.ca.gov/Portals/9/ACL/2018/18-42.pdf?ver=2018-04-09-132626-940.

about their options to participate in the care and placement of a child who has been removed from their parents or guardians.

In 2022, CDSS and the University of California, Davis launched the Center for Excellence in Family Finding, Engagement, and Support (Center) to support county child welfare agencies and juvenile probation departments' efforts to keep youth linked with their family members. The Center provides statewide training and technical assistance to county agencies, foster care providers, and Indian tribes to enhance their practices, policies, and efforts for family finding, support, and engagement. Additionally, the California legislature continues to propose legislative bills to strengthen family finding and engagement.

The Proposal

This proposal is needed to conform four rules of court and one Judicial Council form to recent changes in the law.

Rule 5.637

The current version of rule 5.637 provides that the social worker or probation officer must conduct an investigation to identify and locate all of the child's adult relatives and notify them about the child's placement in foster care after removal from the parent guardian. The rule also states that the social worker or probation officer is not required to notify a "relative whose personal history of family or domestic violence would make notification inappropriate."

Several changes to the rule are proposed to bring the rule in conformity with SB 384, and the amendments to Welfare and Institutions Code sections 309 and 628. The committee proposes amending the rule to include provisions regarding the due diligence requirement in family finding to be exercised by the social worker or probation officer in foster care cases. The rule would also be amended to expand the list of persons required to be notified of a child's placement in foster care, including parents or alleged parents. The committee proposes including the requirements to notify relatives after the county agency locates them and to disseminate written information to them about how to participate in the child's care or placement. Lastly, the proposed rule amendments would require the social worker or probation officer to notify the court if relatives are not notified because of family or domestic violence history.

The committee proposes reorganizing the rule to add a new subdivision (a) to define the terms family finding, kin, and nonrelative extended family member (NREFM) in dependency and juvenile justice cases.

Subdivision (b) states the requirement of due diligence in family finding in dependency cases to identify and locate a child's relatives and notify them of a child's foster care placement no later than 30 days after removal from the parent's or guardian's custody. This subdivision provides that the relatives must receive written notification of the child's removal and the available options to participate in the child's care and placement, including becoming a resource family, and information on public monetary aid programs. The relatives must also receive a copy of

Relative Information (form JV-285) to provide input to the court and the social worker regarding the child's needs.

Subdivision (c) states the requirement of due diligence in family finding in juvenile justice cases to identify and locate a child's relatives and notify them of a child's foster care placement no later than 30 days after placement in foster care or after the child's detention, if the probation officer has reason to believe that the child may be at risk of entering foster care. As in subdivision (b) regarding juvenile dependency cases, this subdivision provides that the relatives must receive written notification of the child's removal and available options to participate in the child's care and placement, including becoming a resource family or nonrelated extended family member (NREFM), and information on public monetary aid programs.

Subdivision (d) states the ongoing duty of the social worker or probation officer to exercise due diligence in family finding throughout the dependency or delinquency case until the child is placed for adoption. The committee proposes that this subdivision also address the court's considerations when making a finding that the county agency has exercised due diligence in family finding. To implement SB 384, the committee proposes including mandatory activities that the county agency must take before the court's due diligence finding may be made, including asking the child about the identity and location of relatives, as required under sections 309 and 628 and using computer-based search tools to locate a child's relatives. This subdivision would also include additional activities undertaken by the county agency that the court may consider in finding the county agency has exercised due diligence in family finding.

Current subdivision (b) would be renumbered as (e) and would require the social worker or probation officer to inform the court about the lack of notification and the reasoning underlying that determination that a relative's history of family or domestic violence of a child's foster care placement would make notification inappropriate.

The committee discussed the importance of prompt and timely efforts by child welfare agencies and probation departments to locate a child's relatives and the necessity for that process to be ongoing throughout the juvenile court proceedings. The committee supported the inclusion in the rule of the placing agencies' statutory duties to notify relatives of information about placement and care opportunities for the child who has been removed from parental custody. The committee decided that including the notification information in the rule would help clarify the placing agencies' responsibilities to relatives and simplify understanding of the notification requirements. Additional discussion by the committee centered on whether the court should be advised if the placing agency declines to notify a relative under subdivision (e) (formerly (b)) when a relative's personal history of domestic or family violence would make notification inappropriate. The committee decided that the rule should include a requirement that the social worker or probation officer inform the court of this lack of notification and the reasoning underlying the decision not to notify the relative.

Rule 5.695

This rule states the findings and orders that the court must make at a disposition hearing in a dependency case. One such finding is that the county welfare agency exercised due diligence in family finding to locate relatives for the child. In subdivision (f), the current rule includes examples of activities that demonstrate due diligence by county welfare departments for family finding in dependency cases. Subdivision (a) provides that the court may consider those activities in subdivision (f) of the rule when making the finding that the agency has exercised due diligence in family finding for the child. Because the information in subdivision (f) is now included in proposed rule 5.637, the committee proposes deleting subdivision (f) from rule 5.695.

Subdivision (a) would be amended to include cross-references to the activities detailed in rule 5.637(d)(2) and (d)(3), the content that would be removed from subdivision (f), for the court to consider in making the due diligence in the family finding determination for the child welfare agency.

Subdivisions (g)–(i) would be re-lettered to (f)–(h).

Rule 5.790

This rule states the findings and orders that the court must make at a disposition hearing in a juvenile justice case. One such finding is that the juvenile probation officer exercised due diligence in family finding to locate relatives for the child. In subdivision (g), the current rule includes examples of activities that demonstrate due diligence by county probation departments for family finding in delinquency cases. The committee proposes making the same change to rule 5.790 as is proposed for rule 5.695: deleting the subdivision (g) activities evidencing due diligence from current rule 5.695.

Subdivision (f) would be amended to include cross-references to the activities detailed in rule 5.637(d)(2) and (d)(3), the content that would be removed from subdivision (g), for the court to consider in making the due diligence in the family finding determination for the juvenile probation department.

Subdivisions (h)–(j) would be re-lettered to (g)–(i).⁴

Rule 5.810

Rule 5.810 governs the court's findings and orders at permanency and postpermanency hearings in juvenile justice cases. Under Welfare and Institutions Code section 628, one of the required findings at those hearings is that the juvenile probation department exercised due diligence in family finding for the child, and those efforts are documented in the probation report. The

⁴ Please note that the Judicial Council circulated a previous proposal to amend rule 5.790 to delete subdivision (i), which concerns youth committed to the Division of Juvenile Justice (DJJ). Subdivision (i) will be an outdated provision with the closure of DJJ on June 30, 2023, and the proposal deleting (i) is recommended to become effective on July 1, 2023. See <https://www.courts.ca.gov/documents/w23-07.pdf>.

current rule does not address the finding that the court must make regarding whether the probation department has engaged in those family finding efforts for either hearing type.

Subdivision (b)(2)(H) would be added to require the court to consider evidence of due diligence in family finding to be made at a permanency hearing in a delinquency case.

Subdivision (c)(2)(F) would be added to require the court to consider evidence of due diligence in family finding to be made at a postpermanency hearing in a delinquency case.

***Form JV-672, Findings and Orders After Six-Month Prepermanency Hearing—
Delinquency***

This council form has listed the required findings and orders that the juvenile court must make at a prepermanency hearing in a juvenile justice case. Family Code section 7950 requires that the juvenile probation department evaluate every relative who comes forward interested in placement for the child during delinquency proceedings.

This proposal would add item 15 to the form to allow the court to make the finding that the probation department has or has not evaluated every relative that has come forward requesting placement of the child during the juvenile court proceedings.

Alternatives Considered

The Juvenile and Family Law Advisory Committee considered alternatives during the discussion of the proposal. The first alternative considered expanding rule 5.637 to include more information on the responsibilities of the placing agency regarding relative placement. The committee decided that this alternative would expand the scope and focus of the rule and be repetitive of statute.

The committee discussed the issue of family finding for dual-status youth as referenced in section 241.1. This invitation to comment includes specific questions regarding whether placing agencies' family finding obligations for dual-status youth should be included in rule 5.637.

The committee noted that family finding and engagement is an evolving area of the law, and the legislature may continue to add duties and responsibilities to the placing agency. The committee considered recommending no action based on the evolving legislative action in this area. Still, it concluded that the amendments to the rules and a form would be helpful to child welfare agencies and juvenile probation departments in meeting their obligations to identify, locate, and notify relatives of their options to participate in the placement and care of the youth in their systems.

Fiscal and Operational Impacts

Based on this legislative change in SB 384, the placing agencies may incur minor costs because they were previously not required to conduct a computer search. However, because this proposal

only defines existing findings and does not implement any new hearings, findings, or court time, the costs to the judicial branch are expected to be minimal.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Should rule 5.637 specifically address family finding requirements for a dual-status child as referenced in Welfare and Institutions Code section 241.1, and if so, what should the rule provide to ensure that family finding is carried out as intended by statute?
- Is the definition for kin in rule 5.637 accurate and complete, or should a different definition be proposed to include as part of the rule?
- Is the definition for a nonrelative extended family member (NREFM) in rule 5.637 accurate and complete, or should a different definition be included in the rule?

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

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would three months from the Judicial Council’s approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Rules of Court, rules 5.637, 5.695, 5.790, and 5.810, at pages 8–16
2. Form JV-672, at pages 17-21
3. Link A: ACL 18-42, Family Finding and Engagement (Cal. Dept. of Social Services),
<https://www.cdss.ca.gov/Portals/9/ACL/2018/18-42.pdf?ver=2018-04-09-132626-940>
4. Link B: Welf. & Inst. Code, § 309,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=309&lawCode=WIC
5. Link C: Welf. & Inst. Code, § 628,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=628.&lawCode=WIC

Rules 5.637, 5.695, 5.790, and 5.810 of the California Rules of Court would be amended, effective January 1, 2024, to read:

1 **Rule 5.637. Family finding (§§ 309(e), 628(d))**
2

3 **(a) Definitions**
4

- 5 (1) “Family finding” means conducting an investigation to identify relatives and
6 kin and connect the child with those relatives and kin in an effort to provide
7 family support and possible placement. For an Indian child, family finding
8 also includes contacting the child’s Indian tribe to identify relatives and kin.
9
- 10 (2) “Kin” means any relative as defined in rule 5.502, subdivision (34), and any
11 nonrelative extended family member (NREFM) of the child or the child’s
12 relatives.
13
- 14 (3) “Nonrelative extended family member (NREFM)” means an adult who has
15 an established familial or mentoring relationship with a child or a familial
16 relationship with a relative of the child. These adults may include, but are not
17 limited to, the following people: godparents, teachers, clergy, neighbors,
18 parents of a sibling, and family friends.
19

20 **(b) Juvenile dependency proceedings**
21

- 22 (1) ~~Within~~ No later than 30 days of a child’s removal after a child is removed
23 from the home of his or her their parent or guardian in a juvenile dependency
24 proceeding, if the child is in or at risk of entering foster care, the social
25 worker or probation officer must use due diligence in conducting family
26 finding, including an investigation to identify, locate, and notify provide
27 notification to the child’s parents or alleged parents, all the child’s adult
28 relatives, parents with legal custody of the child’s siblings, any adult siblings,
29 and in the case of an Indian child, any extended family members of the
30 child’s tribe.
31
- 32 (2) After locating the child’s relatives and other persons specified in paragraph
33 (1), the social worker must provide to them the following:
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- 35 (A) Written notification that the child has been removed from the parent or
36 guardian’s custody;
37
- 38 (B) An explanation in writing of the available options to participate in the
39 child’s care and placement, including information on how to become a
40 resource family and information on additional services and support that
41 are available in out-of-home placements, including visitation and public
42 monetary aid programs; and

1
2 (C) A copy of *Relative Information* (form JV-285) for relatives to provide
3 information to the social worker and the court regarding the child’s
4 needs and to request permission to address the court if desired.

5
6 Oral notification in person or by telephone of the information may also be
7 provided to the child’s relatives when appropriate.

8
9 **(c) Juvenile justice proceedings**

10
11 (1) No later than 30 days after a child is detained in a juvenile delinquency
12 proceeding, if the probation officer has reason to believe that the child may
13 be at risk of entering a foster care placement or within 30 days of a child’s
14 placement into foster care, the probation officer must use due diligence to
15 conduct family finding, including an investigation to identify, locate, and
16 provide notification to the child’s parents or alleged parents and all of the
17 child’s adult relatives.

18
19 (2) After locating the child’s relatives, the probation officer must provide to the
20 relatives the following:

21
22 (A) Written notification that the child has been removed from the parent or
23 guardian’s custody; and

24
25 (B) An explanation in writing of the available options to participate in the
26 child’s care and placement—including information on how to become a
27 resource family, an approved relative, or a nonrelative extended family
28 member (NREFM), —and information on additional services and
29 support that are available in out-of-home placements, including
30 visitation and public monetary aid programs.

31
32 Oral notification in person or by telephone of the information may also be
33 provided to the relatives when appropriate.

34
35 **(d) Due diligence (§§ 309, 628)**

36
37 (1) The social worker and probation officer have an ongoing responsibility to
38 exercise due diligence to engage in family finding until the time the child is
39 placed for adoption.

40
41 (2) When making the determination that the social worker or probation officer
42 has exercised due diligence in family finding, the court must find that the
43 social worker or probation officer has done the following:

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(A) Asked the child, in an age-appropriate manner and consistent with the child’s best interests, about the identity and location of relatives; and

(B) Used a computer-based search engine and internet-based search tools to locate relatives identified as support for the child and their family.

(3) When making the finding of due diligence, the court may also consider other efforts, including whether the social worker or probation officer has done any of the following:

(A) Obtained information regarding the location of the child’s relatives;

(B) Reviewed the child’s case file for any information regarding relatives;

(C) Telephoned, emailed, or visited all identified relatives;

(D) Asked located relatives for the names and locations of other relatives;
or

(E) Developed tools—including a genogram, family tree, family map, or other diagram of family relationships—to help the child or parents to identify relatives.

(e) When notification of a relative is inappropriate

The social worker or probation officer is not required to notify a relative whose personal history of family or domestic violence would make notification inappropriate. A social worker or probation officer who determines that notification of a relative is inappropriate under this subdivision must notify the court that the relative has not been notified and explain the reasoning underlying that lack of notification.

Advisory Committee Comment

This rule restates the original requirements of section 103 of the federal Fostering Connections to Success and Increasing Adoptions Act (Pub.L. No. 110-351, § 103 (Oct. 7, 2008) 122 Stat. 3949, 3956, codified at 42 U.S.C. § 671(a)(29)) as implemented by California Assembly Bill 938 (Com. on Judiciary; Stats. 2009, ch. 261, codified at Welf. & Inst. Code, §§ 309(e) and 628(d)). These statutes enacted elements of the child welfare practice known as Family Finding and Engagement, which has been recommended to improve outcomes for children by the Judicial Council’s California Blue Ribbon Commission on Children in Foster Care and the California Child Welfare Council. (See Cal. Blue Ribbon Com. on Children in Foster Care, *Fostering a New Future for*

1 *California’s Children*, pp. 30–31 (Admin. Off. of Cts., May 2009) (final report and action plan),
2 www.courts.ca.gov/documents/brc-finalreport.pdf; *Permanency Committee Recommendations to*
3 *the Child Welfare Council*, pp. 1–4 (Sept. 10, 2009), www.chhs.ca.gov.)
4

5 Senate Bill 384 (Cortese; Stats. 2022, ch. 811) revised Welfare and Institutions Code sections 309
6 and 628 regarding the obligation of the social worker and probation officer to engage in family
7 finding in dependency and delinquency cases. The bill imposed a new duty for child welfare and
8 probation agencies to inform the California Department of Social Services (CDSS) about their
9 family-finding practices. Each county child welfare agency and probation department must adopt
10 at least one of the practices detailed in CDSS All County Letter 18-42, *Family Finding and*
11 *Engagement*, and create a public procedure by which relatives can identify themselves to the
12 county agency. Each county agency must notify relatives about their options to participate in the
13 care and placement of a child who has been removed from their parents or guardians.
14

15 **Rule 5.695. Findings and orders of the court—disposition**
16

17 **(a)–(d) * * ***
18

19 **(e) Family-finding determination (§ 309)**
20

21 (1) If the child is removed, the court must consider and determine whether the
22 social worker has exercised due diligence in conducting the required
23 investigation to identify, locate, and notify the child’s relatives. The court
24 ~~may~~ must consider the activities listed in ~~(f) as examples of due diligence~~ rule
25 5.637(d)(2) and may consider the activities listed in rule 5.637(d)(3) in
26 determining whether the agency has exercised due diligence in family
27 finding. The court must document its determination by making a finding on
28 the record.
29

30 If the dispositional hearing is continued, the court may set a hearing to be
31 held 30 days from the date of removal or as soon as possible thereafter to
32 consider and determine whether the social worker has exercised due diligence
33 in conducting the required investigation to identify, locate, and notify the
34 child’s relatives.
35

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

42 ~~(f) —Due diligence (§ 309)~~
43

1 When making the determination required in (e), the court may consider, among
2 other examples of due diligence, whether the social worker has done any of the
3 following:

4
5 (1) ~~Asked making the determination required in (e), the court may consider,~~
6 ~~among other examples of due diligence, whether the social worker has done~~
7 ~~any of the following:~~

8
9 (2) ~~Obtained information regarding the location of the child's relatives;~~

10
11 (3) ~~Reviewed the child's case file for any information regarding relatives;~~

12
13 (4) ~~Telephoned, e-mailed, or visited all identified relatives;~~

14
15 (5) ~~Asked located relatives for the names and locations of other relatives;~~

16
17 (6) ~~Used Internet search tools to locate relatives identified as supports; or~~

18
19 (7) ~~Developed tools, including a genogram, family tree, family map, or other~~
20 ~~diagram of family relationships, to help the child or parents to identify~~
21 ~~relatives.~~

22
23 ~~(g)~~ **(f) Provision of reunification services (§ 361.5)**

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25 (1)–(10) * * *

26
27 ~~(h)~~ **(g) Information regarding termination of parent-child relationship (§§ 361,**
28 **361.5)**

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32 ~~(i)~~ **(h) Setting a hearing under section 366.26**

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36 **Rule 5.790. Orders of the court**

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38 **(a)–(e) * * ***

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40 **(f) Family-finding determination (§ 628(d))**

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42 (1) If the child is detained ~~or~~ and at risk of entering foster care or within 30 days
43 of a child being placed into foster care, the court must consider and determine

1 whether the probation officer has exercised due diligence in conducting the
2 required investigation to identify, locate, and notify the child’s relatives. The
3 court ~~may~~ must consider the activities listed in ~~(g)~~ rule 5.637(d)(2) and may
4 consider the activities listed in rule 5.637(d)(3) as examples in determining
5 whether the agency has exercised ~~of~~ due diligence in family finding. The
6 court must document its determination by making a finding on the record.

7
8 If the dispositional hearing is continued, the court may set a hearing to be
9 held 30 days from the date of detention or as soon as possible thereafter to
10 consider and determine whether the probation officer has exercised due
11 diligence in conducting the required investigation to identify, locate, and
12 notify the child’s relatives.

- 13
14 (2) If the court finds that the probation officer has not exercised due diligence,
15 the court may order the probation officer to exercise due diligence in
16 conducting an investigation to identify, locate, and notify the child’s
17 relatives—except for any individual the probation officer identifies who is
18 inappropriate to notify under rule 5.637~~(b)(e)~~—and may require a written or
19 oral report to the court.
20

21 **~~(g) Due diligence~~**

22
23 ~~When making the determination required in (f), the court may consider, among~~
24 ~~other examples of due diligence, whether the probation officer has done any of the~~
25 ~~following:~~

- 26
27 ~~(1) Asked the child, in an age appropriate manner and consistent with the child's~~
28 ~~best interest, about his or her relatives;~~
29
30 ~~(2) Obtained information regarding the location of the child's relatives;~~
31
32 ~~(3) Reviewed the child's case file for any information regarding relatives;~~
33
34 ~~(4) Telephoned, e-mailed, or visited all identified relatives;~~
35
36 ~~(5) Asked located relatives for the names and locations of other relatives;~~
37
38 ~~(6) Used Internet search tools to locate relatives identified as supports; or~~
39
40 ~~(7) Developed tools, including a genogram, family tree, family map, or other~~
41 ~~diagram of family relationships, to help the child or parents to identify~~
42 ~~relatives.~~
43

1 ~~(h)~~ (g) **Wardship orders (§§ 726, 727, 727.1, 730, 731)**

2
3 * * *

4
5 ~~(i)~~ (h) **California Department of Corrections and Rehabilitation, Division of Juvenile**
6 **Justice**

7
8 * * *

9
10 ~~(j)~~ (i) **Fifteen-day reviews (§ 737)**

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12 * * *

13
14 **Rule 5.810. Reviews, hearings, and permanency planning**

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16 **(a)** * * *

17
18 **(b) Permanency planning hearings (§§ 727.2, 727.3, 11404.1)**

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20 A permanency planning hearing for any ward who has been removed from the
21 custody of a parent or guardian and not returned at a previous review hearing must
22 be held within 12 months of the date the ward entered foster care as defined in
23 section 727.4(d)(4). However, when no reunification services are offered to the
24 parents or guardians under section 727.2(b), the first permanency planning hearing
25 must occur within 30 days of disposition.

26
27 (1) *Consideration of reports (§ 727.3)*

28
29 The court must review and consider the social study report and updated case
30 plan submitted by the probation officer and the report submitted by any
31 CASA volunteer, and any other reports filed with the court under section
32 727.3(a)(2).

33
34 (2) *Findings and orders (§§ 727.2(e), 727.3(a))*

35
36 At each permanency planning hearing, the court must consider the safety of
37 the ward and make findings and orders regarding the following:

38
39 (A) The continuing necessity for and appropriateness of the placement;

40
41 (B) The extent of the probation department's compliance with the case plan
42 in making reasonable efforts to safely return the child to the child's

1 home and to complete whatever steps are necessary to finalize the
2 permanent placement of the child;

3
4 (C) The extent of progress that has been made by the child and parent or
5 guardian toward alleviating or mitigating the causes necessitating
6 placement in foster care;

7
8 (D) The permanent plan for the child, as described in (3);

9
10 (E) Whether the child was actively involved, as age- and developmentally
11 appropriate, in the development of his or her own case plan and plan
12 for permanent placement. If the court finds that the child was not
13 appropriately involved, the court must order the probation officer to
14 actively involve the child in the development of his or her own case
15 plan and plan for permanent placement, unless the court finds that the
16 child is unable, unavailable, or unwilling to participate; ~~and~~

17
18 (F) Whether each parent was actively involved in the development of the
19 case plan and plan for permanent placement. If the court finds that any
20 parent was not actively involved, the court must order the probation
21 department to actively involve that parent in the development of the
22 case plan and plan for permanent placement, unless the court finds that
23 the parent is unable, unavailable, or unwilling to participate; ~~and~~

24
25 (G) If sibling interaction has been suspended and will continue to be
26 suspended, that sibling interaction is contrary to the safety or well-
27 being of either child; and

28
29 (H) Whether the probation officer has exercised due diligence under rule
30 5.637 in conducting the required investigation to identify, locate, and
31 notify the child's relatives. The court must consider the activities listed
32 in rule 5.637(d)(2) and may consider activities listed in rule 5.637(d)(3)
33 in determining whether the department has exercised due diligence in
34 family finding. The court must document its determination by making a
35 finding on the record.

36
37 (3)–(4) * * *

38
39 (c) **Postpermanency status review hearings (§ 727.2)**

40
41 A postpermanency status review hearing must be conducted for wards in placement
42 no less frequently than once every six months.

43

1 (1) * * *

2

3 (2) *Findings and orders* (§ 727.2(g))

4

5 At each postpermanency status review hearing, the court must consider the
6 safety of the ward and make findings and orders regarding the following:

7

8 (A) Whether the current permanent plan continues to be appropriate. If not,
9 the court must select a different permanent plan, including returning the
10 child home, if appropriate. If the plan is another planned permanent
11 living arrangement, the court must meet the requirements ~~set forth~~
12 stated in Welfare and Institutions Code section 727.3(a)(5);

13

14 (B) The continuing necessity for and appropriateness of the placement;

15

16 (C) The extent of the probation department's compliance with the case plan
17 in making reasonable efforts to complete whatever steps are necessary
18 to finalize the permanent plan for the child;

19

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

28

29 (E) If sibling interaction has been suspended and will continue to be
30 suspended, sibling interaction is contrary to the safety or well-being of
31 either child-; and

32

33 (F) Whether the probation officer has exercised due diligence under rule
34 5.637 in conducting the required investigation to identify, locate, and
35 notify the child's relatives. The court must consider the activities listed
36 in rule 5.637(d)(2) and may consider activities listed in rule 5.637(d)(3)
37 in determining whether the department has exercised due diligence in
38 family finding. The court must document its determination by making a
39 finding on the record.

40

41 (3) * * *

42

43 (d)-(f) * * *

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council JV-672.v4.031623.ja
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
FINDINGS AND ORDERS AFTER SIX-MONTH PREPERMANENCY HEARING—DELINQUENCY	CASE NUMBER:

1. The court has read and considered and admits into evidence

- a. report of probation department dated:
- b. Other (specify):

BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS

- 2. a. Notice of the date, time, and location of the hearing was given as required by law.
- b. **For child who is not present**, the child received proper notice of their right to attend the hearing and voluntarily gave up that right to attend this hearing.
- 3. a. The child is may be an Indian child, and notice of the proceeding and the right of the tribe to intervene was provided as required by law. Proof of such notice was filed with this court.
- b. There is reason to believe that the child may be of Indian ancestry, and notice of the proceedings was provided to the Bureau of Indian Affairs as required by law. Proof of such notice was filed with this court.

Child returned home

- 4. The return of the child to their parent or legal guardian would not create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. Out-of-home placement is no longer necessary or appropriate. The probation department has complied with the case plan by making reasonable efforts to return the child safely home and to complete whatever steps are necessary to finalize the permanent placement of the child.

Child remaining in out-of-home placement

- 5. By a preponderance of the evidence, the return of the child to their parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The factual basis for this conclusion is stated on the record.
- 6. The child's out-of-home placement is necessary.
- 7. a. The child's out-of-home placement is appropriate.
- b. The child's current placement is not appropriate. This hearing is continued for a report by the probation officer on the progress made to locate an appropriate placement.
- 8. For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welfare & Institutions Code section 706.5(c)(1)(B) when determining the continuing necessity for and appropriateness of the placement.

CHILD'S NAME:	CASE NUMBER:
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9. The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement was was not appropriate. The probation officer has has not made reasonable efforts to locate the child.
10. The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement was was not appropriate.
11. The child is placed outside the state of California, and that out-of-state placement
- a. continues to be the most appropriate placement and is in the child's best interest.
- b. is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued for a report by the probation officer on the progress made toward finding an appropriate placement for the child.
12. The probation officer has has not complied with the case plan by making reasonable efforts to return the child to a safe home through the provision of reasonable services designed to aid in overcoming the problems that led to the initial removal and continued custody of the child, and by making reasonable efforts to complete whatever steps are necessary to finalize the permanent plan.
13. **The child is an Indian child**, and by clear and convincing evidence active efforts were were not made to provide remedial services and rehabilitative programs designed to prevent the breakup of this Indian family.

14. **The child has no known Indian heritage.**

15. a. The probation department has has not exercised due diligence to locate an appropriate relative with whom *(name of child)*: could be placed.
- b. Each relative whose name has been submitted to the department has has not been evaluated. (Family Code section 7950.)

16. The following persons have made the indicated level of progress toward alleviating or mitigating the causes necessitating placement:

	None	Minimal	Adequate	Substantial	Excellent
a. <input type="checkbox"/> Child	<input type="checkbox"/>				
b. <input type="checkbox"/> Mother	<input type="checkbox"/>				
c. <input type="checkbox"/> Father	<input type="checkbox"/>				
d. <input type="checkbox"/> Legal guardian	<input type="checkbox"/>				
e. <input type="checkbox"/> Other <i>(specify)</i> :	<input type="checkbox"/>				
f. <input type="checkbox"/> Other <i>(specify)</i> :	<input type="checkbox"/>				

17. The likely date by which the child may be returned to and safely maintained in the home or placed for adoption, appointed a legal guardian, or placed permanently with a fit and willing relative is *(date)*:

Case planning and visitation

18. Child 14 years of age or older:
- a. The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
- b. The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
- c. To assist the child in making the transition to successful adulthood, the probation department must add to the case plan and provide the services
- (1) stated on the record.
- (2) as follows:

CHILD'S NAME:	CASE NUMBER:
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19. a. The following were actively involved in the case plan development, including the plan for permanent placement:
 Child Mother Father Legal guardian Tribal representative
 Other : _____ Other : _____
- b. The following were **not** actively involved in the case plan development, including the plan for permanent placement:
 Child Mother Father Legal guardian Tribal representative
 Other : _____ Other : _____
 The probation officer is ordered to actively involve them and submit an updated case plan within 30 days from today.
- c. The following were **not** actively involved in the case plan development, including the plan for permanent placement:
 Child Mother Father Legal guardian Tribal representative
 Other : _____ Other : _____
 The probation officer is not required to involve them because they are unable, unavailable, or unwilling to participate.

20. The court finds that the child's
- | | | | | | | | |
|------------------------|------------------------------|----------------------------------|------------|--------------------|------------------------------|----------------------------------|------------|
| a. developmental needs | <input type="checkbox"/> are | <input type="checkbox"/> are not | being met. | c. physical needs | <input type="checkbox"/> are | <input type="checkbox"/> are not | being met. |
| b. mental health needs | <input type="checkbox"/> are | <input type="checkbox"/> are not | being met. | d. education needs | <input type="checkbox"/> are | <input type="checkbox"/> are not | being met. |

21. The additional services, assessments, and/or evaluations the child requires and the persons or agency ordered to take the steps necessary for the child to receive these services, assessments, and/or evaluations are
- a. stated on the record.
- b. as follows:

22. a. The following are ordered by the court to participate with the child in a counseling or education program as directed by the probation officer: Mother Father Legal guardian
 Other (specify): _____ Other (specify): _____
- b. The participation by the following is deemed by the court to be inappropriate or potentially detrimental to the child, and their participation with the child in a counseling or education program is NOT ordered:
 Mother Father Legal guardian Other (specify): _____
 Other (specify): _____

23. The child has siblings under the court's jurisdiction, and all of the siblings are **not** placed together in the same home.
- a. Visitation between the child and child's siblings who are not placed together is appropriate and ordered.
- b. The court finds by clear and convincing evidence that visitation between the siblings who are not placed together would be contrary to the safety and well-being of at least one of the children. No visitation is ordered.

24. Visitation with the child is ordered
- a. as stated in *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
- b. as follows (specify): _____

Health and education

25. The child does does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on (date): _____
26. For a child who is 10 years of age or older; is in junior high, middle, or high school; and has been under the jurisdiction of the juvenile court for a year or longer, *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)) has been completed and is attached.

CHILD'S NAME:	CASE NUMBER:
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27. The parents legal guardians Indian custodian Other (*specify*):
 are unable unwilling unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 739 and vested with the probation department.
28. A limitation on the parents legal guardians Other (*specify*):
 to make educational decisions for the child
- a. is **not** necessary. The parents or legal guardians hold educational rights and responsibilities, including those listed in Cal. Rules of Court, rule 5.650(e) and (f).
- b. is necessary. Those rights are limited as ordered and as stated in *Order Designating Educational Rights Holder* (form JV-535).
29. The child's school placement has changed since the dispositional hearing.
- a. The child's educational records, including any evaluation regarding a disability, were transferred to the new school placement within two business days.
- b. The child is enrolled in attending school.
30. a. The child is 16 years of age or older, and under the requirements of Welf. & Inst. Code, § 16501.1(g)(22),
- (1) an individual or individuals have been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
 - (2) the name of the support person to assist the child is:
 The support person's relationship to the child is:
 - (3) an individual or individuals have not been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
 - (4) to assist the child in preparing for postsecondary education, the probation department must add to the case plan and provide the services
 - (a) stated on the record.
 - (b) as follows:
- b. The child is 16 years of age or older and has stated that they do not want to pursue postsecondary education, including career or technical education.

Parentage

31. a. The court inquired of the mother others (*names and relationships*):
- as to the identity and address of all presumed or alleged fathers. All alleged fathers present during the hearing who had not previously submitted a *Statement Regarding Parentage* (form JV-505) were provided with and ordered to complete the form and submit it to the court.
- b. The court clerk probation department shall provide the notice required by Welf. & Inst. Code, § 726.4 to
- (1) alleged father (*name*):
 - (2) alleged father (*name*):

CHILD'S NAME:	CASE NUMBER:
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Advisement

32. The court informed all parties present at the time of the hearing and further advises all parties that if the child is not returned to the home at the permanency hearing set on a date within 12 months from the date the child entered foster care, the case may be referred under Welf. & Inst. Code, § 727.31 to a selection and implementation hearing **that could result in the termination of parental rights and the adoption of the child.**

33. **All prior orders not in conflict with this order remain in full force and effect.**

34. Other findings and orders

a. See attached.

b. (Specify):

35. The date the child entered foster care is:

36. **The next hearing will be**

Date:	Time:	Dept:	Type of hearing:
Date:	Time:	Dept:	Type of hearing:

37. **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved.

38. The sealing process has been explained to the child, and the child has received any materials relevant to the sealing process and the name of their attorney who can assist with sealing records.

39. Number of pages attached:

Date:

Judicial Officer