

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee
Hon. Mary Ann Grilli and Hon. Susan D. Huguenor, Co-chairs
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DATE: July 11, 2005

SUBJECT: Juvenile Law: Findings and Orders After Hearing—Forms and Related Attachments for Dependency Court Proceedings (approve Judicial Council forms JV-185, JV-400, JV-401, JV-402, JV-405, JV-406, JV-410, JV-412, JV-415, JV-416, JV-417, JV-418, JV-419, JV-419A, JV-420, JV-421, JV-425, JV-426, JV-430, JV-431, JV-432, JV-433, JV-435, JV-436, JV-437, JV-438, JV-440, JV-441, JV-442, JV-445, JV-446, and JV-448)
(Action Required)

Issue Statement

Extensive findings and orders must be made at each type of dependency hearing. Judicial inefficiency may occur when the findings and orders recommended to the court or the forms used to document the court's findings and orders are inaccurate or do not include all the findings and orders required by state or federal law. In addition, when a case is transferred from one county to another, confusion and inefficiency may occur because of the wide variation in the documentation used in California's 58 courts for findings and orders. The forms are proposed to address these identified issues and in response to requests received from various participants in the dependency court system for standardized findings and orders.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2006, approve Judicial Council forms JV-185, JV-400, JV-401, JV-402, JV-405, JV-406, JV-410, JV-412, JV-415, JV-416, JV-417, JV-418, JV-419, JV-419A, JV-420, JV-421, JV-425, JV-426, JV-430, JV-431, JV-432, JV-433, JV-435, JV-436, JV-437, JV-438, JV-440, JV-441, JV-442, JV-445, JV-446, and JV-448, for optional use in dependency proceedings.

The proposed forms are attached at pages 6–99.

Rationale for Recommendation

The committee recommends approval of the 32 proposed forms to enhance judicial efficiency and compliance with state and federal law. Local courts may use the proposed forms to help ensure that all required findings and orders are made and reflected in the court record.

The Administrative Office of the Courts' Center for Families, Children & the Courts (CFCC) has received requests for standardized findings and orders from various participants in the dependency court system, including judges, court clerks, child and family services agencies, and attorneys. In addition, CFCC staff assigned to the Judicial Review and Technical Assistance Project have noted significant variation in the thoroughness of findings and orders during the project's regular reviews of juvenile dependency court files. The reviews are conducted to assist local juvenile courts and help ensure compliance with various aspects of state and federal law related to findings and orders.

Numerous complex issues are addressed during the course of a dependency proceeding, such as the child's status as a dependent, the child's placement, the provision of family maintenance services or family reunification services, and the termination of parental rights. The specific findings and orders required at a given hearing type vary depending on the circumstances of the individual case.

Each proposed form is designed specifically for a hearing type. Depending on the complexity of the findings and orders, the court may use either a single form or a cover sheet with attachments. The committee believes that this approach will offer ease of use by court staff, child and family services agencies, attorneys, and court clients.

Initial (detention) hearing

A single form is used for the initial (detention) hearing and lists the limited outcomes that may occur. The proposed form JV-410, *Findings and Orders After Detention Hearing (Welf. & Inst. Code, § 319)*, includes the findings and orders required for either one of the two potential outcomes: the temporary removal of the child from the home or the child's retention in the care of the parent, legal guardian, or Indian custodian.

Jurisdictional hearing

A single form is also used for the jurisdictional hearing because of its limited outcomes and the nature of the required findings and orders. The proposed form JV-412, *Findings and Orders After Jurisdictional Hearing (Welf. & Inst. Code, § 356)*, includes the potential findings and orders required at this hearing.

Dispositional hearing

A cover form with attachments is used for the dispositional hearing. This hearing type results in various outcomes and requires more numerous and complex findings and orders. The proposed cover form with attachments addresses this complexity. The

proposed form JV-415, *Findings and Orders After Dispositional Hearing (Welf. & Inst. Code, § 361 et seq.)*, includes the findings and orders common to all potential outcomes. The separate attachments for each potential outcome provide the flexibility needed to address the various possibilities within each outcome. The dispositional hearing attachments are:

JV-416, *Dispositional Attachment: Dismissal of Petition With or Without Informal Supervision (Welf. & Inst. Code, § 360(b))*

JV-417, *Dispositional Attachment: In-Home Placement With Formal Supervision (Welf. & Inst. Code, § 361)*

JV-418, *Dispositional Attachment: Appointment of Guardian (Welf. & Inst. Code, § 360(a))*

JV-420, *Dispositional Attachment: Removal From Custodial Parent—Placement With Previously Noncustodial Parent (Welf. & Inst. Code, §§ 361.2, 362.1)*

JV-421, *Dispositional Attachment: Removal From Custodial Parent—Placement With Nonparent (Welf. & Inst. Code, §§ 361.2, 362.1)*.

Also included with this set of forms is JV-419, *Guardianship (Juvenile)—Consent and Waiver of Rights* and JV-419A, *Guardianship (Juvenile)—Child’s Consent and Waiver of Rights*. These proposed forms document the consents and waivers required in a case in which the dispositional hearing outcome is the appointment of a guardian for the child.

In-home status review hearing

Two forms are proposed for this hearing type. The proposed JV-425, *Findings and Orders After In-Home Status Review Hearing (Welf. & Inst. Code, § 364)*, is for use when which the child is placed in the home of a parent, a legal guardian, or an Indian custodian under the formal supervision of the court. The proposed JV-426, *Findings and Orders After In-Home Status Review Hearing—Child Placed With Previously Noncustodial Parent (Welf. & Inst. Code, §§ 364, 366.21)*, is for use at a status review hearing after the child was ordered placed with the previously noncustodial parent at the dispositional hearing, a situation that requires a different set of findings and orders.

Six-month prepermanency hearing and permanency hearings

A cover form with attachments provides the flexibility necessary for the findings and orders required at the hearings that follow a child’s removal from the home: the 6-month prepermanency hearing, the 12-month permanency hearing, and the 18-month permanency hearing.

As outlined below, there is a separate general cover form for each of these hearing types and separate attachments for each potential outcome within each hearing type:

Six-month prepermanency hearing:

JV-430, *Findings and Orders After Six-Month Prepermanency Hearing (Welf. & Inst. Code, § 366.21(e))*

JV-431, *Six-Month Prepermanency Attachment: Child Reunified (Welf. & Inst. Code, § 366.21(e))*

JV-432, *Six-Month Prepermanency Attachment: Reunification Services Continued*
(Welf. & Inst. Code, § 366.21(e))

JV-433, *Six-Month Prepermanency Attachment: Reunification Services Terminated*
(Welf. & Inst. Code, § 366.21(e))

Twelve-month permanency hearing:

JV-435, *Findings and Orders After 12-Month Permanency Hearing*
(Welf. & Inst. Code, § 366.21(f))

JV-436, *Twelve-Month Permanency Attachment: Child Reunified*
(Welf. & Inst. Code, § 366.21(f))

JV-437, *Twelve-Month Permanency Attachment: Reunification Services Continued*
(Welf. & Inst. Code, § 366.21(f))

JV-438, *Twelve-Month Permanency Attachment: Reunification Services Terminated*
(Welf. & Inst. Code, § 366.21(f))

Eighteen-month permanency hearing:

JV-440, *Findings and Orders After 18-month Permanency Hearing*
(Welf. & Inst. Code, § 366.22)

JV-441, *Eighteen-Month Permanency Attachment: Child Reunified*
(Welf. & Inst. Code, § 366.22)

JV-442, *Eighteen-Month Permanency Attachment: Reunification Services Terminated*
(Welf. & Inst. Code, § 366.22)

Postpermanency hearing

The postpermanency hearing requires two separate forms because of the distinctive nature of the findings and orders required after the selection of adoption as a permanent plan and the termination of parental rights. The proposed JV-445, *Findings and Orders After Postpermanency Hearing—Parental Rights Terminated; Permanent Plan of Adoption* (Welf. & Inst. Code, § 366.3(f)), is for use under those circumstances. The proposed JV-446, *Findings and Orders After Postpermanency Hearing—Permanent Plan Other Than Adoption* (Welf. & Inst. Code, § 366.3), is for use in all other postpermanency situations.

Visitation

Three of the proposed forms are visitation attachments. There are separate forms for the findings and orders related to visitation with the child by parents, a legal guardian, an Indian custodian, or other important person (JV-400); by a sibling (JV-401); and by a grandparent (JV-402). Separate forms are proposed because the required findings and orders vary depending upon the person's relationship to the child.

Continuance

A continuance form for use at the initial (detention) hearing (JV-405) and a continuance form for use at all other hearings (JV-406) are proposed. The findings and orders required at the continuance of a detention hearing are different from those required at all other hearings.

Child's Information Sheet

JV-185, *Child's Information Sheet, Request to Change Court Order (Welf. & Inst. Code, §§ 353.1, 388)*, is proposed as a practical approach to implementing section 353.1, which requires the court, at the hearing at which the child is adjudged a dependent, to inform the child both orally and in writing of the child's rights to request modification of the court's orders and the procedure for making that request.

Authority to consent to medical, surgical, and dental care

JV-448, *Order Granting Authority to Consent to Medical, Surgical, and Dental Care (Welf. & Inst. Code, § 366.27)*, is proposed as a practical approach to implementing 366.27, which allows the court, at a permanency hearing, to grant to a relative caregiver the authority to consent to the child's medical, surgical, and dental care.

Alternative Actions Considered

No alternative actions were considered.

Comments From Interested Parties

The invitation to comment on the proposal was circulated from April 21, 2005, through June 20, 2005, to the standard mailing list for family and juvenile law proposals as well as to the regular rules and forms mailing list. This distribution list includes judges, court administrators, attorneys, social workers, probation officers, mediators, and other family and juvenile law professionals. The committee received a total of nine comments.

Five commentators agreed with the proposal for the adoption of the 31 forms as circulated.

Three commentators agreed with the proposal if modified and suggested both substantive and technical changes. The forms were modified to incorporate many of these changes, and an additional form was developed to provide for documentation of the child's waiver of rights and consent to a guardianship at a dispositional hearing.

One commentator disagreed with the proposal and suggested substantive changes regarding a child's special education needs owing to disability or high risk of developmental disability. These changes were not incorporated at this time because the committee believes that this suggestion needs further review and circulation for comment of any proposed changes.

The comments are attached at pages 100–142.

Implementation Requirements and Costs

Implementation of the forms will require courts to retrain clerks and incur standard reproduction costs.

Attachments

CHILD'S NAME: —	CASE NUMBER:
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**CHILD'S INFORMATION SHEET—
REQUEST TO CHANGE COURT ORDER
(Welf. & Inst. Code, §§ 353.1, 388)**

TO THE CHILD: This information sheet tells you about your right to ask the court to change a decision the court has made about your life and the rules that must be followed when you want to ask the court to change a decision. It also explains your right to ask the court to make an order about your relationship with a brother or sister. If you are under 12 years of age, your attorney must talk with you about this information. If you are 12 years of age or older and in court at the dispositional hearing, the court must also talk with you about this information. The court must mail this information to you after a dispositional hearing.

A. I have just made a decision about your life. I will be making other decisions about your life. You have a right to ask me to change a decision I have made. You have an attorney who will help you with this.

For me to change a decision I have made, you must talk with your attorney and have your attorney ask me to change my decision.

Your attorney will have to fill out a form called *Request to Change Court Order* (form JV-388).

The form will explain to me the changes that have happened in your life and why the changes you want me to make in the court order will make things better for you.

You may get a copy of the blank form from your attorney or from the court clerk's office at the courthouse to review so you know what information needs to be on the form.

1. You must tell your attorney the following information:
 - a. What has changed since I made the decision? If nothing has changed, what new information do you want to tell me?
 - b. What changes to my decision do you want me to make?
 - c. If I make the changes you want, will you be better off than if I do not make these changes? Tell me how the changes will make you healthier, safer, and happier.

2. After you speak with your attorney, your attorney will fill out the form.
 - a. I will read the form.
 - b. I may ask the other people involved with your case if they think you have given me the kind of information I must have in order to change my decision. Then I will decide if you told me anything new and if the change you want me to make is good for you.
 - c. If I believe you have not told me anything new or if I believe what you want me to change is not good for you, I will not make any changes. The court clerk will send a written notice of my decision not to make any changes to you and all the people involved with your case.
 - d. If I believe you did tell me something new and what you are asking me to change may be better for you, I will schedule a court date for you. The court clerk will send a written notice of my decision to schedule a hearing and the date of the hearing to you and all the people involved with your case.
 - e. At that court date, everyone involved in your case will be present and allowed to speak.
 - f. After everyone has spoken, I will make the final decision. I will make the changes you want only if I believe you have told me something new and what you are asking for is good for you.

CHILD'S NAME:	CASE NUMBER:
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B. If you have a brother or sister who is or might become a dependent of the court, you may ask me to make an order permitting visits, to make an order placing you in the same home, to make other orders that may be in the best interest of your brother or sister, and to consider your relationship with your brother or sister when making decisions about him or her.

For me to make these orders, you must tell your attorney you would like to ask me to make an order about your brother or sister.

Your attorney will fill out a form asking me to make the order about your brother or sister.

The court clerk will send a written notice of my decision to schedule a hearing and the date of the hearing to you and all the people involved with your brother's or sister's case.

At that court date, everyone involved in the case will be present and allowed to speak.

After everyone has spoken, I will make the final decision. I will make the order about your brother or sister that you asked me to make only if I believe what you are asking for is good for your brother or sister.

Please ask your attorney if you have any questions. Your attorney will be able to answer your questions about court procedures and the laws I will apply in making my decisions.

Date:

JUDICIAL OFFICER

CHILD'S NAME: 	CASE NUMBER:
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VISITATION ATTACHMENT: PARENT, LEGAL GUARDIAN, INDIAN CUSTODIAN, OTHER IMPORTANT PERSON

- 1. Anyone who appears to be under the influence of alcohol or any controlled substance will not be allowed to participate in a scheduled visitation with the child. The visitation supervisor may terminate the visit if this order is violated.
- 2. Matters relating to the allegations of the petition or issues related to the child's placement are not to be discussed with the child during visits except under the guidance of a counselor in a therapeutic setting. The visitation supervisor may terminate the visit if this order is violated.

3. **Contact between the child and the mother**

a. **In-person visitation**

- (1) Unsupervised
- (2) Supervised by the
 - (a) county agency (b) foster family agency
 - (c) other (specify):
- (3) Frequency and duration
 - (a) times per week for a total of hours per week
 - (b) times per month for a total of hours per month
 - (c) An overnight visit every week every other week
 - (d) Other (specify):
- (4) Location
 - (a) Agency visitation facility (b) Foster family agency facility
 - (c) Other (specify):
- (5) Transportation of the child to and from the visits will be provided by the
 - (a) county agency. (b) foster family agency.
 - (c) other (specify):
- (6) Other orders concerning in-person visitation (specify):

b. **Other types of contact permitted (specify):**

c. **Contact restrictions.** The following contact between the child and the mother would be detrimental to the best interest of the child at this time, and the mother is to have no such contact with the child:

- (1) In-person contact (3) Telephone contact
- (2) Written communication

4. **Contact between the child and** presumed father biological father legal guardian
 alleged father other (specify):

a. **In-person visitation**

- (1) Unsupervised
- (2) Supervised by the
 - (a) county agency (b) foster family agency
 - (c) other (specify):
- (3) Frequency and duration
 - (a) times per week for a total of hours per week
 - (b) times per month for a total of hours per month
 - (c) An overnight visit every week every other week
 - (d) Other (specify):

CHILD'S NAME: _____	CASE NUMBER: _____
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4. (4) Location
 (a) Agency visitation facility (b) Foster family agency facility
 (c) Other (specify):
- (5) Transportation of the child to and from the visits will be provided by the
 (a) county agency. (b) foster family agency.
 (c) other (specify):
- (6) Other orders concerning in-person visitation (specify):
- b. **Other types of contact permitted (specify):**
- c. **Contact restrictions.** The following contact between the child and the specified person would be detrimental to the best interest of the child at this time and the person is to have no such contact with the child:
 (1) In-person contact (3) Telephone contact
 (2) Written communication

5. **Contact between the child and** presumed father biological father legal guardian
 alleged father other (specify):

- a. **In-person visitation**
- (1) Unsupervised
 (2) Supervised by the
 (a) county agency (b) foster family agency
 (c) other (specify):
- (3) Frequency and duration
 (a) times per week for a total of _____ hours per week
 (b) times per month for a total of _____ hours per month
 (c) An overnight visit every week every other week
 (d) Other (specify):
- (4) Location
 (a) Agency visitation facility (b) Foster family agency facility
 (c) Other (specify):
- (5) Transportation of the child to and from the visits will be provided by the
 (a) county agency. (b) foster family agency.
 (c) other (specify):
- (6) Other orders concerning in-person visitation (specify):

- b. **Other types of contact permitted (specify):**
- c. **Contact restrictions.** The following contact between the child and the specified person would be detrimental to the best interest of the child at this time and the specified person is to have no such contact with the child:
 (1) In-person contact (3) Telephone contact
 (2) Written communication

6. Other (specify):

CHILD'S NAME:	CASE NUMBER:
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VISITATION ATTACHMENT: SIBLING

1. Anyone who appears to be under the influence of alcohol or any controlled substance will not be allowed to participate in a scheduled visitation with the child. The visitation supervisor may terminate the visit if this order is violated.

2. Matters relating to the allegations of the petition or issues related to the child's placement are not to be discussed with the child during visits except under the guidance of a counselor in a therapeutic setting. The visitation supervisor may terminate the visit if this order is violated.

3. The prior order of the court suspending
 - a. in-person contact
 - b. written communication
 - c. telephone contact
 between the child and the child's sibling (*name*):
 - (1) continues to be necessary and remains in full force and effect.
 - (2) is modified as set forth in item 4.

4. **Contact between the child and the child's sibling (*name*):**
 - a. **In-person visitation**
 - (1) Unsupervised
 - (2) Supervised by the
 - (a) county agency
 - (b) foster family agency
 - (c) other (*specify*):
 - (3) Frequency and duration
 - (a) times per week for a total of _____ hours per week
 - (b) times per month for a total of _____ hours per month
 - (c) An overnight visit every week every other week
 - (d) Other (*specify*):
 - (4) Location
 - (a) Agency visitation facility
 - (b) Foster family agency facility
 - (c) Other (*specify*):
 - (5) Transportation of the child to and from the visits will be provided by the
 - (a) county agency.
 - (b) foster family agency.
 - (c) other (*specify*):
 - (6) Transportation of the child's sibling to and from the visits will be provided by the
 - (a) county agency.
 - (b) foster family agency.
 - (c) other (*specify*):
 - (7) Other orders concerning in-person visitation (*specify*):
 - b. **Other types of contact permitted (*specify*):**
 - c. **Contact restrictions**
 The following contact between the child and the child's sibling (*name*):
 is not to occur until further order of this court as the court finds, by clear and convincing evidence, that at this time such contact is detrimental to the child child's sibling:
 - (1) In-person contact
 - (2) Written communication
 - (3) Telephone contact

CHILD'S NAME: 	CASE NUMBER:
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5. **Contact between the child and the child's sibling (name):**

a. **In-person visitation**

- (1) Unsupervised
- (2) Supervised by the
 - (a) county agency (b) foster family agency
 - (c) other (specify):
- (3) Frequency and duration
 - (a) times per week for a total of hours per week
 - (b) times per month for a total of hours per month
 - (c) An overnight visit every week every other week
 - (d) Other (specify):
- (4) Location
 - (a) Agency visitation facility (b) Foster family agency facility
 - (c) Other (specify):
- (5) Transportation of the child to and from the visits will be provided by the
 - (a) county agency. (b) foster family agency.
 - (c) other (specify):
- (6) Transportation of the child's sibling to and from the visits will be provided by the
 - (a) county agency. (b) foster family agency.
 - (c) other (specify):
- (7) Other orders concerning in-person visitation (specify):

b. **Other types of contact permitted (specify):**

c. **Contact restrictions**

The following contact between the child and the child's sibling (name):
is not to occur until further order of this court as the court finds, by clear and convincing evidence, that at this time such contact is detrimental to the child child's sibling:

- (1) In-person contact
- (2) Written communication
- (3) Telephone contact

6. Other (specify):

CHILD'S NAME: _____	CASE NUMBER: _____
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VISITATION ATTACHMENT: GRANDPARENT

1. Anyone who appears to be under the influence of alcohol or any controlled substance will not be allowed to participate in a scheduled visitation with the child. The visitation supervisor may terminate the visit if this order is violated.
2. Matters relating to the allegations of the petition or issues related to the child's placement are not to be discussed with the child during visits except under the guidance of a counselor in a therapeutic setting. The visitation supervisor may terminate the visit if this order is violated.

3. **Contact between the child and grandparent**

a. **Contact between the child and the**

- maternal grandmother
- maternal grandfather
- other maternal grandparent (*specify*):

is in the best interest of the child at this time and will serve to strengthen family ties.

(1) **In-person visitation**

- (a) Unsupervised
- (b) Supervised by the
 - (i) county agency
 - (ii) foster family agency
 - (iii) other (*specify*):
- (c) Frequency and duration
 - (i) times per week for a total of _____ hours per week
 - (ii) times per month for a total of _____ hours per month
 - (iii) An overnight visit every week every other week
 - (iv) Other (*specify*):
- (d) Location
 - (i) County agency visitation facility
 - (ii) Foster family agency facility
 - (iii) Other (*specify*):
- (e) Transportation of the child to and from the visits will be provided by the
 - (i) county agency.
 - (ii) foster family agency
 - (iii) other (*specify*):
- (f) Other orders concerning in-person visitation (*specify*):

(2) **Other types of contact permitted (*specify*):**

(3) **Contact restrictions**

The following contact between the child and the

- maternal grandmother
- maternal grandfather
- other maternal grandparent (*specify*):

is not in the best interest of the child at this time and the specified person is to have no such contact with the child:

- (a) In-person contact
- (b) Written communication
- (c) Telephone contact

CHILD'S NAME: 	CASE NUMBER:
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3. b. **Contact between the child and the**

- paternal grandmother
- paternal grandfather
- other paternal grandparent (*specify*):

is in the best interest of the child at this time and will serve to strengthen family ties.

(1) **In-person visitation**

- (a) Unsupervised
- (b) Supervised by the
 - (i) county agency
 - (ii) foster family agency
 - (iii) other (*specify*):
- (c) Frequency and duration
 - (i) times per week for a total of hours per week
 - (ii) times per month for a total of hours per month
 - (iii) An overnight visit every week every other week
 - (iv) Other (*specify*):
- (d) Location
 - (i) County agency visitation facility
 - (ii) Foster family agency facility
 - (iii) Other (*specify*):
- (e) Transportation of the child to and from the visits will be provided by the
 - (i) county agency.
 - (ii) foster family agency.
 - (iii) other (*specify*):
- (f) Other orders concerning in-person visitation (*specify*):

(2) **Other types of contact permitted (*specify*):**

(3) **Contact restrictions**

The following contact between the child and the

- paternal grandmother
- paternal grandfather
- other paternal grandparent (*specify*):

is not in the best interest of the child at this time and the specified person is to have no such contact with the child:

- (a) In-person contact
- (b) Written communication
- (c) Telephone contact

4. **Other (*specify*):**

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 <h1 style="margin: 0;">DRAFT 7</h1> <h2 style="margin: 0;">09/15/05</h2> 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:	
CONTINUANCE—DETENTION HEARING	CASE NUMBER:

1. This matter came before the court on the
 original petition subsequent petition supplemental petition other (*specify*):
 filed on (*date*):

2. Detention hearing

- | | |
|---|---|
| a. Date:
b. Department:
c. Judicial officer (<i>name</i>):
d. Court clerk (<i>name</i>): | e. Court reporter (<i>name</i>):
f. Bailiff (<i>name</i>):
g. Interpreter (<i>name and language</i>): |
|---|---|

h. <u>Party (<i>name</i>):</u>	Present	<u>Attorney (<i>name</i>):</u>	Present	Appointed today
(1) Child:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(2) Mother:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(3) Father—presumed:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(4) Father—biological:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(5) Father—alleged:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(6) Legal guardian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(7) Indian custodian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(8) De facto parent:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(9) County agency social worker:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(10) Other:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

- i. Others present in courtroom:
- (1) Court Appointed Special Advocate (CASA) volunteer (*name*):
 - (2) Other (*name*):
 - (3) Other (*name*):

THE COURT FINDS AND ORDERS:

3. The attorney appointed to represent the child as the child's attorney of record is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.
4. a. The child will not benefit from representation by an attorney, and the court further finds:
- (1) the child understands the nature of the proceedings;
 - (2) the child is able to communicate and advocate effectively with the court, other counsel, other parties, including social workers, and other professionals involved in the case; and
 - (3) under the circumstances of the case, the child would not gain any benefit from being represented by counsel.
- b. A Court Appointed Special Advocate is appointed for the child, and that person is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.

CHILD'S NAME: 	CASE NUMBER:
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5. A Court Appointed Special Advocate is appointed for the child.

6. **The court has informed and advised the**

- | | | |
|--|--|---|
| <input type="checkbox"/> mother | <input type="checkbox"/> biological father | <input type="checkbox"/> legal guardian |
| <input type="checkbox"/> presumed father | <input type="checkbox"/> alleged father | <input type="checkbox"/> Indian custodian |
| <input type="checkbox"/> other (<i>specify</i>): | | |

of the following:

- a. The right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings and, if any of these parties is financially unable to retain counsel, any right to appointed counsel that exists, subject to the court's right to seek reimbursement.
- b. The right to be informed by the court of the following:
 - the contents of the petition;
 - the nature of and possible consequences of juvenile court proceedings;
 - the reasons for the initial detention and the purpose and scope of the detention hearing if the child is detained;
 - the right to have a child who is detained immediately returned to the home of the parent, legal guardian, or Indian custodian if the petition is not sustained;
 - that if the petition is sustained and the child is removed from the care of the parent, legal guardian, or Indian Custodian, the time for services will commence on the date the petition is sustained or 60 days from the date of the initial removal, whichever is earlier;
 - that the time for services will not exceed 12 months for a child aged three years or over at the time of the initial removal; and
 - that the time for services will not exceed 6 months for a child under the age of three years or for the member of a sibling group that includes a child under the age of three years if the parent, legal guardian, or Indian custodian fails to participate regularly and make substantive progress in any court-ordered treatment program.
- c. The right to a hearing by the court on the issues presented by the petition.
- d. The right to assert the privilege against self-incrimination; to confront and cross-examine the persons who prepared reports or documents submitted to the court by the petitioner and the witnesses called to testify against the parent, legal guardian, or Indian custodian; to subpoena witnesses; and to present evidence on his or her own behalf.

7. The court has considered the information contained in

- report of social worker dated:
- other (*specify*):
- other (*specify*):

and based on this information finds that continuance in the home is contrary to the child's welfare pending a further determination at the continued hearing.

8. The court grants the motion for continuance under Welfare and Institutions Code section 322 made by the

- | | | | |
|--|--|---|--------------------------------|
| <input type="checkbox"/> mother | <input type="checkbox"/> biological father | <input type="checkbox"/> legal guardian | <input type="checkbox"/> child |
| <input type="checkbox"/> presumed father | <input type="checkbox"/> alleged father | <input type="checkbox"/> Indian custodian | |
| <input type="checkbox"/> other (<i>specify</i>): | | | |

9. A motion for continuance was made by the

- | | | | |
|--|--|---|--------------------------------|
| <input type="checkbox"/> mother | <input type="checkbox"/> biological father | <input type="checkbox"/> legal guardian | <input type="checkbox"/> child |
| <input type="checkbox"/> presumed father | <input type="checkbox"/> alleged father | <input type="checkbox"/> Indian custodian | |
| <input type="checkbox"/> other (<i>specify</i>): | | | |

and good cause exists for granting the continuance in that

- a. notice of the date, time, and location of the hearing was not given to (*name*):
- b. the child did not receive proper notice of his or her right to attend the hearing.
- c. other (*specify*):

The motion for the continuance is granted.

CHILD'S NAME: 	CASE NUMBER:
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10. **Contact with the child is ordered as set forth in** (check appropriate box and attach indicated form):
- a. Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person (form JV-400).
 - b. Visitation Attachment: Sibling (form JV-401).
 - c. Visitation Attachment: Grandparent (form JV-402).

11. **Paternity**

- 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 Paternity (Juvenile Dependency)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.

- b. The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged father (name):
 - (2) alleged father (name):
 - (3) alleged father (name):

12. The parents, legal guardians, and Indian custodians must keep the court, the agency, and their attorneys advised of their current addresses and telephone numbers and provide written notification of any changes to their mailing addresses. The parents, legal guardians, and Indian custodians present during the hearing who had not previously submitted a *Notification of Mailing Address* (form JV-140) or its equivalent were provided with and ordered to complete the form, or its equivalent and to submit it to the court before leaving the courthouse today.

13. The mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (specify):

must complete a *Health and Education Questionnaire* (form JV-225) or provide the necessary information for the county agency social worker to complete the form.

14. The mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (specify):

were provided with a *Parental Notification of Indian Status (Juvenile Court)* (form JV-130) and ordered to complete form JV-130 and to submit it to the court before leaving the courthouse today.

15. The child is or may be an Indian child and the county agency must provide, as required by law, notice of the proceeding and of the tribe's right to intervene in the proceeding to all identified tribes and to the Bureau of Indian Affairs if the identify or location of a parent, an Indian custodian, or a tribe cannot be determined. Proof of such notice must be filed with this court.

16. There is reason to believe the child may be of Indian ancestry and the county agency must provide notice of the proceedings to the Bureau of Indian Affairs as required by law. Proof of such notice must be filed with this court.

17. The mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (specify):

must disclose to the county agency social worker the names, residency, and any known identifying information of any maternal or paternal relatives of the child.

18. **Other findings and orders:**
- a. See attached.
 - b. (Specify):

CHILD'S NAME: 	CASE NUMBER:
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19. All parties are ordered to return for the continued hearing:

Hearing date:	Time:	Dept:	Room:
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20. All prior orders not in conflict with this order remain in full force and effect.

21. Number of pages attached: _____

Date: _____

JUDGE JUDGE PRO TEMPORE

Date: _____

COMMISSIONER REFEREE

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): <hr/> TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY <h1 style="margin: 0;">DRAFT 6</h1> <h2 style="margin: 0;">09/15/05</h2> <p style="margin: 0;">Not Approved by the Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
CONTINUANCE—GENERAL	CASE NUMBER:

1. This matter came before the court on the original petition subsequent petition supplemental petition
 other (*specify*): _____ filed on (*date*): _____

2. Hearing type:
- Jurisdictional
 - Dispositional
 - In-home status review (Welf. & Inst. Code, § 364)
 - 6-month prepermanency (Welf. & Inst. Code, § 366.21(e))
 - 12-month permanency (Welf. & Inst. Code, § 366.21(f))
 - 18-month permanency (Welf. & Inst. Code, § 366.22)
 - Selection and implementation (Welf. & Inst. Code, § 366.26)
 - Postpermanency (Welf. & Inst. Code, § 366.3)
 - Other (*specify*): _____

3. a. Date: _____ e. Court reporter (*name*): _____
 b. Department: _____ f. Bailiff (*name*): _____
 c. Judicial officer (*name*): _____ g. Interpreter (*name and language*): _____
 d. Court clerk (*name*): _____

h. Party (<i>name</i>):	Present	Attorney (<i>name</i>):	Present	Appointed today
(1) Child:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(2) Mother:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(3) Father—presumed:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(4) Father—biological:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(5) Father—alleged:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(6) Legal guardian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(7) Indian custodian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(8) De facto parent:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(9) County agency social worker:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(10) Other:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

- i. Others present in courtroom:
- (1) Court Appointed Special Advocate (CASA) volunteer (*name*): _____
 - (2) Other (*name*): _____
 - (3) Other (*name*): _____

CHILD'S NAME: _____	CASE NUMBER: _____
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THE COURT FINDS AND ORDERS:

- 4. The attorney appointed to represent the child as the child's attorney of record is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.

- 5. a. The child will not benefit from representation by an attorney, and the court further finds:
 - (1) the child understands the nature of the proceedings;
 - (2) the child is able to communicate and advocate effectively with the court, other counsel, other parties, including social workers, and other professionals involved in the case; and
 - (3) under the circumstances of the case, the child would not gain any benefit from being represented by counsel.
 b. A Court Appointed Special Advocate is appointed for the child, and that person is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.

- 6. A Court Appointed Special Advocate is appointed for the child.

- 7. The mother biological father legal guardian child
 presumed father alleged father Indian custodian county agency
 other (*specify*):
 made a motion for continuance by
 - a. written notice timely filed.
 - b. oral motion, and good cause was shown for permitting an oral motion.

- 8. The court on its own motion finds that continuance is not contrary to the interests of the child, and good cause exists for the continuance as set forth in item 9.

- 9. A continuance is not contrary to the interests of the child. Good cause for granting the motion for continuance exists because
 - a. notice of the date, time, and location of the hearing was not given to (*specify name*):
 - b. the child did not receive proper notice of his or her right to attend the hearing.
 - c. the child is or may be an Indian child and notice of the pending proceeding and the right of the tribe to intervene was not provided as required by law.
 - d. there is reason to believe the child may be of Indian ancestry and notice of the proceedings was not provided as required by law.
 - e. the county agency report was not timely filed.
 - f. the child is not in custody and a necessary but unavailable witness will be available within 10 days.
 - g. other (*specify*):

- 10. Exceptional circumstances exist for granting a continuance of this Welf. & Inst. Code, § 361 dispositional hearing to a date more than 60 days after the child's removal from the home (*specify factual basis*):

- 11. **Other findings and orders:**
 - a. See attached.
 - b. (*Specify*):

12. This is the (*specify number*): _____ continuance of this hearing.

13. All parties are ordered to return for the continued hearing:

Hearing date:	Time:	Dept:	Room:
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14. **All prior orders not in conflict with this order remain in full force and effect.**

15. Number of pages attached: _____

Date: _____

JUDGE
 JUDGE PRO TEMPORE
 COMMISSIONER
 REFEREE

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 <h1 style="margin: 0;">DRAFT 7</h1> <h2 style="margin: 0;">09/15/05</h2> <p style="margin: 0;">Not Approved by the Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS AFTER DETENTION HEARING (Welf. & Inst. Code, § 319)	CASE NUMBER:

1. This matter came before the court on the
 original petition subsequent petition supplemental petition other *(specify):*
 filed on *(date):*

2. Detention hearing

- | | |
|---|---|
| a. Date:
b. Department:
c. Judicial officer <i>(name):</i>
d. Court clerk <i>(name):</i> | e. Court reporter <i>(name):</i>
f. Bailiff <i>(name):</i>
g. Interpreter <i>(name and language):</i> |
|---|---|

h. <u>Party <i>(name):</i></u>	<u>Present</u>	<u>Attorney <i>(name):</i></u>	<u>Present</u>	<u>Appointed today</u>
(1) Child:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(2) Mother:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(3) Father—presumed:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(4) Father—biological:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(5) Father—alleged:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(6) Legal guardian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(7) Indian custodian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(8) De facto parent:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(9) County agency social worker:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(10) Other <i>(specify):</i>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

- i. Others present in courtroom:
- (1) Court Appointed Special Advocate (CASA) volunteer *(name):*
- (2) Other *(name):*
- (3) Other *(name):*

3. The court has read and considered and admits into evidence:

- a. Report of social worker dated:
- b. Report of CASA volunteer dated:
- c. Other *(specify):*
- d. Other *(specify):*

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

4. a. Notice of the date, time, and location of the hearing was given as required by law.
- b. **For child 10 years of age or older who is not present:** The child received proper notice of his or her right to attend the hearing.

CHILD'S NAME: _____	CASE NUMBER: _____
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- 5. The attorney appointed to represent the child as the child's attorney of record is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.

- 6. A Court Appointed Special Advocate is appointed for the child.

- 7. a. The child will not benefit from representation by an attorney, and the court further finds that:
 - (1) the child understands the nature of the proceedings;
 - (2) the child is able to communicate and advocate effectively with the court, other counsel, other parties, including social workers, and other professionals involved in the case; and
 - (3) under the circumstances of the case, the child would not gain any benefit from being represented by counsel.
- b. A Court Appointed Special Advocate is appointed for the child, and that person is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.

Advisements and waivers

8. Paternity

- 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 Paternity (Juvenile Dependency)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.

- b. The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
 - (1) alleged father (*name*):
 - (2) alleged father (*name*):
 - (3) alleged father (*name*):

9. The court has informed and advised the

- mother
- biological father
- legal guardian
- presumed father
- alleged father
- Indian custodian
- other (*specify*):

of the following:

- a. The right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings and, if any of these parties are financially unable to retain counsel, any right to appointed counsel that exists, subject to the court's right to seek reimbursement.
- b. The right to be informed by the court of the following:
 - the contents of the petition;
 - the nature of and possible consequences of juvenile court proceedings;
 - the reasons for the initial detention and the purpose and scope of the detention hearing if the child is detained;
 - the right to have a child who is detained immediately returned to the home of the parent, legal guardian, or Indian custodian if the petition is not sustained;
 - that if the petition is sustained and the child is removed from the care of the parent, legal guardian, or Indian custodian, the time for services will commence on the date the petition is sustained or 60 days from the date of the initial removal, whichever is earlier;
 - that the time for services will not exceed 12 months for a child aged three years or over at the time of the initial removal; and
 - that the time for services will not exceed not exceed 6 months for a child under the age of three years or for the member of a sibling group that includes a child under the age of three years if the parent, legal guardian, or Indian custodian fails to participate regularly and make substantive progress in any court-ordered treatment program.
- c. The right to a hearing by the court on the issues presented by the petition.
- d. The right to assert the privilege against self-incrimination; to confront and cross-examine the persons who prepared reports or documents submitted to the court by the petitioner and the witnesses called to testify against the parent, legal guardian; or Indian custodian; to subpoena witnesses; and to present evidence on one's own behalf.

CHILD'S NAME: 	CASE NUMBER:
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10. The mother biological father legal guardian child
 presumed father alleged father Indian custodian
 other (specify):

has knowingly and intelligently waived the right to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on one's own behalf.

11. **CHILD NOT DETAINED**

- a. Services that would prevent the need for further detention, including those set forth in item 13, are available.
 b. The child is returned to the custody of
 mother biological father legal guardian other (specify):
 presumed father alleged father Indian custodian

12. **CHILD DETAINED**

- a. Services that would prevent the need for further detention are not available.
 b. A prima facie showing has been made that the child comes within Welf. & Inst. Code, § 300.
 c. Continuance in the parent's or legal guardian's home is contrary to the child's welfare AND (select at least one):
 (1) there is a substantial danger to the physical health of the child or the child is suffering severe emotional damage, and there are no reasonable means by which the child's physical or emotional health may be protected without removing the child from the physical custody of the parent or legal guardian.
 (2) there is substantial evidence that a parent, legal guardian, or custodian of the child is likely to flee the jurisdiction of the court.
 (3) the child has left a placement in which he or she was placed by the juvenile court.
 (4) the child has been physically abused by a person residing in the home and is unwilling to return home.
 (5) the child has been sexually abused by a person residing in the home and is unwilling to return home.
 d. The child is detained, and temporary placement and care of the child is vested with the county child and family services agency pending the hearing under Welf. & Inst. Code, § 355 or further order of the court.
 e. The initial removal of the child from the home was necessary for the reasons stated on the record.
 f. The facts on which the court bases its decision to order the child detained are stated on the record.
 g. The child is placed in
 (1) the assessed home of a relative.
 (2) an emergency shelter.
 (3) other suitable licensed place.
 (4) a place exempt from licensure designated by the juvenile court.
 (5) the assessed home of a nonrelative, extended family member as defined in Welf. & Inst. Code, § 362.7.
 h. Services, including those set forth in item 13, are to be provided to the family as soon as possible to reunify the child with his or her family.
 i. Reasonable efforts were made to prevent or eliminate the need for removal from the home.
 j. Reasonable efforts were not made to prevent or eliminate the need for removal from the home.
 k. The child is removed from the Indian custodian or parent under applicable state law to prevent imminent physical damage or harm to the child.
 l. There is a relative who is able, assessed, and willing to care for the child.
 m. A relative who is able, assessed, and willing to care for the child is not available. *This is a temporary finding and does not preclude later placement with a relative under Welf. & Inst. Code, § 361.3.*

CHILD'S NAME: 	CASE NUMBER:
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13. The services below will be provided pending further proceedings:

Service	Mother	Presumed father	Biological father	Legal guardian	Indian custodian	Other (specify):
a. <input type="checkbox"/> Alcohol and drug testing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. <input type="checkbox"/> Substance abuse treatment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. <input type="checkbox"/> Parenting education	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. <input type="checkbox"/> (Specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. <input type="checkbox"/> (Specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. <input type="checkbox"/> (Specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

14. **Contact with the child is ordered as set forth in** (check appropriate box and attach indicated form):

- a. *Visitation Attachment: Parents, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
- b. *Visitation Attachment: Sibling* (form JV-401).
- c. *Visitation Attachment: Grandparent* (form JV-402).

15. The mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (specify):

must disclose to the county agency social worker the names, residency, and any known identifying information of any maternal or paternal relatives of the child.

16. The mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (specify):

must complete a *Health and Education Questionnaire* (form JV-225) or provide the necessary information for the county agency social worker to complete the form.

17. The mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (specify):

were provided with a *Parental Notification of Indian Status (Juvenile Court)* (form JV-130) and ordered to complete form JV-130 and to submit it to the court before leaving the courthouse today.

18. a. The child is or may be an Indian child and the county agency must provide, as required by law, notice of the proceeding and of the tribe's right to intervene in the proceeding to all identified tribes and to the Bureau of Indian Affairs if the identify or location of a parent, an Indian custodian, or a tribe cannot be determined. Proof of such notice must be filed with this court.

b. There is reason to believe that the child may be of Indian ancestry, and the county agency must provide notice of the proceeding to the Bureau of Indian Affairs as required by law. Proof of such notice must be filed with this court.

19. **Other findings and orders:**

- a. See attached.
- b. (Specify):

20. The parents, legal guardians, and Indian custodians must keep the court, the agency, and their attorneys advised of their current addresses and telephone numbers and provide written notification of any changes to their mailing addresses. The parents, legal guardians, and Indian custodians present during the hearing who had not previously submitted a *Notification of Mailing Address* (form JV-140) or its equivalent were provided with and ordered to complete the form or its equivalent and to submit it to the court before leaving the courthouse today.

CHILD'S NAME: _____	CASE NUMBER: _____
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21. **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept:	Room:
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- a. Jurisdictional hearing
- b. Dispositional hearing
- c. Settlement conference
- d. Mediation
- e. Other (*specify*): _____

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

23. Number of pages attached: _____

Date: _____

JUDGE JUDGE PRO TEMPORE

Date: _____

COMMISSIONER REFEREE

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY <h1 style="margin: 0;">DRAFT 6</h1> <h2 style="margin: 0;">09/15/05</h2> <p style="margin: 0;">Not Approved by the Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS AFTER JURISDICTIONAL HEARING (Welf. & Inst. Code, § 356)	CASE NUMBER:

1. This matter came before the court on the
 original petition subsequent petition supplemental petition other (*specify*):
 filed on (*date*):

2. Jurisdictional hearing

- | | |
|---|---|
| a. Date:
b. Department:
c. Judicial officer (<i>name</i>):
d. Court clerk (<i>name</i>): | e. Court reporter (<i>name</i>):
f. Bailiff (<i>name</i>):
g. Interpreter (<i>name and language</i>): |
|---|---|

h. <u>Party (<i>name</i>):</u>	<u>Present</u>	<u>Attorney (<i>name</i>):</u>	<u>Present</u>	<u>Appointed today</u>
(1) Child:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(2) Mother:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(3) Father—presumed:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(4) Father—biological:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(5) Father—alleged:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(6) Legal guardian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(7) Indian custodian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(8) De facto parent:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(9) County agency social worker:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(10) Other (<i>specify</i>):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

- i. Others present in courtroom:
 (1) Court Appointed Special Advocate (CASA) volunteer (*name*):
 (2) Other (*name*):
 (3) Other (*name*):

3. The court has read and considered and admits into evidence:

- a. Report of social worker dated:
 b. Report of CASA volunteer dated:
 c. Other (*specify*):
 d. Other (*specify*):

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

4. a. Notice of the date, time, and location of the hearing was given as required by law.
 b. **For child 10 years of age or older who is not present:** The child received proper notice of his or her right to attend the hearing.

CHILD'S NAME: _____	CASE NUMBER: _____
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5. 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.
6. The attorney appointed to represent the child as the child's attorney of record is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.
7. A Court Appointed Special Advocate is appointed for the child.
8. a. The child will not benefit from representation by an attorney, and the court further finds that:
 (1) the child understands the nature of the proceedings;
 (2) the child is able to communicate and advocate effectively with the court, other counsel, other parties, including social workers, and other professionals involved in the case; and
 (3) under the circumstances of the case, the child would not gain any benefit from being represented by counsel.
- b. The court orders a Court Appointed Special Advocate appointed for the child, and that person is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.
9. The child's county of residence is:

10. Paternity

- a. The court inquired of the mother others (*names and relationships*):

as to the identities and addresses of all presumed or alleged fathers. All alleged fathers present during the hearing who had not previously submitted a *Statement Regarding Paternity (Juvenile Dependency)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.

- b. The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
 (1) alleged father (*name*):
 (2) alleged father (*name*):
 (3) alleged father (*name*):

11. The child's date of birth is (*specify*):

Advisements and waivers

12. a. The petition was read to those present at the beginning of this jurisdictional hearing.
- b. Reading of the petition was waived by all those present at the beginning of this jurisdictional hearing.

13. The court has informed and advised the

- mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (*specify*):

of the following:

- a. The right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings and, if any of these parties is financially unable to retain counsel, any right to appointed counsel that exists, subject to the court's right to seek reimbursement.
- b. The right to be informed by the court of the following:
- the contents of the petition;
 - the nature of and possible consequences of juvenile court proceedings;
 - the reasons for the initial detention and the purpose and scope of the detention hearing if the child is detained;
 - the right to have a child who is detained immediately returned to the home of the parent, legal guardian, or Indian custodian if the petition is not sustained;
 - that if the petition is sustained and the child is removed from the care of the parent, legal guardian, or Indian custodian, the time for services will commence on the date the petition is sustained or 60 days from the date of the initial removal, whichever is earlier;

CHILD'S NAME: 	CASE NUMBER:
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13. that the time for services will not exceed 12 months for a child aged three years or over at the time of the initial removal; and
- that the time for services will not exceed not exceed six months for a child under the age of three years or for the member of a sibling group that includes a child under the age of three years if the parent, legal guardian, or Indian custodian fails to participate regularly and make substantive progress in any court-ordered treatment program.
- c. The right to a hearing by the court on the issues presented by the petition.
- d. The right to assert the privilege against self-incrimination; to confront and cross-examine the persons who prepared reports or documents submitted to the court by the petitioner and the witnesses called to testify against the parent, legal guardian, or Indian custodian; to subpoena witnesses; and to present evidence on one's own behalf.

14. On the motion of the petitioner, the following allegations are stricken:

15. The mother biological father legal guardian child
 presumed father alleged father Indian custodian
 other (specify):

has knowingly and intelligently waived the right to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on his or her own behalf.

16. The mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (specify):

understands the nature of the conduct alleged in the petition and the possible consequences of his or her admission, plea of no contest, or submission.

17. <input type="checkbox"/> Party	Admits	Submits	Pleads no contest	To petition as amended on <i>(specify date):</i>
a. <input type="checkbox"/> Mother	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
b. <input type="checkbox"/> Presumed father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
c. <input type="checkbox"/> Biological father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
d. <input type="checkbox"/> Alleged father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
e. <input type="checkbox"/> Legal guardian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
f. <input type="checkbox"/> Indian custodian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>
g. <input type="checkbox"/> Other (specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>

18. There is a factual basis for the admission.

19. By a preponderance of the evidence, the allegations set forth below are true:

- a. as stated in the petition as originally filed.
- b. as stated in the petition as amended on (date):
- (1) by agreement of the parties.
- (2) by the court to conform to proof.

CHILD'S NAME: 	CASE NUMBER:
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20. The allegations (*specify*):

as stated in the petition as amended on (*date*): _____ are not proven and are ordered stricken.

21. The allegations of the petition are not sustained.

22. The petition is sustained under, and the child is a person described by, Welf. & Inst. Code, § 300 (*specify all that apply*):
 300(a) 300(c) 300(e) 300(g) 300(i)
 300(b) 300(d) 300(f) 300(h) 300(j)

23. The previous disposition has not been effective in the protection of the child.

24. The county agency is ordered to immediately return the child to the
 mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (*specify*): _____

25. The child and the
 mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (*specify*): _____
are placed under the supervision of the county agency for a minimum of six months pursuant to their voluntary agreement to informal supervision and the provision of services designed to keep the family together as set forth in the family's case plan.

26. **Contact with the child is ordered as set forth in** (*check appropriate box and attach indicated form*):
a. *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400)
b. *Visitation Attachment: Sibling* (form JV-401)
c. *Visitation Attachment: Grandparent* (form JV-402)

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

28. **Other findings and orders:**
a. See attached.
b. (*Specify*): _____

29. **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept:	Room:
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a. Dispositional hearing
b. Settlement conference
c. Mediation
d. Other (*specify*): _____

30. **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved of the duty to provide further representation.

31. Number of pages attached: _____

Date: _____

JUDICIAL OFFICER

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 <h1 style="margin: 0;">DRAFT 6</h1> <h2 style="margin: 0;">09/15/05</h2> <p style="margin: 0;">Not Approved by the Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS AFTER DISPOSITIONAL HEARING (Welf. & Inst. Code, § 361 et seq.)	CASE NUMBER:

1. This matter came before the court on the
 original petition subsequent petition supplemental petition other (*specify*):
 filed on (*date*):

2. Dispositional hearing

- | | |
|---|---|
| a. Date:
b. Department:
c. Judicial officer (<i>name</i>):
d. Court clerk (<i>name</i>): | e. Court reporter (<i>name</i>):
f. Bailiff (<i>name</i>):
g. Interpreter (<i>name and language</i>): |
|---|---|

	Present	<u>Attorney (<i>name</i>):</u>	Present	Appointed Today
h. <u>Party (<i>name</i>):</u>				
(1) Child:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(2) Mother:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(3) Father—presumed:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(4) Father—biological:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(5) Father—alleged:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(6) Legal guardian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(7) Indian custodian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(8) De facto parent:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(9) County agency social worker:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(10) Other:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

- i. Others present in courtroom:
- (1) Court Appointed Special Advocate (CASA) volunteer (*name*):
 - (2) Other (*name*):
 - (3) Other (*name*):

3. The court has read and considered and admits into evidence:

- a. Report of social worker dated:
 For the purposes of establishing a guardianship, the report of the social worker includes an assessment as specified in Welf. & Inst. Code §§ 360(a), 361.5(g).
- b. Report of CASA volunteer dated:
- c. Other (*specify*):
- d. Other (*specify*):
- e. Testimony of qualified expert under the Indian Child Welfare Act

CHILD'S NAME: _____	CASE NUMBER: _____
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BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS:

- 4. a. Notice of the date, time, and location of the hearing was given as required by law.
- b. **For child 10 years of age and older who is not present:** The child received proper notice of his or her right to attend the hearing.

- 5. 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 proceeding was provided as required by law. Proof of such notice was filed with this court.

- 6. A Court Appointed Special Advocate is appointed for the child.

7. Paternity

- 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 Paternity (Juvenile Dependency)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.

- b. The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
 - (1) alleged father (*name*):
 - (2) alleged father (*name*):
 - (3) alleged father (*name*):

8. The court informed and advised the

- mother biological father legal guardian child
- presumed father alleged father Indian custodian
- other (*specify*):

of the following: the right of each parent or guardian and the child to be present and to be represented by counsel at every stage of the proceedings and, if financially unable to retain counsel, any right to appointed counsel that exists, subject to the court's right to seek reimbursement; the right to assert the privilege against self-incrimination; the right to confront and cross-examine the persons who prepared the reports or documents submitted to the court by the petitioner and the witnesses called to testify against the parent, legal guardian, or Indian custodian; the right to subpoena witnesses; and the right to present evidence on one's own behalf.

- 9. The mother biological father legal guardian child
- presumed father alleged father Indian custodian
- other (*specify*):

has knowingly and intelligently waived the right to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on his or her own behalf.

10. Sibling group

The child and the child's siblings listed below form a sibling group in that at least one child in the sibling group was under the age of three years at the time of the initial removal and all children in the sibling group were removed from parental custody at the same time.

Sibling (*name*):

- a.
- b.
- c.
- d.
- e.
- f.

CHILD'S NAME: 	CASE NUMBER:
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11. **Disposition is ordered as set forth in** (check appropriate box and attach indicated form):

- a. *Dispositional Attachment: Dismissal of Petition With or Without Informal Supervision (Welf. & Inst. Code, § 361) (form JV-416), which is attached and incorporated by reference.*
- b. *Dispositional Attachment: In-Home Placement With Formal Supervision (Welf. & Inst. Code, § 361) (form JV-417), which is attached and incorporated by reference.*
- c. *Dispositional Attachment: Appointment of Guardian (Welf. & Inst. Code, § 360(a)) (form JV-418), which is attached and incorporated by reference.*
- d. *Dispositional Attachment: Removal From Custodial Parent—Placement With Previously Noncustodial Parent (Welf. & Inst. Code, § 361.2) (form JV-420), which is attached and incorporated by reference.*
- e. *Dispositional Attachment: Removal From Custodial Parent—Placement With Nonparent (Welf. & Inst. Code, § 361.2) (form JV-421), which is attached and incorporated by reference.*

12. **The child's rights** under Welf. & Inst. Code, § 388 and the procedure for bringing a petition under Welf. & Inst. Code, § 388, including the availability of appropriate and necessary forms, was provided to the child as follows:

- a. Child under the age of 12 years, through the child's attorney of record or guardian ad litem
- b. Child 12 years of age or older who was present at the hearing, on the record and in writing by handing the child *Child's Information Sheet—Request to Change Court Order* (form JV-185)
- c. Child 12 years or older who was not present at the hearing, in writing by mailing the child a copy of *Child's Information Sheet—Request to Change Court Order* (form JV-185)

13. **Contact with the child is ordered as set forth in** (check appropriate box and attach indicated form):

- a. *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
- b. *Visitation Attachment: Sibling* (form JV-401).
- c. *Visitation Attachment: Grandparent* (form JV-402).

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

15. **Other findings and orders:**

- a. See attached.
- b. (Specify):

16. **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept:	Room:
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- a. In-home status review hearing (Welf. & Inst. Code, § 364)
- b. Six-month prepermanency hearing (Welf. & Inst. Code, § 366.21(e))
- c. Selection and implementation hearing (Welf. & Inst. Code, § 366.26)
- d. Postpermanency hearing (Welf. & Inst. Code, § 366.3)
- e. Other (specify):

17. **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved of the duty to provide further representation.

18. Number of pages attached: _____

Date: _____

JUDGE JUDGE PRO TEMPORE

Date: _____

COMMISSIONER REFEREE

CHILD'S NAME: _____	CASE NUMBER: _____
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DISPOSITIONAL ATTACHMENT: DISMISSAL OF PETITION WITH OR WITHOUT INFORMAL SUPERVISION
(Welf. & Inst. Code, § 360(b))

1. The child is a person described by Welf. & Inst. Code, § 300 (*specify all that apply*):
 300(a) 300(c) 300(e) 300(g) 300(i)
 300(b) 300(d) 300(f) 300(h) 300(j)

2. The county agency is ordered to immediately return the child to the
 mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (*specify*):

3. Reasonable efforts were were not made to prevent or eliminate the need for removal from the home.

4. The mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (*specify*):

retains custody of the child. They are placed under the supervision of the county agency for a minimum of six months under the voluntary agreement for informal supervision and the provision by the county agency of services designed to keep the family together as provided for in the family's case plan.

5. The mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (*specify*):

retains custody of the child and is not in need of treatment or rehabilitation. The factual basis for the finding in this item 5 is stated on the record.

CHILD'S NAME: _____	CASE NUMBER: _____
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DISPOSITIONAL ATTACHMENT: IN-HOME PLACEMENT WITH FORMAL SUPERVISION
(Welf. & Inst. Code, § 361)

1. The child is a person described by Welf. & Inst. Code, § 300 (*specify all that apply*):
 300(a) 300(c) 300(e) 300(g) 300(i)
 300(b) 300(d) 300(f) 300(h) 300(j)
and is adjudged a dependent of the court.

2. The county agency is ordered to immediately return the child to the
 mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (*specify*):

3. Reasonable efforts were were not made to prevent or eliminate the need for removal from the home.

Custody of the child

4. Custody of the child is retained by
 mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (*specify*):

5. The child and the
 mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (*specify*):
 are placed under the supervision of the county agency.

Family maintenance services

6. The county agency must provide, and the
 mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (*specify*):
 must participate in, family maintenance services designed to keep the family together as specified in the family's case plan.

Education

7. The right of the
 mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (*specify*):
 to make educational decisions for the child is limited as set forth in the *Order Limiting Parent's Right to Make Educational Decisions for the Child and Appointing Responsible Adult as Educational Representative–Juvenile* (form JV-535) filed in this matter.

8. The mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (*specify*):
 must ensure the child's regular school attendance and make reasonable efforts to obtain the education services necessary to meet the child's specific needs.

CHILD'S NAME:	CASE NUMBER:
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DISPOSITIONAL ATTACHMENT: APPOINTMENT OF GUARDIAN
(Welf. & Inst. Code, § 360(a))

1. The child is a person described under Welf. & Inst. Code, § 300 (*specify all that apply*):
 300(a) 300(c) 300(e) 300(g) 300(i)
 300(b) 300(d) 300(f) 300(h) 300(j)

2. The child is adjudged a dependent of the court.

3. Reasonable efforts were were not made to prevent or eliminate the need for removal from the home.

4. The court advised the
 mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (*specify*):
 that no reunification services will be provided as a result of the guardianship of the child established in this matter.

5. The mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (*specify*):
 signed a *Guardianship (Juvenile)—Consent and Waiver of Rights* (form JV-419), agreeing to the guardianship of the child, the waiver of his or her rights to family maintenance services and family reunification services, and, in the case of an Indian child, the waiver of his or her rights under the Indian Child Welfare Act. A signed form JV-419 for each individual indicated above was filed with the court.

6. a. The child signed a *Guardianship (Juvenile)—Child's Consent and Waiver of Rights* (form JV-419A), agreeing to the establishment of the guardianship and the waiver of his or her rights to family maintenance services and family reunification services. The child's signed form JV-419A was filed with the court.
 b. The child is prevented from providing a meaningful response to the request for guardianship and a waiver of his or her rights to family maintenance services and family reunification services because of the child's
 (1) age.
 (2) physical condition.
 (3) emotional condition.
 (4) mental condition.

7. The child is an Indian child, and an authorized representative of the child's tribe signed a form JV-419 setting forth the tribe's agreement to the guardianship of the child, the waiver of the tribe's interests in family maintenance services and family reunification services, and the waiver of the tribe's rights under the Indian Child Welfare Act.

8. The establishment of a legal guardianship is in the child's best interest.

9. The county agency is ordered to release the child to the legal guardian named in item 10.

10. The court appoints (*name*):
 as the legal guardian of the child's person estate and orders the clerk of the court to issue letters of guardianship.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <hr/> <p style="text-align: center;">TELEPHONE NO.: _____ FAX NO. (Optional): _____</p> <p>E-MAIL ADDRESS (Optional): _____</p> <p>ATTORNEY FOR (Name): _____</p>	FOR COURT USE ONLY <h1 style="margin: 0;">DRAFT 8</h1> <h2 style="margin: 0;">09/15/05</h2> <p style="margin: 0;">Not Approved by the Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
GUARDIANSHIP (JUVENILE)—CONSENT AND WAIVER OF RIGHTS	CASE NUMBER: _____

To the parent, legal guardian, Indian custodian, or authorized representative of the child's tribe: Read this form carefully. The judge will ask you if you understand your rights to family maintenance and reunification services, your right to a trial, and, if applicable, your rights under the Indian Child Welfare Act and whether you are voluntarily giving up those rights and consenting to the guardianship.

1. a. I am the child's mother presumed father Indian custodian
 other (specify): _____

and I understand that I have the right to receive family maintenance services to help the child remain in my care and family reunification services to help me reunify with the child.

- b. I am the child's biological father, and I understand that the court may order family maintenance services to help the child remain in my care and to receive family reunification services to help me reunify with the child.
- c. I am the child's alleged father, and I understand that if I am judged to be the child's biological father, the court may order family maintenance services to help the child remain in my care and family reunification services to help me reunify with the child.

For items 2 through 8, initial the line for each item that applies. If you have a question, ask your attorney or the judge before you initial that item.

Initial

2. The types of services that may be available have been explained to me. _____
3. I am not interested in receiving family maintenance services or family reunification services. _____
4. I believe that a guardianship with (name): _____
 is in the child's best interest, and I consent to his or her appointment as the guardian of the
 person estate of the child. _____
5. **I understand that by signing this document, I give up the following rights:**
- a. The right to trial or hearing on the child's placement _____
 - b. The right to see and hear witnesses who testify _____
 - c. The right to cross-examine witnesses, including the author of any reports and the persons cited in the report _____
 - d. The right to testify on my own behalf and to present my own evidence and witnesses _____
 - e. The right to use the court's authority to compel witnesses to come to court and produce evidence _____
 - f. The right to assert any privilege against self-incrimination in this proceeding _____
 - g. The right to receive family maintenance services and family reunification services _____
6. **Waiver of rights under the Indian Child Welfare Act (ICWA)** (25 U.S.C. § 1901 et seq.)
- a. The child is an Indian child and I am
 - (1) the child's Indian mother.
 - (2) the child's Indian father.
 - (3) the child's Indian custodian.
 - (4) the authorized representative of the child's tribe.

CHILD'S NAME: _____	CASE NUMBER: _____
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6. b. **By signing this document, I understand that I have the following ICWA rights, which I am giving up:** **Initial**
- (1) The right to request a transfer of the proceedings to the jurisdiction of the child's tribe _____
 - (2) The right to intervene in the proceeding _____
 - (3) The right to require a showing that active efforts were made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have proven unsuccessful _____
 - (4) The right to require clear and convincing proof, including the testimony of qualified expert witnesses that continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child _____
 - (5) The right to have the child placed according to the statutory preference _____

7. **This waiver of rights and consent to guardianship is given with the understanding that the individual named in item 4 will be appointed as the child's guardian.** If that individual is not appointed or his or her status as the child's guardian is terminated, this waiver and consent is withdrawn and my right to a trial on the issue of the child's placement, my right to child welfare services, and any rights I may have under ICWA will be reinstated as they existed on the date this form was signed. _____

8. **I have discussed my rights with my attorney, and I knowingly and intelligently waive those rights.** _____

Date: _____

▶

(TYPE OR PRINT NAME)
(SIGNATURE)

DECLARATION OF INTERPRETER

9. The mother biological father legal guardian authorized representative of the child's tribe
 presumed father alleged father Indian custodian other (*specify*):
 is unable to read or understand this form because his or her primary language is (*specify*):

10. I declare under penalty of perjury and under the laws of the State of California that I have, to the best of my ability, read or translated this form for the person named on the signature line above who said he or she understood the form before signing it.

Date: _____

▶

(TYPE OR PRINT NAME)
(SIGNATURE OF INTERPRETER)

DECLARATION OF ATTORNEY (Required)

11. I am the attorney for mother biological father legal guardian Indian custodian
 presumed father alleged father other (*specify*):

and I have explained to him or her the following:

- a. The rights under the Indian Child Welfare Act
- b. The nature of family maintenance services and family reunification services
- c. The right to a trial, the right to assert the privilege against self-incrimination, the right to confront and cross-examine witnesses, the right to subpoena witnesses, and the right to present evidence on one's own behalf
- d. The nature of a guardianship and his or her continuing rights and responsibilities if a guardian is appointed
- e. That his or her waiver of rights and consent to guardianship will result in the appointment of the person named in item 4 as the child's guardian. If that individual is not appointed or his or her status as the child's guardian is terminated, this waiver and consent will be withdrawn and the right to a trial on the issue of the child's placement, the right to receive family maintenance and reunification services, and any rights he or she may have under ICWA will be reinstated

12. I am satisfied that he or she understands and voluntarily waives those rights and consents to the establishment of the guardianship.

Date: _____

▶

(TYPE OR PRINT NAME)
(SIGNATURE OF ATTORNEY)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY <h1 style="text-align: center;">DRAFT 6</h1> <h2 style="text-align: center;">09/15/05</h2> <p style="text-align: center;">Not Approved by the Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
GUARDIANSHIP (JUVENILE)—CHILD'S CONSENT AND WAIVER OF RIGHTS	CASE NUMBER:

To the child: Review this form with your attorney. The judge will ask you if you understand your rights to family maintenance and reunification services, your right to a trial, and, if applicable, your rights under the Indian Child Welfare Act and whether you are voluntarily giving up those rights and consenting to the guardianship.

1. I am the child in this court case. I understand that I have the right to receive family maintenance services to help me stay with my family and family reunification services to help me return to my family.

For items 2 through 8, initial the box for each item that applies. If you have a question about an item, ask your attorney or the judge before you initial that item.

2. The types of services that may be available have been explained to me. Initial _____

3. I am not interested in receiving family maintenance services or family reunification services. _____

4. I believe that a guardianship with (name): _____
 is in my best interest, and I consent to his or her appointment as the guardian of my
 person estate. _____

5. **I understand that by signing this document, I give up the following rights:**

- a. The right to trial or hearing on my placement _____
- b. The right to see and hear witnesses who testify _____
- c. The right to cross-examine witnesses, including the people who wrote any reports and the people who provided information that is in the report _____
- d. The right to testify on my own behalf and to present my own evidence and witnesses _____
- e. The right to use the court's authority to compel witnesses to come to court and produce evidence _____
- f. The right to assert any privilege against self-incrimination in this proceeding _____
- g. The right to receive family maintenance services and family reunification services _____

6. **Waiver of rights under the Indian Child Welfare Act (ICWA) (25 U.S.C. § 1901 et seq.)**

- a. I am an Indian child.
- b. **By signing this document, I understand that I have the following ICWA rights, which I am giving up:** Initial
 - (1) The right to request a transfer of the proceedings to the jurisdiction of my tribe _____
 - (2) The right to require a showing that active efforts were made to provide remedial services and rehabilitative programs designed to prevent the breakup of my Indian family and that these efforts have proven unsuccessful _____
 - (3) The right to require clear and convincing proof, including the testimony of qualified expert witnesses, that my continued custody with my parent or my Indian custodian is likely to result in serious emotional or physical damage to me _____
 - (4) The right to be placed according to the statutory preference _____

CHILD'S NAME: _____	CASE NUMBER: _____
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7. **This waiver of rights and consent to guardianship is given with the understanding that the individual named in item 4 will be appointed as my guardian.** If that individual is not appointed or his or her status as my guardian is terminated, this waiver and consent is withdrawn and the right to a trial on the issue of my placement, my right to child welfare services, and any rights I may have under ICWA will be reinstated as they existed on the date this form was signed. _____

8. **I have discussed my rights with my attorney, and I knowingly and intelligently waive those rights.** _____

Date: _____

_____ (TYPE OR PRINT NAME)  _____ (SIGNATURE)

DECLARATION OF INTERPRETER

9. The child is unable to read or understand this form because his or her primary language is *(specify)*:

10. I declare under penalty of perjury and under the laws of the State of California that I have, to the best of my ability, read or translated this form for the child who said he or she understood the form before signing it.

Date: _____

_____ (TYPE OR PRINT NAME)  _____ (SIGNATURE OF INTERPRETER)

DECLARATION OF ATTORNEY (REQUIRED)

11. I am the attorney for the child and I have explained to him or her the following:

- The rights under the Indian Child Welfare Act;
- The nature of family maintenance services and family reunification services;
- The right to a trial, the right to assert the privilege against self-incrimination, the right to confront and cross-examine witnesses, the right to subpoena witnesses, and the right to present evidence on one's own behalf;
- The nature of a guardianship and his or her continuing rights and responsibilities if a guardian is appointed; and
- That his or her waiver of rights and consent to guardianship will result in the appointment of the person named in item 4 as his or her guardian. If that individual is not appointed or his or her status as the child's guardian is terminated, this waiver and consent will be withdrawn and the right to a trial on the issue of the child's placement, the right to receive family maintenance and reunification services, and any rights he or she may have under ICWA will be reinstated.

12. I am satisfied the child understands and voluntarily waives those rights and consents to the establishment of the guardianship.

Date: _____

_____ (TYPE OR PRINT NAME)  _____ (SIGNATURE OF ATTORNEY)

CHILD'S NAME: _____	CASE NUMBER: _____
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**DISPOSITIONAL ATTACHMENT:
REMOVAL FROM CUSTODIAL PARENT—PLACEMENT WITH PREVIOUSLY NONCUSTODIAL PARENT
(Welf. & Inst. Code, §§ 361, 361.2)**

1. The child is a person described under Welf. & Inst. Code, § 300 (specify all that apply):
- | | | | | |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| <input type="checkbox"/> 300(a) | <input type="checkbox"/> 300(c) | <input type="checkbox"/> 300(e) | <input type="checkbox"/> 300(g) | <input type="checkbox"/> 300(i) |
| <input type="checkbox"/> 300(b) | <input type="checkbox"/> 300(d) | <input type="checkbox"/> 300(f) | <input type="checkbox"/> 300(h) | <input type="checkbox"/> 300(j) |

and is adjudged a dependent of the court.

Circumstances justifying removal from custodial parent

2. There is clear and convincing evidence of the circumstances stated in Welf. and Inst. Code, § 361 regarding the persons specified below (check all that apply):

		<u>361(c)(1)</u>	<u>361(c)(2)</u>	<u>361(c)(3)</u>	<u>361(c)(4)</u>	<u>361(c)(5)</u>
a.	<input type="checkbox"/> Mother	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	<input type="checkbox"/> Presumed father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	<input type="checkbox"/> Biological father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	<input type="checkbox"/> Alleged father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e.	<input type="checkbox"/> Legal guardian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f.	<input type="checkbox"/> Indian custodian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g.	<input type="checkbox"/> Other (specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. The child is may be an Indian child, and, by clear and convincing evidence, continued physical custody by the following person is likely to cause the child serious emotional or physical damage:

- | | | |
|---|--|---|
| <input type="checkbox"/> Mother | <input type="checkbox"/> Biological father | <input type="checkbox"/> Legal guardian |
| <input type="checkbox"/> Presumed father | <input type="checkbox"/> Alleged father | <input type="checkbox"/> Indian custodian |
| <input type="checkbox"/> Other (specify): | | |

4. Reasonable efforts were were not made to prevent or eliminate the need for the child's removal from the home.

5. The child is may be an Indian child, and,
- a. by clear and convincing evidence, active efforts were made to provide remedial services and rehabilitative programs designed to prevent the breakup of this Indian family, and those efforts were unsuccessful.
 - b. active efforts were not made to provide remedial services and rehabilitative programs designed to prevent the breakup of this Indian family.

Custody of the child and services

6. **Physical custody is removed from** (specify all that apply):

- | | | | |
|--|--|---|---|
| <input type="checkbox"/> mother | <input type="checkbox"/> biological father | <input type="checkbox"/> legal guardian | <input type="checkbox"/> other (specify): |
| <input type="checkbox"/> presumed father | <input type="checkbox"/> alleged father | <input type="checkbox"/> Indian custodian | |

CHILD'S NAME:	CASE NUMBER:
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7. **Noncustodial parent**

- a. The mother presumed father biological father
 other (*specify*):

was not residing with the child at the time that the events or conditions arose that brought the child within the provisions of Wel. & Inst. Code, § 300 and desires custody of the child. Placement with this parent would not be detrimental to the safety, protection, or physical or emotional well-being of the child.

- b. The child will benefit from the provision of reunification services to the biological father.
- c. The parent indicated in item 7a is granted physical and legal custody of the child pursuant to the custody order and final judgment entered this day. Visitation with the child is as stated in the *Visitation Order—Juvenile* (form JV-205). The clerk of the juvenile court must file with the family court a completed *Custody Order—Juvenile Final Judgment* (form JV-200) and *Visitation Order—Juvenile* (form JV -205).
- d. The child is placed with the parent indicated in item 7a, subject to the supervision of the juvenile court and the county agency.
- (1) Reunification services are provided to the person from whom the child was removed, the
 mother presumed father biological father
 other (*specify*):
 who is ordered to participate in the services set forth in the case plan. Family maintenance services are not ordered for the parent indicated in item 7a.
- (2) Family maintenance services are provided to the parent indicated in item 7a to allow that parent to retain later custody without court supervision. The parent is ordered to participate in the services set forth in the case plan. Reunification services are not ordered for the person from whom the child was removed.
- (3) Reunification services are provided to the person from whom the child was removed, the
 mother presumed father biological father
 other (*specify*):
 and family maintenance services are provided to the parent indicated in item 7a. The parents are ordered to participate in the services set forth in the case plan. The court will determine at a scheduled court hearing which parent, if either, will have custody of the child without court supervision.
- e. The factual basis for the findings in this item 7 is stated on the record.
8. **The mother is incarcerated** and is seeking to participate in the Department of Corrections community treatment program.
- a. Participation in the program is is not in the child's best interest.
- b. The program is is not suitable to meet the needs of the mother and child.

CHILD'S NAME: 	CASE NUMBER:
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Siblings

9. **The child does not have siblings under the court's jurisdiction.**
10. **The child does have siblings under the court's jurisdiction.**
- a. The nature of the relationship between the child and the child's siblings is
- (1) stated on the record.
- (2) described in the social worker's report.
- (3) other (*specify*):
- b. (1) Developing or maintaining the sibling relationship with the siblings named below is appropriate.
- (a) (*name*):
- (b) (*name*):
- (c) (*name*):
- (d) (*name*):
- (e) (*name*):
- (f) (*name*):
- (2) Developing or maintaining the sibling relationship with the siblings named below is not appropriate.
- (a) (*name*):
- (b) (*name*):
- (c) (*name*):
- (d) (*name*):
- (e) (*name*):
- (f) (*name*):
- (3) The basis for the finding in this item b. is
- (a) stated on the record.
- (b) described in the social worker's report.
- (c) other (*specify*):
- c. The impact of the sibling relationships on the child's placement and planning for legal permanence is
- (1) stated on the record.
- (2) described in the social worker's report.
- (3) other (*specify*):
11. **The child and all of the child's siblings under the court's jurisdiction are placed together in the same home.**
12. **The child and all of the child's siblings under the court's jurisdiction are not placed together in the same home.**
- a. Efforts are being made to place the child and the following siblings together.
- (1) Child's siblings:
- (a) (*name*):
- (b) (*name*):
- (c) (*name*):
- (d) (*name*):
- (e) (*name*):
- (f) (*name*):
- (2) The reasons the child and these siblings are not placed together and the efforts being made to do so are
- (a) stated on the record.
- (b) described in the social worker's report.
- (c) other (*specify*):
- b. Efforts to place the child with the following siblings are not appropriate.
- (1) Child's siblings:
- (a) (*name*):
- (b) (*name*):
- (c) (*name*):
- (2) The reasons that efforts to place the child with these siblings are not appropriate are
- (a) stated on the record.
- (b) described in the social worker's report.
- (c) other (*specify*):
- c. The frequency and nature of the visitation between the child and child's siblings who are not placed together are
- (1) stated on the record.
- (2) described in the social worker's report.
- (3) other (*specify*):

CHILD'S NAME: _____	CASE NUMBER: _____
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Education

13. The mother presumed father biological father
 other (*specify*):

must ensure the child's regular school attendance and make reasonable efforts to obtain the education services necessary to meet the child's specific needs.

14. The right of the
 mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (*specify*):

to make educational decisions for the child is limited as set forth in the *Order Limiting Parent's Right to Make Educational Decisions for the Child and Appointing Responsible Adult as Educational Representative—Juvenile*, (form JV-535) filed in this matter.

Advisement

15. **At the next status review hearing** custody may be given to the parent with whom the child is currently placed and the jurisdiction of the court dismissed. If the child is removed from the parent with whom the child is currently placed and ordered placed in foster care, the case may be referred to a selection and implementation hearing under Welf. & Inst. Code, § 366.26. The selection and implementation hearing could result in the termination of parental rights and the adoption of the child.

CHILD'S NAME: _____	CASE NUMBER: _____
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**DISPOSITIONAL ATTACHMENT:
REMOVAL FROM CUSTODIAL PARENT—PLACEMENT WITH NONPARENT
(Welf. & Inst. Code, §§ 361, 361.2)**

1. The child is a person described by Welf. & Inst. Code, § 300 (specify all that apply):
 300(a) 300(c) 300(e) 300(g) 300(i)
 300(b) 300(d) 300(f) 300(h) 300(j)

and is adjudged a dependent of the court.

Circumstances justifying removal from custodial parent

2. There is clear and convincing evidence of the circumstances stated in Welf. and Inst. Code, § 361 regarding the persons specified below (check all that apply):
- | | 361(c)(1) | 361(c)(2) | 361(c)(3) | 361(c)(4) | 361(c)(5) |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. <input type="checkbox"/> Mother | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. <input type="checkbox"/> Presumed father | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. <input type="checkbox"/> Biological father | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. <input type="checkbox"/> Alleged father | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. <input type="checkbox"/> Legal guardian | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. <input type="checkbox"/> Indian custodian | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. <input type="checkbox"/> Other (specify): | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

3. The child is may be an Indian child, and, by clear and convincing evidence, continued physical custody by the following person is likely to cause the child serious emotional or physical damage:
- Mother Biological father Legal guardian
 Presumed father Alleged father Indian custodian
 Other (specify):

4. Reasonable efforts were were not made to prevent or eliminate the need for removal from the home.

5. The child is may be an Indian child, and,
- a. by clear and convincing evidence, active efforts were made to provide remedial services and rehabilitative programs designed to prevent the breakup of this Indian family, and these efforts were unsuccessful.
- b. active efforts were not made to provide remedial services and rehabilitative programs designed to prevent the breakup of this Indian family.

Custody of the child

6. **Physical custody is removed from** (specify all that apply):
- mother biological father legal guardian other (specify):
 presumed father alleged father Indian custodian

7. **Noncustodial parent**
- a. The mother presumed father biological father did not reside with the child at the time the petition was filed and does does not desire custody of the child.
- b. By clear and convincing evidence, placement with the following parent would be detrimental to the safety, protection, or physical or emotional well-being of the child:
 Mother Presumed father Biological father Other (specify):
- c. The factual basis for the findings in this item 7 is stated on the record.

CHILD'S NAME: _____	CASE NUMBER: _____
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Reunification services

8. **Provision of reunification services to the biological father** will will not benefit the child.
9. **The mother is incarcerated** and is seeking to participate in the Department of Corrections community treatment program.
- a. Participation in the program is is not in the child's best interest.
- b. The program is is not suitable to meet the needs of the mother and child.
10. **The following person is incarcerated:**
- mother biological father legal guardian other (*specify*):
- presumed father alleged father Indian custodian
- and reasonable reunification services are
- a. granted.
- b. denied, because, by clear and convincing evidence, providing reunification services would be detrimental to the child.
11. **As provided in Welf. & Inst. Code, § 361.5(b), by clear and convincing evidence:**
- a. The mother legal guardian other (*specify*):
- presumed father Indian custodian
- is a person described in Welf. & Inst. Code, § (*specify*):
- 361.5(b)(3) 361.5(b)(7) 361.5(b)(9) 361.5(b)(11) 361.5(b)(13)
- 361.5(b)(4) 361.5(b)(8) 361.5(b)(10) 361.5(b)(12) 361.5(b)(15)
- and reunification services are
- (1) granted, because, by clear and convincing evidence, reunification is in the best interest of the child.
- (2) denied.
- b. The mother legal guardian other (*specify*):
- presumed father Indian custodian
- is a person described in Welf. & Inst. Code, § 361.5(b)(1), and a reasonably diligent search has failed to locate the person. Reunification services are denied.
- c. The mother legal guardian other (*specify*):
- presumed father Indian custodian
- is a person described in Welf. & Inst. Code, § 361.5(b)(2), and reunification services are
- (1) granted.
- (2) denied, because the person, even with the provision of services, is unlikely to be capable of adequately caring for the child within the statutory time limits.
- d. The mother legal guardian other (*specify*):
- presumed father Indian custodian
- is a person described in Welf. & Inst. Code, § 361.5(b)(5), and reunification services are
- (1) granted, because
- (a) reunification services are likely to prevent reabuse or neglect.
- (b) the failure to try reunification will be detrimental to the child because the child is closely and positively bonded to the person.
- (2) denied.
- e. The mother legal guardian
- presumed father Indian custodian
- other person who is a legal parent of the child (*name*):
- is a person described in Welf. & Inst. Code, § 361.5(b)(6), and reunification services are
- (1) granted, because, by clear and convincing evidence, reunification is in the best interest of the child.
- (2) denied, because the child or the child's sibling suffered severe sexual abuse or the infliction of severe physical harm by the person, and it would not benefit the child to pursue reunification with that person.
- (3) The factual basis for the findings in this item 11(e) is stated on the record.

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11. f. The mother legal guardian other (*specify*):
 presumed father Indian custodian
 is a person described in Welf. & Inst. Code, § 361.5(b)(14). The court advised the person of any right to services and the possible consequences of a waiver. The person executed the *Waiver of Reunification Services (Juvenile Dependency)* (form JV-195), and the court accepts the waiver, the person having knowingly and intelligently waived the right to services. Reunification services are denied.
12. a. **The agency must provide reunification services**, and the following must participate in the reunification services set forth in the case plan:
 Mother Biological father Legal guardian Other (*specify*):
 Presumed father Alleged father Indian custodian
- b. **The likely date** by which the child may be returned to and safely maintained in the home or placed for adoption, in legal guardianship, or in an identified placement with a specific goal is (*specify*):

Placement

13. **Placement with the child's relative, (name):**
 has been independently considered by the court and is denied for the reasons stated on the record.
14. **The care, custody, control, and conduct of the child is under the supervision of the agency for placement**
 a. in the approved home of a relative.
 b. in the approved home of a nonrelative extended family member.
 c. in the foster home in which the child was placed before an interruption in foster care because that placement is in the child's best interest and space is available.
 d. with a foster family agency for placement in a foster family home.
 e. in a suitable licensed community care facility.
 f. in a home or facility in accordance with the federal Indian Child Welfare Act.
15. **The statutory preference order for placement in a suitable Indian home is modified for good cause as**
 a. stated on the record.
 b. described in the social worker's report.
 c. other (*specify*):
16. **The child's out-of-home placement is necessary.**
17. **The child's current placement is appropriate.**
18. **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
 a. The matter is continued to the date and time indicated in JV-415, item 16 for a written oral report by the county agency on the progress made in locating an appropriate placement.
 b. Other (*specify*):
19. **The child is placed outside the state of California and that out-of-state placement**
 a. does continue to be the most appropriate placement for the child and is in the best interest of the child.
 b. does not continue to be the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in JV-415, item 16 for a written oral report by the county agency on the progress made toward
 (1) returning the child to California and locating an appropriate placement within California.
 (2) locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
 (3) other (*specify*):

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Siblings

20. **The child does not have siblings under the court's jurisdiction.**
21. **The child does have siblings under the court's jurisdiction.**
- a. The nature of the relationship between the child and the child's siblings is
- (1) stated on the record.
- (2) described in the social worker's report.
- (3) other (*specify*):
- b. (1) Developing or maintaining the sibling relationship with the siblings named below is appropriate.
- (a) (*name*): (d) (*name*):
- (b) (*name*): (e) (*name*):
- (c) (*name*): (f) (*name*):
- (2) Developing or maintaining the sibling relationship with the siblings named below is not appropriate.
- (a) (*name*): (d) (*name*):
- (b) (*name*): (e) (*name*):
- (c) (*name*): (f) (*name*):
- (3) The basis for the finding in this item b. is
- (a) stated on the record.
- (b) described in the social worker's report.
- (c) other (*specify*):
- c. The impact of the sibling relationships on the child's placement and planning for legal permanence is
- (1) stated on the record.
- (2) described in the social worker's report.
- (3) other (*specify*):
22. **The child and all of the child's siblings under the court's jurisdiction are placed together in the same home.**
23. **The child and all of the child's siblings under the court's jurisdiction are not placed together in the same home.**
- a. Efforts are being made to place the child and the following siblings together.
- (1) Child's siblings:
- (a) (*name*): (d) (*name*):
- (b) (*name*): (e) (*name*):
- (c) (*name*): (f) (*name*):
- (2) The reasons the child and these siblings are not placed together and the efforts being made to do so are
- (a) stated on the record.
- (b) described in the social worker's report.
- (c) other (*specify*):
- b. Efforts to place the child with the following siblings are not appropriate.
- (1) Child's siblings:
- (a) (*name*):
- (b) (*name*):
- (c) (*name*):
- (2) The reasons that efforts to place the child with these siblings are not appropriate are
- (a) stated on the record.
- (b) described in the social worker's report.
- (c) other (*specify*):
- c. The frequency and nature of the visitation between the child and child's siblings who are not placed together are
- (1) stated on the record.
- (2) described in the social worker's report.
- (3) other (*specify*):

CHILD'S NAME:	CASE NUMBER:
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Health and education

24. The mother biological father Indian custodian
 presumed father legal guardian other (*specify*):
 is 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, § 369 and vested with the county child and family services agency.

25. The right of the mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (*specify*):
 to make educational decisions for the child is limited as set forth in the *Order Limiting Parent's Right to Make Educational Decisions for the Child and Appointing Responsible Adult as Educational Representative—Juvenile* (form JV-535) filed in this matter.

Efforts

26. **The county agency**

- a. has
- b. 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 any steps necessary to finalize the permanent placement of the child.

27. **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"/> Mother	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. <input type="checkbox"/> Presumed father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. <input type="checkbox"/> Biological father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. <input type="checkbox"/> Legal guardian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. <input type="checkbox"/> Indian custodian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. <input type="checkbox"/> Other (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

28. **Child 16 years of age or older:**

- a. The services set forth in the case plan include those needed to assist the child in making the transition from foster care to independent living.
- b. The services set forth in the case plan do not include those needed to assist the child in making the transition from foster care to independent living.
- c. To assist the child in making the transition to independent living, the agency must add to the child case plan and provide the services
 - (1) as stated on the record.
 - (2) as follows:

CHILD'S NAME: 	CASE NUMBER:
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Advisements

29. **Child under the age of three years or member of a sibling group as described in Welf. & Inst. Code, § 361.5(a)(3)**
The court informed all parties present at the time of the hearing and further advises all parties that, because the child was under the age of three years on the date of initial removal or is a member of a sibling group:
- a. **Failure to participate regularly and make substantive progress in court-ordered treatment programs may result in the termination of reunification services** for all or some members of the sibling group at the hearing scheduled on a date within six months from the date the child entered foster care under Welf. & Inst. Code, § 366.21(e).
- Six-month hearing date:**
- b. **At the six-month hearing** under Welf. & Inst. Code, § 366.21(e), the court will consider the following factors in deciding whether to limit reunification services to six months for all or some members of the sibling group:
- Whether the sibling group was removed from parental care as a group;
 - The closeness and strength of the sibling bond;
 - The ages of the siblings;
 - The appropriateness of maintaining the sibling group;
 - The detriment to the child if sibling ties are not maintained;
 - The likelihood of finding a permanent home for the sibling group;
 - Whether the sibling group is currently placed in the same preadoptive home or has a concurrent plan goal of legal permanency in that home;
 - The wishes of each child whose age and physical and emotional condition permits a meaningful response; and
 - The best interest of each child in the sibling group.
- c. **At the six-month hearing** under Welf. & Inst. Code, § 366.21(e), if the child is not returned to the custody of a parent, the case may be referred to a selection and implementation hearing under Welf. & Inst. Code, § 366.26. The selection and implementation hearing **may result in the termination of parental rights and the adoption of the child and other members of the sibling group.**
30. **Child three years of age or older and not a member of a sibling group as described in Welf. & Inst. Code, § 361.5(a)(3)**
The court informed all parties present at the time of the hearing and further advises all parties that, because the child was three years of age or older with no siblings under the age of three years at the time of initial removal, if the child is not returned to the custody of a parent at the Welf. & Inst. Code, § 366.21(f) permanency hearing set on a date within 12 months from the date the child entered foster care, the case may be referred to a selection and implementation hearing under Welf. & Inst. Code, § 366.26. The selection and implementation hearing **may result in the termination of parental rights and the adoption of the child.**
- Twelve-month permanency hearing date:**
31. a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**
- b. By clear and convincing evidence reasonable services have been provided or offered to the child's parents, legal guardian, or Indian custodian.
- c. The agency and the licensed county adoption agency or the California Department of Social Services acting as an adoption agency will prepare and serve an assessment report as described in Welf. & Inst. Code, § 361.5(g).
- d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record, Rule 38* (form JV-820) and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ, Rules 38.1, 38.3 (Juvenile Dependency)* (form JV-825). A copy of each form is available in the courtroom. The court further advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court is directed to provide written notice as set forth in rule 1456(f)(18) of the California Rules of Court to any party not present.

CHILD'S NAME: 	CASE NUMBER:
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31. e. The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below who is a mother, a presumed father, or an alleged father who has relinquished the child for adoption and the relinquishment has been accepted and filed with notice under Family Code, § 8700, or an alleged father who has denied paternity and has executed section 1 of *Statement Regarding Paternity* (form JV-505).
- (1) *(name)*:
 - (2) *(name)*:
 - (3) *(name)*:
 - (4) *(name)*:
- f. **The likely date** by which the child may be placed for adoption, for legal guardianship, or in an identified placement with a specific goal is *(specify date)*:

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 <h1 style="margin: 0;">DRAFT 6</h1> <h2 style="margin: 0;">09/15/05</h2> <p style="margin: 0;">Not Approved by the Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS AFTER IN-HOME STATUS REVIEW HEARING (<i>Welf. & Inst. Code, § 364</i>)	CASE NUMBER:

1. In-home status review hearing

- | | |
|---|---|
| a. Date:
b. Department:
c. Judicial officer (<i>name</i>):
d. Court clerk (<i>name</i>): | e. Court reporter (<i>name</i>):
f. Bailiff (<i>name</i>):
g. Interpreter (<i>name and language</i>): |
|---|---|

h. Party (*name*):

	<u>Present</u>	<u>Attorney (<i>name</i>):</u>	<u>Present</u>	<u>Appointed today</u>
(1) Child:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(2) Mother:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(3) Father—presumed:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(4) Father—biological:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(5) Father—alleged:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(6) Legal guardian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(7) Indian custodian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(8) De facto parent:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(9) County agency social worker:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(10) Other (<i>specify</i>):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

i. Others present in courtroom:

- (1) Court Appointed Special Advocate (CASA) volunteer (*name*):
- (2) Other (*name*):
- (3) Other (*name*):

2. The court has read and considered and admits into evidence:

- a. Report of social worker dated:
- b. Report of CASA volunteer dated:
- c. Other (*specify*):
- d. Other (*specify*):

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

3. a. Notice of the date, time, and location of the hearing was given as required by law.
- b. **For child 10 years of age or older who is not present:** The child received proper notice of his or her right to attend the hearing.
4. A Court Appointed Special Advocate is appointed for the child.

CHILD'S NAME: _____	CASE NUMBER: _____
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5. Paternity

a. The court inquired of the mother others (*names and relationships*):

as to the identities and addresses of all presumed or alleged fathers. All alleged fathers present during the hearing who had not previously submitted a *Statement Regarding Paternity (Juvenile Dependency)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.

b. The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
 (1) alleged father (*name*):
 (2) alleged father (*name*):
 (3) alleged father (*name*):

Advisements and waivers

6. The court has informed and advised the

mother biological father legal guardian child
 presumed father alleged father Indian custodian
 other (*specify*):

of the following: the right of each parent or guardian and the child to be present and to be represented by counsel at every stage of the proceedings and, if any of these parties are financially unable to retain counsel, any right to appointed counsel that exists, subject to the court's right to seek reimbursement; the right to assert the privilege against self-incrimination; the right to confront and cross-examine witnesses; the right to subpoena witnesses; and the right to present evidence on one's own behalf.

7. The mother biological father legal guardian child
 presumed father alleged father Indian custodian
 other (*specify*):

has knowingly and intelligently waived the right to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on his or her own behalf.

Efforts

8. Services offered to the family by the agency to eliminate the conditions or factors requiring court intervention were
 none minimal adequate substantial excellent

9. **Child 16 years of age or older:** The child was in foster care at 16 years of age and remains eligible for independent living services.

a. The services set forth in the case plan include those needed to assist the child in making the transition from foster care to independent living.

b. The services set forth in the case plan do not include those needed to assist the child in making the transition from foster care to independent living.

c. To assist the child in making the transition to independent living, the agency must add to the child case plan and provide the services
 (1) set forth on the record.
 (2) specified here:

CHILD'S NAME: 	CASE NUMBER:
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Education

10. The mother biological father Indian custodian
 presumed father legal guardian
 other (*specify*):

must ensure the child's regular school attendance and make reasonable efforts to obtain the education services necessary to meet the child's specific needs.

11. The right of the mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (*specify*):

to make educational decisions for the child is limited as set forth in the *Order Limiting Parent's Right to Make Educational Decisions for the Child and Appointing Responsible Adult as Educational Representative—Juvenile* (form JV-535) filed in this matter.

12. **Supervision continued**

- a. By a preponderance of the evidence, conditions that would justify the initial assumption of jurisdiction under Welf. & Inst. Code, § 300 still exist, or those conditions are likely to exist if supervision is withdrawn. Family maintenance services are continued

- (1) as previously ordered.
 (2) as modified
 (a) on the record.
 (b) in the updated case plan.

- b. Contact with the child is ordered as set forth in (*check appropriate box and attach indicated form*):
 (1) *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
 (2) *Visitation Attachment: Sibling* (form JV-401).
 (3) *Visitation Attachment: Grandparent* (form JV-402).

13. **Supervision terminated**

- a. Conditions that would justify the initial assumption of jurisdiction under Welf. & Inst. Code, § 300 no longer exist, and those conditions are not likely to recur if supervision is withdrawn. Family maintenance services are terminated.

- b. The mother presumed father biological father
 other (*specify*):

is granted custody of the child under the custody order and final judgment entered this day. Visitation with the child is as ordered in *Visitation Order—Juvenile* (form JV-205). The clerk of the juvenile court must file with the family court a completed *Custody Order—Juvenile—Final Judgment* (form JV-200) and *Visitation Order—Juvenile* (form JV-205).

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

15. **Other findings and orders:**

- a. See attached.
 b. (*Specify*):

16. **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept:	Room:
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- a. In-home status review hearing (Welf. & Inst. Code, § 364)
 b. Other (*specify*):

CHILD'S NAME: _____	CASE NUMBER:
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17. **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved of the duty to provide further representation.

18. Number of pages attached: _____

Date:

JUDGE JUDGE PRO TEMPORE COMMISSIONER REFEREE

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <hr/> <p style="text-align: center;">TELEPHONE NO.: _____ FAX NO. (Optional): _____</p> <p>E-MAIL ADDRESS (Optional): _____</p> <p>ATTORNEY FOR (Name): _____</p>	FOR COURT USE ONLY <h1 style="margin: 0;">DRAFT 9</h1> <h2 style="margin: 0;">09/15/05</h2> <p style="margin: 0;">Not Approved by the Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS AFTER IN-HOME STATUS REVIEW HEARING— CHILD PLACED WITH PREVIOUSLY NONCUSTODIAL PARENT (Welf. & Inst. Code, §§ 364, 366.21)	CASE NUMBER:

1. In-home status review hearing

- | | |
|-----------------------------|-------------------------------------|
| a. Date: | e. Court reporter (name): |
| b. Department: | f. Bailiff (name): |
| c. Judicial officer (name): | g. Interpreter (name and language): |
| d. Court clerk (name): | |

h. Party (name):	Present	Attorney (name):	Present	Appointed today
(1) Child:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(2) Mother:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(3) Father—presumed:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(4) Father—biological:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(5) Father—alleged:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(6) Legal guardian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(7) Indian custodian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(8) De facto parent:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(9) County agency social worker:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(10) Other (specify):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

- i. Others present in courtroom:
- (1) Court Appointed Special Advocate (CASA) volunteer (name):
 - (2) Other (name):
 - (3) Other (name):

2. The court has read and considered and admits into evidence:

- a. Report of social worker dated:
- b. Report of CASA volunteer dated:
- c. Other (specify):
- d. Other (specify):

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

- 3. a. Notice of the date, time, and location of the hearing was given as required by law.
- b. **For child 10 years of age or older who is not present:** The child received proper notice of his or her right to attend the hearing.
- 4. 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'S NAME: _____	CASE NUMBER: _____
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5. A Court Appointed Special Advocate is appointed for the child.

6. **Paternity**

- a. The court inquired of the mother others (*names and relationships*):
as to the identities and addresses of all presumed or alleged fathers. All alleged fathers present during the hearing who had not previously submitted a *Statement Regarding Paternity (Juvenile Dependency)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b. The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
(1) alleged father (*name*):
(2) alleged father (*name*):
(3) alleged father (*name*):

Advisements and waivers

7. **The court informed and advised** the

- mother biological father legal guardian child
 presumed father alleged father Indian custodian
 other (*specify*):

of the following: the right of each parent or guardian and the child to be present and to be represented by counsel at every stage of the proceedings and, if any of the parties is financially unable to retain counsel, any right to appointed counsel that exists, subject to the court's right to seek reimbursement; the right to assert the privilege against self-incrimination; the right to confront and cross-examine witnesses; the right to subpoena witnesses; and the right to present evidence on one's own behalf.

8. The mother biological father legal guardian child
 presumed father alleged father Indian custodian
 other (*specify*):

has knowingly and intelligently waived the right to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on his or her own behalf.

Family maintenance services

9. By prior order of the court, the child was removed from the
 mother presumed father biological father alleged father
 legal guardian Indian custodian other (*specify*):
and placed with a previously noncustodial parent, the
 mother presumed father biological father
 other (*specify*):

CHILD'S NAME: _____	CASE NUMBER: _____
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10. Family maintenance services were ordered for the previously noncustodial parent, and regarding that parent,
- a. the extent of progress toward eliminating the conditions or factors requiring court supervision has been
 none minimal adequate substantial excellent
 - b. services offered by the agency to eliminate the conditions or factors requiring court supervision were
 adequate inadequate
 - c. By a preponderance of the evidence, conditions that would justify the initial assumption of jurisdiction under Welf. & Inst. Code, § 300 still exist or those conditions are likely to recur if supervision is withdrawn. Family maintenance services are continued
 - (1) as previously ordered.
 - (2) as modified
 - (a) on the record.
 - (b) in the case plan.
 - d. Conditions that would justify the initial assumption of jurisdiction under Welf. & Inst. Code, § 300 no longer exist, and those conditions are not likely to exist if supervision is withdrawn. Family maintenance services are terminated.

Reunification services

11. By prior order of the court, reunification services were ordered for
 mother presumed father biological father
 other (*specify*):
 Regarding that person:
- a. The extent of progress made toward alleviating or mitigating the causes necessitating the removal has been
 none minimal adequate substantial excellent
 - b. Services offered by the county agency designed to aid in overcoming the problems that led to the initial removal were
 adequate inadequate
 - c. Reunification services are
 - (1) terminated.
 - (2) continued
 - (a) as previously ordered.
 - (b) as modified
 - (i) on the record.
 - (ii) in the case plan.
 - d. The return of the child would not create a substantial risk of detriment to the child's safety, protection, or physical or emotional well-being and is in the child's best interest. The child is ordered returned to the custody of the person. The agency will provide family maintenance services, and the person will participate in the services. The factual basis for this order is
 - (1) as stated on the record.
 - (2) as follows:

Education

12. The right of the
 mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (*specify*):
 to make educational decisions for the child is limited as set forth in the *Order Limiting Parent's Right to Make Educational Decisions for the Child and Appointing Responsible Adult as Educational Representative—Juvenile* (form JV-535) filed in this matter.
13. The mother biological father legal guardian
 presumed father Indian custodian other (*specify*):
 must ensure the child's regular school attendance and make reasonable efforts to obtain the education services necessary to meet the child's specific needs.

CHILD'S NAME:	CASE NUMBER:
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14. **Child 16 years of age or older:** The child was in foster care at 16 years of age and is eligible for independent living services.
- a. The services set forth in the case plan include those needed to assist the child in making the transition from foster care to independent living.
 - b. The services set forth in the case plan do not include those needed to assist the child in making the transition from foster care to independent living.
 - c. To assist the child in making the transition to independent living, the agency must add to the child case plan and provide the services
 - (1) set forth on the record.
 - (2) specified here:

Custody

15. a. Custody of the child is granted as provided in the custody order and final judgment entered this day to the previously noncustodial parent, the
- mother presumed father biological father
 - other (*specify*):
- b. The factual basis for this order is
- (1) as stated on the record.
 - (2) as follows:
- c. Visitation with the child will be as stated in *Visitation Order—Juvenile* (form JV-205).
- d. The clerk of the juvenile court must file with the family court a completed *Custody Order—Juvenile—Final Judgment* (form JV-200) and *Visitation Order—Juvenile* (form JV-205).

Visitation

16. Contact with the child is ordered as set forth in (*check appropriate box and attach indicated form*):
- a. *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
 - b. *Visitation Attachment: Sibling* (form JV-401).
 - c. *Visitation Attachment: Grandparent* (form JV-402).

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

18. **Other findings and orders:**
- a. See attached.
 - b. (*Specify*):

19. **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept:	Room:
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- a. In-home status review hearing (Welf. & Inst. Code, §§ 364, 366.21)
- b. Other (*specify*):

20. **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved of the duty to provide further representation.

21. Number of pages attached: _____

Date: _____

JUDGE JUDGE PRO TEMPORE COMMISSIONER REFEREE

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____ E-MAIL ADDRESS (<i>Optional</i>): _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY <h1 style="margin: 0;">DRAFT 7</h1> 09/15/05 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:	
FINDINGS AND ORDERS AFTER SIX-MONTH PREPERMANENCY HEARING (Welf. & Inst. Code, § 366.21(e))	CASE NUMBER:

1. Six-month prepermanency hearing

- a. Date:
- b. Department:
- c. Judicial officer (*name*):
- d. Court clerk (*name*):
- e. Court reporter (*name*):
- f. Bailiff (*name*):
- g. Interpreter (*name and language*):

h. <u>Party (<i>name</i>):</u>	<u>Present</u>	<u>Attorney (<i>name</i>):</u>	<u>Present</u>	<u>Appointed today</u>
(1) Child:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(2) Mother:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(3) Father—presumed:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(4) Father—biological:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(5) Father—alleged:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(6) Legal guardian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(7) Indian custodian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(8) De facto parent:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(9) County agency social worker:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(10) Other (<i>specify</i>):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

- i. Others present in courtroom:
 - (1) Court Appointed Special Advocate (CASA) volunteer (*name*):
 - (2) Other (*name*):
 - (3) Other (*name*):

2. The court has read and considered and admits into evidence:

- a. Report of social worker dated:
- b. Report of CASA volunteer dated:
- c. Other (*specify*):
- d. Other (*specify*):

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

- 3. a. Notice of the date, time, and location of the hearing was given as required by law.
- b. **For child 10 years of age or older who is not present:** The child received proper notice of his or her right to attend the hearing.

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

4. 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.

5. A Court Appointed Special Advocate is appointed for the child.

6. Paternity

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 Paternity (Juvenile Dependency)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.

- b. The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged father (*name*):
 - (2) alleged father (*name*):
 - (3) alleged father (*name*):

Advisements and waivers

7. The court has informed and advised the

- mother biological father legal guardian child
 presumed father alleged father Indian custodian
 other (*specify*):

of the following: the right of each parent or guardian and the child to be present and to be represented by counsel at every stage of the proceedings and, if any of these parties is financially unable to retain counsel, any right to appointed counsel that exists, subject to the court's right to seek reimbursement; the right to assert the privilege against self-incrimination; the right to confront and cross-examine the persons who prepared the reports or documents submitted to the court by the petitioner and the witnesses called to testify against the parent, legal guardian, or Indian custodian; the right to subpoena witnesses; and the right to present evidence on his or her own behalf.

8. The mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (*specify*):

has knowingly and intelligently waived the right to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on his or her own behalf.

Siblings

9. **The child does not have siblings under the court's jurisdiction.**
10. **The child does have siblings under the court's jurisdiction.**
- a. The nature of the relationship between the child and the child's siblings is
- (1) stated on the record.
 - (2) described in the social worker's report.
 - (3) other (*specify*):

CHILD'S NAME: 	CASE NUMBER:
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10. b. (1) Developing or maintaining the sibling relationship with the siblings named below is appropriate.
 (a) (name): (d) (name):
 (b) (name): (e) (name):
 (c) (name): (f) (name):
- (2) Developing or maintaining the sibling relationship with the siblings named below is not appropriate.
 (a) (name): (d) (name):
 (b) (name): (e) (name):
 (c) (name): (f) (name):
- (3) The basis for the finding in this item b. is
 (a) stated on the record.
 (b) described in the social worker's report.
 (c) other (specify):
- c. The impact of the sibling relationships on the child's placement and planning for legal permanence is
 (1) stated on the record.
 (2) described in the social worker's report.
 (3) other (specify):
11. **The child and all of the child's siblings under the court's jurisdiction are placed together in the same home.**
12. **The child and all of the child's siblings under the court's jurisdiction are not placed together in the same home.**
- a. Efforts are being made to place the child and the following siblings together.
 (1) Child's siblings:
 (a) (name): (d) (name):
 (b) (name): (e) (name):
 (c) (name): (f) (name):
- (2) The reasons the child and these siblings are not placed together and the efforts being made to do so are
 (a) stated on the record.
 (b) described in the social worker's report.
 (c) other (specify):
- b. Efforts to place the child with the following siblings are not appropriate.
 (1) Child's siblings:
 (a) (name):
 (b) (name):
 (c) (name):
- (2) The reasons that efforts to place the child with these siblings are not appropriate are
 (a) stated on the record.
 (b) described in the social worker's report.
 (c) other (specify):
- c. The frequency and nature of the visitation between the child and child's siblings who are not placed together are
 (1) stated on the record.
 (2) described in the social worker's report.
 (3) other (specify):

CHILD'S NAME: 	CASE NUMBER:
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Efforts

13. The county agency

- a. has
- b. 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 placement of the child.

14. The child is may be an Indian child, and

- a. by clear and convincing evidence active efforts were made to provide remedial services and rehabilitative programs designed to prevent the breakup of this Indian family, and these efforts were unsuccessful.
- b. active efforts were not made to provide remedial services and rehabilitative programs designed to prevent the breakup of this Indian family.

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

	<u>None</u>	<u>Minimal</u>	<u>Adequate</u>	<u>Substantial</u>	<u>Excellent</u>
a. <input type="checkbox"/> Mother	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. <input type="checkbox"/> Presumed father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. <input type="checkbox"/> Biological father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. <input type="checkbox"/> Legal guardian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. <input type="checkbox"/> Indian custodian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. <input type="checkbox"/> Other (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

16. Child 16 years of age or older:

- a. The services set forth in the case plan include those needed to assist the child in making the transition from foster care to independent living.
- b. The services set forth in the case plan do not include those needed to assist the child in making the transition from foster care to independent living.
- c. To assist the child in making the transition to independent living, the agency must add to the case plan and provide the services
 - (1) set forth on the record.
 - (2) as follows:

17. Placement and services are ordered as set forth in (check appropriate box and attach indicated form):

- a. *Six-Month Prepermanency Attachment: Child Reunified (Welf. & Inst. Code, § 366.21(e)) (form JV-431), which is attached and incorporated by reference.*
- b. *Six-Month Prepermanency Attachment: Reunification Services Continued (Welf. & Inst. Code, § 366.21(e)) (form JV-432), which is attached and incorporated by reference.*
- c. *Six-Month Prepermanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.21(e)) (form JV-433), which is attached and incorporated by reference.*

18. Contact with the child is ordered as set forth in (check appropriate box and attach indicated form):

- a. *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person (form JV-400).*
- b. *Visitation Attachment: Sibling (form JV-401).*
- c. *Visitation Attachment: Grandparent (form JV-402).*

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

20. Other findings and orders:

- a. See attached.
- b. (*Specify*):

CHILD'S NAME: 	CASE NUMBER:
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21. **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept:	Room:
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- a. In-home status review hearing (Welf. & Inst. Code, § 364)
- b. 12-month permanency hearing (Welf. & Inst. Code, § 366.21(f))
- c. Selection and implementation hearing (Welf. & Inst. Code, § 366.26)
- d. Postpermanency hearing (Welf. & Inst. Code, § 366.3)
- e. Other (*specify*):

22. **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved of the duty to provide further representation.

23. Number of pages attached: _____

Date:

JUDGE
 JUDGE PRO TEMPORE
 COMMISSIONER
 REFEREE

CHILD'S NAME: _____	CASE NUMBER: _____
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**SIX-MONTH PREPERMANENCY ATTACHMENT: CHILD REUNIFIED
(Welf. & Inst. Code, § 366.21(e))**

1. The return of the child to his or her 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, and the child's placement in foster care is no longer necessary or appropriate. The factual basis for this conclusion is as stated on the record.

Permanent plan

2. The permanent plan of reunification is appropriate.
- a. The child is placed, effective immediately, in the care and custody of the
 mother biological father Indian custodian
 presumed father legal guardian
 other (*specify*):
- b. The county agency will provide family maintenance services, and the family will participate in those services, as stated in the family's case plan.
- c. The family is not in need of further services, and the person specified in item 2a is granted physical and legal custody of the child under the custody order and final judgment entered this day. Visitation with the child will be as stated in the *Visitation Order—Juvenile* (form JV-205). The clerk of the juvenile court must file with the family court a completed *Custody Order—Juvenile—Final Judgment* (form JV-200) and *Visitation Order—Juvenile* (form JV-205).

Education

3. The mother biological father Indian custodian
 presumed father legal guardian
 other (*specify*):
 must ensure the child's regular school attendance and make reasonable efforts to obtain the education services necessary to meet the child's specific needs.
4. The right of the mother biological father Indian custodian
 presumed father legal guardian
 other (*specify*):
 to make educational decisions for the child is limited as set forth in the *Order Limiting Parent's Right to Make Educational Decisions for the Child and Appointing Responsible Adult as Educational Representative—Juvenile* (form JV-535) filed in this matter.
5. **Child 16 years of age or older:** The child was in foster care at 16 years of age and remains eligible for independent living services. The county agency will provide those services as stated in the child's case plan and Transitional Independent Living Plan.

CHILD'S NAME: _____	CASE NUMBER: _____
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SIX-MONTH PREPERMANENCY ATTACHMENT: REUNIFICATION SERVICES CONTINUED
(Welf. & Inst. Code, § 366.21(e))

1. By a preponderance of the evidence, the return of the child to his or her 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.
2. **The child's out-of-home placement is necessary.**
3. **The child's current placement is appropriate.**
4. **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
 - a. The matter is continued to the date and time indicated in JV-430, item 21 for a written oral report by the county agency on the progress made in locating an appropriate placement.
 - b. Other (*specify*):
5. **The child is placed outside the state of California and that out-of-state placement**
 - a. does continue to be the most appropriate placement for the child and is in the best interest of the child.
 - b. does not continue to be the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in JV-430, item 21 for a written oral report by the county agency on the progress made toward
 - (1) returning the child to California and locating an appropriate placement within California.
 - (2) locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
 - (3) Other (*specify*):
6. **For child under the age of three years at time of initial removal or a member of a sibling group**
There is a substantial probability that the child may be returned to the
 mother biological father Indian custodian
 presumed father legal guardian other (*specify*):
 within six months, because the person has
 - a. made significant progress in resolving the problems that led to the removal;
 - b. demonstrated the capacity and ability to complete the objectives of the treatment plan and to provide for the safety, protection, physical and emotional health, and special needs of the child; and
 - c. consistently and regularly contacted and visited the child.
7. **The likely date** by which the child may be returned to and safely maintained in the home or placed for adoption, for legal guardianship, or in an identified placement with a specific goal is (*specify date*):

Services

8. Reunification services are continued
 - a. as previously ordered.
 - b. as modified
 - (1) on the record.
 - (2) in the case plan.

CHILD'S NAME: _____	CASE NUMBER: _____
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9. **Child 10 years of age or older, placed in a group home for six months or longer from the date the child entered foster care**
- a. The agency has made efforts to identify individuals who are important to the child and to maintain the child's relationship with those individuals, consistent with the child's best interest.
 - b. The agency has not made efforts to identify individuals who are important to the child and to maintain the child's relationship with those individuals, consistent with the child's best interest.
 - c. To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the agency must provide the services
 - (1) set forth on the record.
 - (2) specified here:

Health and education

10. The mother biological father Indian custodian
 presumed father legal guardian other (*specify*):
 is 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, § 369 and vested with the county child and family services agency.

11. The right of the mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (*specify*):
 to make educational decisions for the child is limited as set forth in the *Order Limiting Parent's Right to Make Educational Decisions for the Child and Appointing Responsible Adult as Educational Representative—Juvenile* (form JV-535) filed in this matter.

Advisement

12. 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 to a selection and implementation hearing under Welf. & Inst. Code, § 366.26 **that could result in the termination of parental rights and the adoption of the child.**

Twelve-month permanency hearing date:
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CHILD'S NAME: _____	CASE NUMBER: _____
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**SIX-MONTH PREPERMANENCY ATTACHMENT:
REUNIFICATION SERVICES TERMINATED
(Welf. & Inst. Code, § 366.21(e))**

1. By a preponderance of the evidence, the return of the child to his or her 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.
2. **The child's out-of-home placement is necessary.**
3. **The child's current placement is appropriate.**
4. **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
 - a. The matter is continued to the date and time indicated in JV-430, item 21 for a written oral report by the county agency on the progress made in locating an appropriate placement.
 - b. other (*specify*):
5. **The child is placed outside the state of California and that out-of-state placement**
 - a. does continue to be the most appropriate placement for the child and is in the best interest of the child.
 - b. does not continue to be the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in JV-430, item 21 for a written oral report by the county agency on the progress made toward
 - (1) returning the child to California and locating an appropriate placement within California.
 - (2) locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
 - (3) other (*specify*):

Reunification services

6. **Reunification services terminated: Child under age of three years at time of removal or member of sibling group**
 - a. The child was under the age of three years on the date of the initial removal from the home.
 - b. The child and the child's siblings listed below form a sibling group in that one child in the sibling group was under the age of three years at the time of the initial removal, and all children in the sibling group were removed from parental custody at the same time.
 - (1)
 - (2)
 - (3)
 - (4)
 - (5)
 - (6)
 - c. By clear and convincing evidence the

<input type="checkbox"/> mother	<input type="checkbox"/> biological father	<input type="checkbox"/> Indian custodian
<input type="checkbox"/> presumed father	<input type="checkbox"/> legal guardian	

 other (*specify*):
 failed to participate regularly and make substantive progress in a court-ordered treatment plan. Reunification services are terminated.
 - d. Scheduling a hearing under Welf. & Inst. Code, § 366.26 for this child and some or all members of the sibling group is in the child's best interest. The factual basis for this finding is stated on the record.

CHILD'S NAME: 	CASE NUMBER:
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7. **Reunification services terminated: Child of any age**
- a. Reunification services are terminated for the
 mother biological father Indian custodian
 presumed father legal guardian
 other (*specify*):
because, by clear and convincing evidence,
(1) the child was initially removed from the person indicated under Welf. & Inst. Code, § 300(g) and the person's whereabouts remain unknown.
(2) the person has not had contact with the child for six months.
- b. Reunification services are terminated for the
 mother biological father Indian custodian
 presumed father legal guardian
 other (*specify*):
because, by clear and convincing evidence, that person has been convicted of a felony indicating parental unfitness.
- c. Reunification services are terminated for the
 mother biological father Indian custodian
 presumed father legal guardian
 other (*specify*):
because it is determined that the person is deceased.

8. Reunification services were not ordered for the
 mother legal guardian
 presumed father Indian custodian
 other (*specify*):
because the child was removed initially under Welf. & Inst. Code, § 300(g) and, by clear and convincing evidence, the person's whereabouts are still unknown.

Services

9. **Child 10 years of age or older, placed in a group home for six months or longer from the date the child entered foster care**
- a. The agency has made efforts to identify individuals who are important to the child and to maintain the child's relationship with those individuals, consistent with the child's best interest.
- b. The agency has not made efforts to identify individuals who are important to the child and to maintain the child's relationship with those individuals, consistent with the child's best interest.
- c. To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the agency must provide the services
(1) as stated on the record.
(2) as follows:

Health and education

10. The mother biological father other (*specify*):
 presumed father legal guardian
is 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, § 369 and vested with the county child and family services agency.
11. The right of the
 mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (*specify*):
to make educational decisions for the child is limited as set forth in the *Order Limiting Parent's Right to Make Educational Decisions for the Child and Appointing Responsible Adult as Educational Representative—Juvenile* (form JV-535) filed in this matter.

CHILD'S NAME: _____	CASE NUMBER: _____
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12. a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**
- b. By clear and convincing evidence reasonable services have been provided or offered to the child's parents, legal guardian, or Indian custodian.
 - c. The agency and the licensed county adoption agency or the California Department of Social Services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code § 361.5(g).
 - d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record, Rule 38* (form JV-820) and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ, Rules 38.1, 38.3 (Juvenile Dependency)* (form JV-825). A copy of each form is available in the courtroom. The court further advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court is directed to provide written notice as set forth in rule 1456(f)(18) of the California Rules of Court to any party not present.
 - e. The court advised each parent present in court of the date, time, and place of the hearing set under Welf. & Inst. Code, § 366.26; their right to counsel; the nature of the proceedings; and the requirement that at the proceedings the court must select and implement a plan of adoption, guardianship, or an identified placement with a specific goal for the child. The court ordered each parent present in court to appear for the hearing set under Welf. & Inst. Code, § 366.26 and directed that each parent be notified hereafter by first-class mail to his or her usual place of residence or business only.
 - f. The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below who is a mother, a presumed father, or an alleged father and who has relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Family Code section, § 8700, or an alleged father who has denied paternity and has executed section 1 of *Statement Regarding Paternity* (form JV-505).
 - (1) (name):
 - (2) (name):
 - (3) (name):
 - (4) (name):
 - g. **The likely date** by which the child may be placed for adoption, for legal guardianship, or in an identified placement with a specific goal is (*specify date*):

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	FOR COURT USE ONLY <h1 style="margin: 0;">DRAFT 6</h1> <h2 style="margin: 0;">09/15/05</h2> <p style="margin: 0;">Not Approved by the Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS AFTER 12-MONTH PERMANENCY HEARING (Welf. & Inst. Code, § 366.21(f))	CASE NUMBER:

1. Twelve-month permanency hearing

- | | |
|---|--|
| a. Date:
b. Department:
c. Judicial officer <i>(name)</i> :
d. Court clerk <i>(name)</i> : | e. Court reporter <i>(name)</i> :
f. Bailiff <i>(name)</i> :
g. Interpreter <i>(name and language)</i> : |
|---|--|

	Present	<u>Attorney (name):</u>	Present	Appointed <u>today</u>
h. <u>Party (name):</u>				
(1) Child:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(2) Mother:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(3) Father—presumed:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(4) Father—biological:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(5) Father—alleged:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(6) Legal guardian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(7) Indian custodian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(8) De facto parent:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(9) County agency social worker:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(10) Other <i>(specify)</i> :	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

- i. Others present in courtroom:
- (1) Court Appointed Special Advocate (CASA) volunteer *(name)*:
- (2) Other *(name)*:
- (3) Other *(name)*:

2. The court has read and considered and admits into evidence:

- a. Report of social worker dated:
- b. Report of CASA volunteer dated:
- c. Other *(specify)*:
- d. Other *(specify)*:

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

3. a. Notice of the date, time, and location of the hearing was given as required by law.
- b. **For child 10 years of age or older who is not present:** The child received proper notice of his or her right to attend the hearing.

CHILD'S NAME: 	CASE NUMBER:
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4. 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.

5. A Court Appointed Special Advocate is appointed for the child.

6. Paternity

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 Paternity (Juvenile Dependency)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.

- b. The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged father (*name*):
 - (2) alleged father (*name*):
 - (3) alleged father (*name*):

Advisements and waivers

7. The court has informed and advised the

- mother biological father legal guardian child
 presumed father alleged father Indian custodian
 other (*specify*):

of the following: the right of each parent or guardian and the child to be present and to be represented by counsel at every stage of the proceedings and, if any of these parties is financially unable to retain counsel, any right to appointed counsel that exists, subject to the court's right to seek reimbursement; the right to assert the privilege against self-incrimination; the right to confront and cross-examine the persons who prepared the reports or documents submitted to the court by the petitioner and the witnesses called to testify against the parent, legal guardian, or Indian custodian; the right to subpoena witnesses; and the right to present evidence on one's own behalf.

8. The mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (*specify*):

has knowingly and intelligently waived the right to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on his or her own behalf.

Siblings

9. **The child does not have siblings under the court's jurisdiction.**

10. **The child does have siblings under the court's jurisdiction.**

- a. The nature of the relationship between the child and the child's siblings is
- (1) stated on the record.
 - (2) described in the social worker's report.
 - (3) other (*specify*):

CHILD'S NAME: 	CASE NUMBER:
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10. b. (1) Developing or maintaining the sibling relationship with the siblings named below is appropriate.
 (a) (name): _____ (d) (name): _____
 (b) (name): _____ (e) (name): _____
 (c) (name): _____ (f) (name): _____
- (2) Developing or maintaining the sibling relationship with the siblings named below is not appropriate.
 (a) (name): _____ (d) (name): _____
 (b) (name): _____ (e) (name): _____
 (c) (name): _____ (f) (name): _____
- (3) The basis for the finding in this item b is
 (a) stated on the record.
 (b) described in the social worker's report.
 (c) other (specify): _____
- c. The impact of the sibling relationships on the child's placement and planning for legal permanence is
 (1) stated on the record.
 (2) described in the social worker's report.
 (3) other (specify): _____
11. **The child and all of the child's siblings under the court's jurisdiction are placed together in the same home.**
12. **The child and all of the child's siblings under the court's jurisdiction are not placed together in the same home.**
- a. Efforts are being made to place the child and the following siblings together.
 (1) Child's siblings:
 (a) (name): _____ (d) (name): _____
 (b) (name): _____ (e) (name): _____
 (c) (name): _____ (f) (name): _____
 (2) The reasons the child and these siblings are not placed together and the efforts being made to do so are
 (a) stated on the record.
 (b) described in the social worker's report.
 (c) other (specify): _____
- b. Efforts to place the child with the following siblings are not appropriate.
 (1) Child's siblings:
 (a) (name): _____
 (b) (name): _____
 (c) (name): _____
 (2) The reasons that efforts to place the child with these siblings are not appropriate are
 (a) stated on the record.
 (b) described in the social worker's report.
 (c) other (specify): _____
- c. The frequency and nature of the visitation between the child and child's siblings who are not placed together are
 (1) stated on the record.
 (2) described in the social worker's report.
 (3) other (specify): _____

CHILD'S NAME: 	CASE NUMBER:
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Efforts

13. The county agency

- a. has
- b. 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 placement of the child.

14. The child is may be an Indian child, and

- a. by clear and convincing evidence active efforts were made to provide remedial services and rehabilitative programs designed to prevent the breakup of this Indian family, and these efforts were unsuccessful.
- b. active efforts were not made to provide remedial services and rehabilitative programs designed to prevent the breakup of this Indian family.

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

	<u>None</u>	<u>Minimal</u>	<u>Adequate</u>	<u>Substantial</u>	<u>Excellent</u>
a. <input type="checkbox"/> Mother	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. <input type="checkbox"/> Presumed father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. <input type="checkbox"/> Biological father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. <input type="checkbox"/> Legal guardian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. <input type="checkbox"/> Indian custodian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. <input type="checkbox"/> Other (specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

16. Child 16 years of age or older:

- a. The services set forth in the case plan include those needed to assist the child in making the transition from foster care to independent living.
- b. The services set forth in the case plan do not include those needed to assist the child in making the transition from foster care to independent living.
- c. To assist the child in making the transition to independent living, the agency must add to the case plan and provide the services
 - (1) set forth on the record.
 - (2) as follows:

17. Placement and services are ordered as set forth in (check appropriate box and attach indicated form):

- a. *Twelve-Month Permanency Attachment: Child Reunified (Welf. & Inst. Code, § 366.21(f))* (form JV-436), which is attached and incorporated by reference.
- b. *Twelve-Month Permanency Attachment: Reunification Services Continued (Welf. & Inst. Code, § 366.21(f))* (form JV-437), which is attached and incorporated by reference.
- c. *Twelve-Month Permanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.21(f))* (form JV-438), which is attached and incorporated by reference.

18. Contact with the child is ordered as set forth in (check appropriate box and attach indicated form):

- a. *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
- b. *Visitation Attachment: Sibling* (form JV-401).
- c. *Visitation Attachment: Grandparent* (form JV-402).

CHILD'S NAME: _____	CASE NUMBER: _____
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19. All prior orders not in conflict with this order remain in full force and effect.

20. Other findings and orders:

- a. See attached.
- b. (Specify):

21. The next hearing is scheduled as follows:

Hearing date:	Time:	Dept:	Room:
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- a. In-home status review hearing (Welf. & Inst. Code, § 364)
- b. 18-month permanency hearing (Welf. & Inst. Code, § 366.21(f))
- c. Selection and implementation hearing (Welf. & Inst. Code, § 366.26)
- d. Postpermanency hearing (Welf. & Inst. Code, § 366.3)
- e. Other (specify):

22. The petition is dismissed. Jurisdiction of the court is terminated. All appointed counsel are relieved of the duty to provide further representation.

23. Number of pages attached: _____

Date:

JUDGE
 JUDGE PRO TEMPORE
 COMMISSIONER
 REFEREE

CHILD'S NAME: _____	CASE NUMBER: _____
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TWELVE-MONTH PERMANENCY ATTACHMENT: CHILD REUNIFIED
(Welf. & Inst. Code, § 366.21(f))

1. The return of the child to his or her 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, and the child's placement in foster care is no longer necessary or appropriate. The factual basis for this conclusion is stated on the record.

Permanent plan

2. The permanent plan of reunification is appropriate.

a. The child is placed, effective immediately, in the care and custody of the

- mother biological father Indian custodian
 presumed father legal guardian
 other (*specify*):

b. The county agency will provide family maintenance services, and the family will participate in the services stated in the family's case plan.

c. The family is not in need of further services, and the person specified in item 2a is granted physical and legal custody of the child pursuant to the custody order and final judgment entered this day. Visitation with the child will be as stated in *Visitation Order—Juvenile* (form JV -205). The clerk of the juvenile court must file with the family court a completed *Custody Order—Juvenile—Final Judgment* (form JV-200) and *Visitation Order—Juvenile* (form JV-205).

Education

3. The mother biological father Indian custodian
 presumed father legal guardian
 other (*specify*):

must ensure the child's regular school attendance and make reasonable efforts to obtain the education services necessary to meet the child's specific needs.

4. The right of the mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (*specify*):

to make educational decisions for the child is limited as set forth in the *Order Limiting Parent's Right to Make Educational Decisions for the Child and Appointing Responsible Adult as Educational Representative—Juvenile* (form JV-535) filed in this matter.

5. **Child 16 years of age or older:** The child was in foster care at 16 years of age and remains eligible for independent living services. The county agency will provide those services as stated in the child's case plan and Transitional Independent Living Plan.

CHILD'S NAME: _____	CASE NUMBER: _____
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TWELVE-MONTH PERMANENCY ATTACHMENT: REUNIFICATION SERVICES CONTINUED
(Welf. & Inst. Code, § 366.21(f))

1. By a preponderance of the evidence, the return of the child to his or her 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.
2. **The child's out-of-home placement is necessary.**
3. **The child's current placement is appropriate.**
4. **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
 - a. The matter is continued to the date and time indicated in form JV-435, item 21 for a written oral report by the county agency on the progress made in locating an appropriate placement.
 - b. Other (*specify*):
5. **The child is placed outside the state of California and that out-of-state placement**
 - a. does continue to be the most appropriate placement for the child and is in the best interest of the child.
 - b. does not continue to be the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-435, item 21 for a written oral report by the county agency on the progress made toward
 - (1) returning the child to California and locating an appropriate placement within California.
 - (2) locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
 - (3) other (*specify*):
6. **There is a substantial probability that the child may be returned to the**

<input type="checkbox"/> mother	<input type="checkbox"/> biological father	<input type="checkbox"/> Indian custodian
<input type="checkbox"/> presumed father	<input type="checkbox"/> legal guardian	<input type="checkbox"/> other (<i>specify</i>):

 by the date set for the 18-month permanency hearing under Welf. & Inst. Code, § 366.22 because the person has
 - a. made significant progress in resolving the problems that led to the removal;
 - b. demonstrated the capacity and ability to complete the objectives of the treatment plan and to provide for the safety, protection, physical and emotional health, and special needs of the child; and
 - c. consistently and regularly contacted and visited the child.
7. **The likely date** by which the child may be returned to and safely maintained in the home or placed for adoption, legal guardianship, or in an identified placement with a specific goal is (*specify date*):

Services

8. Reunification services are continued
 - a. as previously ordered.
 - b. as modified
 - (1) on the record.
 - (2) in the case plan.
9. **Child 10 years of age or older, placed in a group home for six months or longer from the date the child entered foster care**
 - a. The agency has made efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
 - b. The agency has not made efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
 - c. To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the agency must provide the services
 - (1) as stated on the record.
 - (2) as follows:

CHILD'S NAME: _____	CASE NUMBER:
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Health and education

10. The mother biological father Indian custodian
 presumed father legal guardian other (*specify*):
 is 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, § 369 and vested with the county child and family services agency.

11. The right of the mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (*specify*):
 to make educational decisions for the child is limited as set forth in the *Order Limiting Parent's Right to Make Educational Decisions for the Child and Appointing Responsible Adult as Educational Representative—Juvenile* (form JV-535) filed in this matter.

Advisement

12. 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 18-month permanency hearing set on a date within 18 months from the date the child was initially removed from his or her home, the case may be referred to a selection and implementation hearing under Welf. & Inst. Code, § 366.26 **that could result in the termination of parental rights and the adoption of the child.**

Eighteen-month permanency hearing date:
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CHILD'S NAME: _____	CASE NUMBER: _____
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**TWELVE-MONTH PERMANENCY ATTACHMENT:
REUNIFICATION SERVICES TERMINATED
(Welf. & Inst. Code, § 366.21(f))**

1. By a preponderance of the evidence, the return of the child to his or her 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.
2. **The child's out-of-home placement is necessary.**
3. **Reunification services are terminated.**
4. **The child's current placement is appropriate.**
5. **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a. The matter is continued to the date and time indicated in form JV-435, item 21 for a written oral report by the county agency on the progress made in locating an appropriate placement.
- b. Other (*specify*):
6. **The child is placed outside the state of California and that out-of-state placement**
- a. does continue to be the most appropriate placement for the child and is in the best interest of the child.
- b. does not continue to be the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-435, item 21 for a written oral report by the county agency on the progress made toward
- (1) returning the child to California and locating an appropriate placement within California.
- (2) locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
- (3) other (*specify*):

Selection of permanent plan

7. **By clear and convincing evidence there is a compelling reason for determining that a hearing under Welf. & Inst. Code, § 366.26 is not in the best interest of the child** because the child is not a proper subject for adoption at this time and has no one currently willing or appropriate to accept legal guardianship. The child's permanent plan is
- a. placement with (*name*): _____, a fit and willing relative.
The likely date by which the child will be placed for adoption or guardianship is (*specify date*): _____
- The relative is authorized to provide consent for the child's medical, surgical, and dental care as provided in *Order Granting Authority to Consent to Medical, Surgical, and Dental Care* (form JV-448).
- b. placement with (*name of placement*): _____
with a specific goal of (*specify*):
- (1) return home.
- (2) adoption.
- (3) legal guardianship.
- (4) permanent placement with a fit and willing relative.
- (5) a less restrictive foster care setting.
- (6) independent living with identification of a caring adult to serve as a lifelong connection for the youth.
- The likely date** by which the child's specific goal will be achieved is (*specify date*): _____

CHILD'S NAME: _____	CASE NUMBER: _____
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8. a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**
- b. By clear and convincing evidence reasonable services have been provided or offered to the child's parents, legal guardian, or Indian custodian.
- c. The agency and the licensed county adoption agency or the California Department of Social Services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code § 361.5(g).
- d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record, Rule 38* (form JV-820) and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ, Rules 38.1, 38.3 (Juvenile Dependency)* (form JV-825). A copy of each form is available in the courtroom. The court further advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court is directed to provide written notice as set forth in rule 1461(d)(3)(H)-(I) of the California Rules of Court to any party not present.
- e. The court advised each parent present in court of the date, time, and place of the hearing set under Welf. & Inst. Code, § 366.26; their right to counsel; the nature of the proceedings; and the requirement that at the proceedings the court must select and implement a plan of adoption, guardianship, or identified placement with a specific goal for the child. The court ordered each parent present in court to appear for the hearing set under Welf. & Inst. Code, § 366.26 and directed that each parent be notified hereafter by first-class mail to his or her usual place of residence or business only.
- f. The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below who is a mother, a presumed father, or an alleged father and who has relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Family Code section, § 8700, or an alleged father who has denied paternity and has executed section 1 of *Statement Regarding Paternity* (form JV-505)
- (1) (name):
- (2) (name):
- (3) (name):
- (4) (name):
- g. **The likely date** by which the child may be placed for adoption, for legal guardianship, or in an identified placement with a specific goal is (*specify date*):

Services

9. **Child 10 years of age or older, placed in a group home for six months or longer from the date the child entered foster care**
- a. The agency has made efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
- b. The agency has not made efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
- c. To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the agency must provide the services
- (1) as stated on the record.
- (2) as follows:

Health and education

10. The mother biological father other (*specify*):

presumed father legal guardian

is 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, § 369 and vested with the county child and family services agency.

CHILD'S NAME: —	CASE NUMBER:
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11. The right of the
- | | | |
|--|--|---|
| <input type="checkbox"/> mother | <input type="checkbox"/> biological father | <input type="checkbox"/> legal guardian |
| <input type="checkbox"/> presumed father | <input type="checkbox"/> alleged father | <input type="checkbox"/> Indian custodian |
| <input type="checkbox"/> other (<i>specify</i>): | | |

to make educational decisions for the child is limited as set forth in the *Order Limiting Parent's Right to Make Educational Decisions for the Child and Appointing Responsible Adult as Educational Representative—Juvenile* (form JV-535) filed in this matter.

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 <h1 style="margin: 0;">DRAFT 6</h1> <h2 style="margin: 0;">09/15/05</h2> 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:	
FINDINGS AND ORDERS AFTER 18-MONTH PERMANENCY HEARING (Welf. & Inst. Code, § 366.22)	CASE NUMBER:

1. Eighteen-month permanency hearing

- a. Date:
- b. Department:
- c. Judicial officer (*name*):
- d. Court clerk (*name*):
- e. Court reporter (*name*):
- f. Bailiff (*name*):
- g. Interpreter (*name and language*):

	<u>Present</u>	<u>Attorney (<i>name</i>):</u>		<u>Appointed</u>
h. <u>Party (<i>name</i>):</u>				<u>today</u>
(1) Child:	<input type="checkbox"/>			<input type="checkbox"/>
(2) Mother:	<input type="checkbox"/>			<input type="checkbox"/>
(3) Father—presumed:	<input type="checkbox"/>			<input type="checkbox"/>
(4) Father—biological:	<input type="checkbox"/>			<input type="checkbox"/>
(5) Father—alleged:	<input type="checkbox"/>			<input type="checkbox"/>
(6) Legal guardian:	<input type="checkbox"/>			<input type="checkbox"/>
(7) Indian custodian:	<input type="checkbox"/>			<input type="checkbox"/>
(8) De facto parent:	<input type="checkbox"/>			<input type="checkbox"/>
(9) County agency social worker:	<input type="checkbox"/>			<input type="checkbox"/>
(10) Other (<i>specify</i>):	<input type="checkbox"/>			<input type="checkbox"/>

- i. Others present in courtroom:
 - (1) Court Appointed Special Advocate (CASA) volunteer (*name*):
 - (2) Other (*name*):
 - (3) Other (*name*):

2. The court has read and considered and admits into evidence:

- a. Report of social worker dated:
- b. Report of CASA volunteer dated:
- c. Other (*specify*):
- d. Other (*specify*):

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

- 3. a. Notice of the date, time, and location of the hearing was given as required by law.
- b. **For child 10 years of age or older who is not present:** The child received proper notice of his or her right to attend the hearing.

CHILD'S NAME: 	CASE NUMBER:
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4. 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.

5. A Court Appointed Special Advocate is appointed for the child.

6. Paternity

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 Paternity (Juvenile Dependency)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.

- b. The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged father (*name*):
 - (2) alleged father (*name*):
 - (3) alleged father (*name*):

Advisements and waivers

7. The court has informed and advised the

- mother biological father legal guardian child
 presumed father alleged father Indian custodian
 other (*specify*):

of the following: the right of each parent or guardian and the child to be present and to be represented by counsel at every stage of the proceedings and, if any of these parties is financially unable to retain counsel, any right to appointed counsel that exists, subject to the court's right to seek reimbursement; the right to assert the privilege against self-incrimination; the right to confront and cross-examine the persons who prepared the reports or documents submitted to the court by the petitioner and the witnesses called to testify against the parent, legal guardian, or Indian custodian; the right to subpoena witnesses; and the right to present evidence on one's own behalf.

8. The mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (*specify*):

has knowingly and intelligently waived the right to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on his or her own behalf.

Siblings

9. **The child does not have siblings under the court's jurisdiction.**

10. **The child does have siblings under the court's jurisdiction.**

- a. The nature of the relationship between the child and the child's siblings is
- (1) stated on the record.
 - (2) described in the social worker's report.
 - (3) other (*specify*):

CHILD'S NAME: 	CASE NUMBER:
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10. b. (1) Developing or maintaining the sibling relationship with the siblings named below is appropriate.
 (a) (name): (d) (name):
 (b) (name): (e) (name):
 (c) (name): (f) (name):
- (2) Developing or maintaining the sibling relationship with the siblings named below is not appropriate.
 (a) (name): (d) (name):
 (b) (name): (e) (name):
 (c) (name): (f) (name):
- (3) The basis for the finding in this item b is
 (a) stated on the record.
 (b) described in the social worker's report.
 (c) other (specify):
- c. The impact of the sibling relationships on the child's placement and planning for legal permanence is
 (1) stated on the record.
 (2) described in the social worker's report.
 (3) other (specify):
11. **The child and all of the child's siblings under the court's jurisdiction are placed together in the same home.**
12. **The child and all of the child's siblings under the court's jurisdiction are not placed together in the same home.**
- a. Efforts are being made to place the child and the following siblings together.
 (1) Child's siblings:
 (a) (name): (d) (name):
 (b) (name): (e) (name):
 (c) (name): (f) (name):
- (2) The reasons the child and these siblings are not placed together and the efforts being made to do so are
 (a) stated on the record.
 (b) described in the social worker's report.
 (c) other (specify):
- b. Efforts to place the child with the following siblings are not appropriate.
 (1) Child's siblings:
 (a) (name):
 (b) (name):
 (c) (name):
- (2) The reasons that efforts to place the child with these siblings are not appropriate are
 (a) stated on the record.
 (b) described in the social worker's report.
 (c) other (specify):
- c. The frequency and nature of the visitation between the child and child's siblings who are not placed together are
 (1) stated on the record.
 (2) described in the social worker's report.
 (3) other (specify):

CHILD'S NAME: 	CASE NUMBER:
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Efforts

13. The county agency

- a. has
- b. 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 placement of the child.

14. The child is may be an Indian child, and

- a. by clear and convincing evidence active efforts were made to provide remedial services and rehabilitative programs designed to prevent the breakup of this Indian family, and these efforts were unsuccessful.
- b. active efforts were not made to provide remedial services and rehabilitative programs designed to prevent the breakup of this Indian family.

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

	<u>None</u>	<u>Minimal</u>	<u>Adequate</u>	<u>Substantial</u>	<u>Excellent</u>
a. <input type="checkbox"/> Mother	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. <input type="checkbox"/> Presumed father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. <input type="checkbox"/> Biological father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. <input type="checkbox"/> Legal guardian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. <input type="checkbox"/> Indian custodian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. <input type="checkbox"/> Other (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

16. Child 16 years of age or older:

- a. The services set forth in the case plan include those needed to assist the child in making the transition from foster care to independent living.
- b. The services set forth in the case plan do not include those needed to assist the child in making the transition from foster care to independent living.
- c. To assist the child in making the transition to independent living, the agency must add to the child case plan and provide the services
 - (1) as stated on the record.
 - (2) as follows:

17. Placement and services are ordered as set forth in (check appropriate box and attach indicated form):

- a. *Eighteen-Month Permanency Attachment: Child Reunified (Welf. & Inst. Code, § 366.22) (form JV-441), which is attached and incorporated by reference.*
- b. *Eighteen-Month Permanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.22) (form JV-442), which is attached and incorporated by reference.*

18. Contact with the child is ordered as set forth in (check appropriate box and attach indicated form):

- a. *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person (form JV-400).*
- b. *Visitation Attachment: Sibling (form JV-401).*
- c. *Visitation Attachment: Grandparent (form JV-402).*

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

CHILD'S NAME: _____	CASE NUMBER: _____
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20. **Other findings and orders:**
 a. See attached.
 b. (*Specify*):

21. **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept:	Room:
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- a. In-home status review hearing (Welf. & Inst. Code, § 364)
 b. Selection and Implementation hearing (Welf. & Inst. Code, § 366.26)
 c. Postpermanency hearing (Welf. & Inst. Code, § 366.3)
 d. Other (*specify*):

22. **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved of the duty to provide further representation.

23. Number of pages attached: _____

Date:

JUDGE
 JUDGE PRO TEMPORE
 COMMISSIONER
 REFEREE

CHILD'S NAME: _____	CASE NUMBER: _____
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EIGHTEEN-MONTH PERMANENCY ATTACHMENT: CHILD REUNIFIED
(Welf. & Inst. Code, § 366.22)

1. The return of the child to his or her 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, and the child's placement in foster care is no longer necessary or appropriate. The factual basis for this conclusion is stated on the record.

Permanent plan

2. The permanent plan of reunification is appropriate.
- a. The child is placed, effective immediately, in the care and custody of the
 mother biological father Indian custodian
 presumed father legal guardian
 other (*specify*):
- b. The county agency will provide family maintenance services and the family will participate in the services stated in the family's case plan.
- c. The family is not in need of further services, and the person specified in item 2a is granted physical and legal custody of the child under the custody order and final judgment entered this day. Visitation with the child will be as stated in *Visitation Order—Juvenile* (form JV-205). The clerk of the juvenile court must file with the family court a completed *Custody Order—Juvenile—Final Judgment* (form JV-200) and *Visitation Order—Juvenile* (form JV-205).

Education

3. The mother biological father Indian custodian
 presumed father legal guardian
 other (*specify*):
 must ensure the child's regular school attendance and make reasonable efforts to obtain the education services necessary to meet the child's specific needs.
4. The right of the
 mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (*specify*):
 to make educational decisions for the child is limited as set forth in the *Order Limiting Parent's Right to Make Educational Decisions for the Child and Appointing Responsible Adult as Educational Representative—Juvenile* (form JV-535) filed in this matter.
5. **Child 16 years of age or older:** The child was in foster care at 16 years of age and remains eligible for independent living services. The county agency will provide those services as stated in the child's case plan and Transitional Independent Living Plan.

CHILD'S NAME: —	CASE NUMBER:
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**EIGHTEEN-MONTH PERMANENCY ATTACHMENT:
REUNIFICATION SERVICES TERMINATED
(Welf. & Inst. Code, § 366.22)**

1. By a preponderance of the evidence, the return of the child to his or her 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.
2. **The child's out-of-home placement is necessary.**
3. **Reunification services are terminated.**
4. **The child's current placement is appropriate.**
5. **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
 - a. The matter is continued to the date and time indicated in form JV-440, item 21 for a written oral report by the county agency on the progress made in locating an appropriate placement.
 - b. Other (*specify*):
6. **The child is placed outside the state of California and that out-of-state placement**
 - a. does continue to be the most appropriate placement for the child and is in the best interest of the child.
 - b. does not continue to be the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-440, item 21 for a written oral report by the county agency on the progress made toward
 - (1) returning the child to California and locating an appropriate placement within California.
 - (2) locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
 - (3) other (*specify*):

Selection of permanent plan

7. **By clear and convincing evidence there is a compelling reason for determining that a hearing under Welf. & Inst. Code, § 366.26 is not in the best interest of the child** because the child is not a proper subject for adoption at this time and has no one currently willing or appropriate to accept legal guardianship. The child's permanent plan is
 - a. placement with (*name*): _____, a fit and willing relative.
The likely date by which the child will be placed for adoption or guardianship is (*date*):
 The relative is authorized to provide consent for the child's medical, surgical, and dental care as provided in *Order Granting Authority to Consent to Medical, Surgical, and Dental Care* (form JV-448).
 - b. placement with (*name of placement*): _____
with a specific goal of (*specify*):
 - (1) return home.
 - (2) adoption.
 - (3) legal guardianship.
 - (4) permanent placement with a fit and willing relative.
 - (5) a less restrictive foster care setting.
 - (6) independent living with identification of a caring adult to serve as a lifelong connection for the youth.**The likely date** by which the child's specific goal will be achieved is (*specify date*): _____
8. a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**
 - b. By clear and convincing evidence reasonable services have been provided or offered to the child's parents, legal guardian, or Indian custodian.
 - c. The agency and the licensed county adoption agency or the California Department of Social Services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code, § 361.5(g).

CHILD'S NAME: 	CASE NUMBER:
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- d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record, Rule 38* (form JV-820) and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ, Rules 38.1, 38.3 (Juvenile Dependency)* (form JV-825). A copy of each form is available in the courtroom. The court further advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court is directed to provide written notice as set forth in rule 1462(c)(10) of the California Rules of Court to any party not present.
- e. The court advised each parent present in court of the date, time, and place of the hearing set under Welf. & Inst. Code, § 366.26; their right to counsel; the nature of the proceedings; and the requirement that at the proceedings the court must select and implement a plan of adoption, guardianship, or identified placement with a specific goal for the child. The court ordered each parent present in court to appear for the hearing set under Welf. & Inst. Code, § 366.26 and directed that each parent be notified hereafter by first-class mail to his or her usual place of residence or business only.
- f. The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below who is a mother, a presumed father, or an alleged father and who has relinquished the child for adoption where relinquishment has been accepted and filed with notice under Family Code section, § 8700, or an alleged father who has denied paternity and has executed section 1 of *Statement Regarding Paternity* (form JV-505).
 - (1) (name):
 - (2) (name):
 - (3) (name):
 - (4) (name):
- g. **The likely date** by which the child may be placed for adoption, for legal guardianship, or in an identified placement with a specific goal is (*specify date*):

Services

- 9. **Child 10 years of age or older, placed in a group home for six months or longer from the date the child entered foster care**
 - a. The agency has made efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
 - b. The agency has not made efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
 - c. To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the agency must provide the services
 - (1) as stated on the record.
 - (2) as follows:

Health and education

- 10. The mother biological father other (*specify*):
 presumed father legal guardian
 is 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, § 369 and vested with the county child and family services agency.
- 11. The right of the mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (*specify*):
 to make educational decisions for the child is limited as set forth in the *Order Limiting Parent's Right to Make Educational Decisions for the Child and Appointing Responsible Adult as Educational Representative—Juvenile* (form JV-535) filed in this matter.

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>	<p>FOR COURT USE ONLY</p> <h1 style="margin: 0;">DRAFT 6</h1> <h2 style="margin: 0;">09/15/05</h2> <p style="margin: 0;">Not Approved by the Judicial Council</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
<p>FINDINGS AND ORDERS AFTER POSTPERMANENCY HEARING— PARENTAL RIGHTS TERMINATED; PERMANENT PLAN OF ADOPTION (Welf. & Inst. Code, § 366.3(f))</p>	CASE NUMBER:

1. Postpermanency hearing

- | | |
|---|---|
| a. Date:
b. Department:
c. Judicial officer (<i>name</i>):
d. Court clerk (<i>name</i>): | e. Court reporter (<i>name</i>):
f. Bailiff (<i>name</i>):
g. Interpreter (<i>name and language</i>): |
|---|---|

h. <u>Party (<i>name</i>):</u>	Present	<u>Attorney (<i>name</i>):</u>	Present	<u>Appointed today</u>
(1) Child:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(2) Legal guardian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(3) Indian custodian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(4) De facto parent:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(5) County agency social worker:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(6) Other (<i>specify</i>):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

- i. Others present in courtroom:
- (1) Court Appointed Special Advocate (CASA) volunteer (*name*):
- (2) Other (*name*):
- (3) Other (*name*):

2. The court has read and considered and admits into evidence:

- a. Report of social worker dated:
- b. Report of CASA volunteer dated:
- c. Other (*specify*):
- d. Other (*specify*):

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

3. a. Notice of the date, time, and location of the hearing was given as required by law.
- b. **For child 10 years of age or older who is not present:** The child received proper notice of his or her right to attend the hearing.
4. A Court Appointed Special Advocate is appointed for the child.
5. **The child's out-of-home placement is necessary.**
6. **The child's current placement is appropriate.**

CHILD'S NAME: 	CASE NUMBER:
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7. **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a. The matter is continued to the date and time indicated in item 22 for a written oral report by the county agency on the progress made in locating an appropriate placement.
 - b. Other (*specify*):
8. **The child is placed outside the state of California and that out-of-state placement**
- a. does continue to be the most appropriate placement for the child and is in the best interest of the child.
 - b. does not continue to be the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in item 22 for a written oral report by the county agency on the progress made toward
 - (1) returning the child to California and locating an appropriate placement within California
 - (2) locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
 - (3) other (*specify*):

Efforts

9. **The county agency**
- a. has
 - b. has not
- complied with the case plan by making reasonable efforts, including whatever steps are necessary to make and to finalize the permanent placement of the child.
10. **Child not yet placed with prospective adoptive parent or a guardian**
- a. The child has identified the following as an individual important to him or her:
 - (1) (*name*):
 - (2) (*name*):
 - (3) (*name*):
 - b. The county child and family services agency has has not made efforts to identify individuals who are important to the child, consistent with the child's best interest.
 - c. The county child and family services agency has has not made efforts to maintain the child's relationships with the individuals who are important to the child, consistent with the child's best interest.
 - d. The county child and family services agency has has not made efforts to identify a prospective adoptive parent or a legal guardian for the child.
 - e. To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the agency must provide the services
 - (1) as stated on the record.
 - (2) as follows:
 - f. To identify a prospective adoptive or a legal guardian for the child, the agency must provide the services
 - (1) as stated on the record.
 - (2) as follows:

11. The services provided to the child have been
- a. adequate.
 - b. not adequate.

CHILD'S NAME: —	CASE NUMBER:
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12. **Child 16 years of age and over:**

- a. The services set forth in the case plan include those needed to assist the child in making the transition from foster care to independent living.
- b. The services set forth in the case plan do not include those needed to assist the child in making the transition from foster care to independent living.
- c. To assist the child in making the transition to independent living, the agency must add to the case plan and provide the services
- (1) as stated on the record.
- (2) as follows:

Siblings13. **The child does not have siblings under the court's jurisdiction.**14. **The child does have siblings under the court's jurisdiction.**

- a. The nature of the relationship between the child and the child's siblings is
- (1) stated on the record.
- (2) described in the social worker's report.
- (3) other (*specify*):
- b. (1) Developing or maintaining the sibling relationship with the siblings named below is appropriate.
- (a) (*name*): (d) (*name*):
- (b) (*name*): (e) (*name*):
- (c) (*name*): (f) (*name*):
- (2) Developing or maintaining the sibling relationship with the siblings named below is not appropriate.
- (a) (*name*): (d) (*name*):
- (b) (*name*): (e) (*name*):
- (c) (*name*): (f) (*name*):
- (3) The basis for the finding in this item b is
- (a) stated on the record.
- (b) described in the social worker's report.
- (c) other (*specify*):
- c. The impact of the sibling relationships on the child's placement and planning for legal permanence is
- (1) stated on the record.
- (2) described in the social worker's report.
- (3) other (*specify*):

15. **The child and all of the child's siblings under the court's jurisdiction are placed together in the same home.**16. **The child and all of the child's siblings under the court's jurisdiction are not placed together in the same home.**

- a. Efforts are being made to place the child and the following siblings together.
- (1) Child's siblings:
- (a) (*name*): (d) (*name*):
- (b) (*name*): (e) (*name*):
- (c) (*name*): (f) (*name*):
- (2) The reasons the child and these siblings are not placed together and the efforts being made to do so are
- (a) stated on the record.
- (b) described in the social worker's report.
- (c) other (*specify*):

CHILD'S NAME: _____	CASE NUMBER: _____
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16. b. Efforts to place the child with the following siblings are not appropriate.
- (1) Child's siblings:
- (a) *(name)*: _____
- (b) *(name)*: _____
- (c) *(name)*: _____
- (2) The reasons that efforts to place the child with these siblings are not appropriate are
- (a) stated on the record.
- (b) described in the social worker's report.
- (c) other *(specify)*: _____
- c. The frequency and nature of the visitation between the child and child's siblings who are not placed together are
- (1) stated on the record.
- (2) described in the social worker's report.
- (3) other *(specify)*: _____

Permanent plan

17. a. The permanent plan of adoption is appropriate and is ordered to continue as the permanent plan.
- b. **The likely date** by which the child's adoption will be finalized is *(specify date)*: _____
18. a. The child's permanent plan of adoption may or may not be appropriate, and the matter is ordered set for a hearing under Welf. and Inst. Code, § 366.26 to select the most appropriate permanent plan for the child. The county agency and the licensed county adoption agency or the California Department of Social Services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code, § 366.22(b).
- b. **The likely date** by which the child may be placed for adoption, for legal guardianship, or in an identified placement with a specific goal is *(specify date)*: _____
19. **Contact with the child is ordered as follows** *(check appropriate box and attach indicated form)*:
- a. *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400)
- b. *Visitation Attachment: Sibling* (form JV-401)
- c. *Visitation Attachment: Grandparent* (form JV-402)
20. **All prior orders not in conflict with this order remain in full force and effect.**
21. Other findings and orders:
- a. See attached.
- b. *(Specify)*: _____

22. **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept:	Room:
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- a. Postpermanency hearing (Welf. & Inst. Code, § 366.3(f))
- b. Selection and implementation hearing (Welf. & Inst. Code, § 366.26)
- c. Other *(specify)*: _____

23. Number of pages attached: _____

Date: _____

JUDGE
 JUDGE PRO TEMPORE
 COMMISSIONER
 REFEREE

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>	<p><i>FOR COURT USE ONLY</i></p> <h1 style="margin: 0;">DRAFT 9</h1> <h2 style="margin: 0;">09/15/05</h2> <p style="margin: 0;">Not Approved by the Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS AFTER POSTPERMANENCY HEARING— PERMANENT PLAN OTHER THAN ADOPTION (Welf. & Inst. Code, § 366.3)	CASE NUMBER:

1. Postpermanency hearing

- | | |
|---|---|
| a. Date:
b. Department:
c. Judicial officer (<i>name</i>):
d. Court clerk (<i>name</i>): | e. Court reporter (<i>name</i>):
f. Bailiff (<i>name</i>):
g. Interpreter (<i>name and language</i>): |
|---|---|

<u>Party (<i>name</i>):</u>	<u>Present</u>	<u>Attorney (<i>name</i>):</u>	<u>Present</u>	<u>Appointed today</u>
(1) Child:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(2) Mother:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(3) Father—presumed:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(4) Father—biological:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(5) Father—alleged:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(6) Legal guardian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(7) Indian custodian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(8) De facto parent:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(9) County agency social worker:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(10) Other (<i>specify</i>):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

- i. Others present in courtroom:
- (1) Court Appointed Special Advocate (CASA) volunteer (*name*):
 - (2) Other (*name*):
 - (3) Other (*name*):

2. The court has read and considered and admits into evidence:

- a. Report of social worker dated:
- b. Report of CASA volunteer dated:
- c. Other (*specify*):
- d. Other (*specify*):

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

- 3. a. Notice of the date, time, and location of the hearing was given as required by law.
- b. **For child 10 years of age or older who is not present:** The child received proper notice of his or her right to attend the hearing.
- 4. 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.
- 5. A Court Appointed Special Advocate is appointed for the child.

CHILD'S NAME: 	CASE NUMBER:
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6. Paternity

a. The court inquired of the mother others (*names and relationships*):

as to the identities and addresses of all presumed or alleged fathers. All alleged fathers present during the hearing who had not previously submitted a *Statement Regarding Paternity (Juvenile Dependency)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.

b. The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
 (1) alleged father (*name*):
 (2) alleged father (*name*):
 (3) alleged father (*name*):

Advisements and waivers

7. The court informed and advised the

- mother biological father legal guardian child
 presumed father alleged father Indian custodian
 other (*specify*):

of the following: the right of each parent or guardian and the child to be present and to be represented by counsel at every stage of the proceedings and, if any of these parties is financially unable to retain counsel, any right to appointed counsel that exists, subject to the court's right to seek reimbursement; the right to assert the privilege against self-incrimination; the right to confront and cross-examine the persons who prepared the reports or documents submitted to the court by the petitioner and the witnesses called to testify against the parent, legal guardian, or Indian custodian; the right to subpoena witnesses; and the right to present evidence on one's own behalf.

8. The mother biological father legal guardian child
 presumed father alleged father Indian custodian
 other (*specify*):

has knowingly and intelligently waived the right to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on his or her own behalf.

Placement

9. **Continued out-of-home care is in the best interest of the child.**

10. **The child's out-of-home placement is necessary.**

11. **The child's current placement is appropriate.**

12. **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.

- a. The matter is continued to the date and time indicated in item 32 for a written oral report by the county agency on the progress made in locating an appropriate placement.
- b. Other (*specify*):

CHILD'S NAME: 	CASE NUMBER:
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13. **The child is placed outside the state of California and that out-of-state placement**
- a. does continue to be the most appropriate placement for the child and is in the best interest of the child.
 - b. does not continue to be the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated on in item 32 for a written oral report by the county agency on the progress made toward
 - (1) returning the child to California and locating an appropriate placement within California.
 - (2) locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
 - (3) Other (*specify*):

Efforts

14. **The county agency**
- a. has
 - b. has not
- complied with the case plan by making reasonable efforts, including whatever steps are necessary to make and to finalize the permanent placement of the child.

15. **Child 10 years of age or older, placed in a group home for six months or longer from the date the child entered foster care**
- a. The child has identified the following as an individual important to him or her:
 - (1) (*name*):
 - (2) (*name*):
 - (3) (*name*):
 - b. The county child and family services agency has has not made efforts to identify individuals who are important to the child, consistent with the child's best interest.
 - c. The county child and family services agency has has not made efforts to maintain the child's relationships with the individuals who are important to the child, consistent with the child's best interest.
 - d. The county child and family services agency has has not made efforts to identify a perspective adoptive parent or a legal guardian for the child.
 - e. To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the agency must provide the services
 - (1) as stated on the record.
 - (2) as follows:
 - f. To identify a prospective adoptive or a legal guardian for the child, the agency must provide the services
 - (1) as stated on the record.
 - (2) as follows:

16. The services provided to the child have been
- a. adequate.
 - b. not adequate.

17. **The county agency**
- a. has
 - b. has not
- complied with the case plan by making reasonable efforts, including whatever steps are necessary to finalize the permanent placement of the child.

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

18. **Child 16 years of age or older:**
- a. The services set forth in the case plan include those needed to assist the child in making the transition from foster care to independent living.
 - b. The services set forth in the case plan do not include those needed to assist the child in making the transition from foster care to independent living.
 - c. To assist the child in making the transition to independent living, the agency must add to the child's case plan and provide the services
 - (1) as stated on the record.
 - (2) as follows:

Siblings

19. **The child does not have siblings under the court's jurisdiction.**
20. **The child does have siblings under the court's jurisdiction.**
- a. The nature of the relationship between the child and the child's siblings is
 - (1) stated on the record.
 - (2) described in the social worker's report.
 - (3) other (*specify*):
 - b. (1) Developing or maintaining the sibling relationship with the siblings named below is appropriate.

(a) (<i>name</i>):	(d) (<i>name</i>):
(b) (<i>name</i>):	(e) (<i>name</i>):
(c) (<i>name</i>):	(f) (<i>name</i>):

 - (2) Developing or maintaining the sibling relationship with the siblings named below is not appropriate.

(a) (<i>name</i>):	(d) (<i>name</i>):
(b) (<i>name</i>):	(e) (<i>name</i>):
(c) (<i>name</i>):	(f) (<i>name</i>):
 - (3) The basis for the finding in this item b is
 - (a) stated on the record.
 - (b) described in the social worker's report.
 - (c) other (*specify*):
 - c. The impact of the sibling relationships on the child's placement and planning for legal permanence is
 - (1) stated on the record.
 - (2) described in the social worker's report.
 - (3) other (*specify*):
21. **The child and all of the child's siblings under the court's jurisdiction are placed together in the same home.**
22. **The child and all of the child's siblings under the court's jurisdiction are not placed together in the same home.**
- a. Efforts are being made to place the child and the following siblings together.
 - (1) Child's siblings:

(a) (<i>name</i>):	(d) (<i>name</i>):
(b) (<i>name</i>):	(e) (<i>name</i>):
(c) (<i>name</i>):	(f) (<i>name</i>):
 - (2) The reasons the child and these siblings are not placed together and the efforts being made to do so are
 - (a) stated on the record.
 - (b) described in the social worker's report.
 - (c) other (*specify*):

CHILD'S NAME: 	CASE NUMBER:
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22. b. Efforts to place the child with the following siblings are not appropriate.
- (1) Child's siblings:
- (a) (name):
- (b) (name):
- (c) (name):
- (2) The reasons that efforts to place the child with these siblings are not appropriate are
- (a) stated on the record.
- (b) described in the social worker's report.
- (c) other (specify):
- c. The frequency and nature of the visitation between the child and child's siblings who are not placed together are
- (1) stated on the record.
- (2) described in the social worker's report.
- (3) other (specify):

Health and education

23. The mother biological father other (specify):
 presumed father legal guardian
 is 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, § 369 and vested with the county child and family services agency.
24. The right of the mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (specify):
 to make educational decisions for the child is limited as set forth in the *Order Limiting Parent's Right to Make Education Decisions for the Child and Appointing Responsible Adult as Educational Representative—Juvenile* (form JV-535) filed in this matter.

Permanent Plan

25. The child's permanent plan is
- a. legal guardianship. **The likely date** by which dependency jurisdiction will be dismissed is (specify date):
- b. placement with (name): _____, a fit and willing relative.
The likely date by which the child will be placed for adoption or guardianship is (specify date):
 The relative is authorized to provide consent for the child's medical, surgical, and dental care as provided in *Order Granting Authority to Consent to Medical, Surgical, and Dental Care* (form JV-448).
- c. placement with (name of placement): _____
 with a specific goal of (specify):
- (1) returning home.
- (2) adoption.
- (3) legal guardianship.
- (4) a less restrictive foster setting.
- (5) permanent placement with a fit and willing relative.
- (6) independent living with identification of a caring adult to serve as a lifelong connection for the youth.
- d. **The likely date** by which the child's specific goal will be achieved is (specify date):
26. The child's permanent plan identified in item 25 is appropriate and continues as the permanent plan.

CHILD'S NAME: 	CASE NUMBER:
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27. a. The child's permanent plan identified in item 25 may not be appropriate, and the matter is ordered set for a hearing under Welf. and Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.
- b. The county agency and the licensed county adoption agency or the California Department of Social services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code, § 366.22(b).
- c. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record, Rule 38* (form JV-820) and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ, Rules 38.1, 38.3 (Juvenile Dependency)* (form JV-825). A copy of each form is available in the courtroom. The court further advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court is directed to provide written notice as set forth in rule 1461(d)(3)(H)-(I) of the California Rules of Court to any party not present.
- d. The court advised each parent present in court of the date, time, and place of the hearing set under Welf. & Inst. Code, § 366.26; their right to counsel; the nature of the proceedings; and the requirement that at the proceedings the court must select and implement a plan of adoption, guardianship, or identified placement with a specific goal for the child. The court ordered each parent present in court to appear for the hearing set under Welf. & Inst. Code, § 366.26 and directed that each parent be notified hereafter by first-class mail to his or her usual place of residence or business only.
- e. The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below who is a mother, a presumed father, or an alleged father and who has relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Family Code section, § 8700, or an alleged father who has denied paternity and has executed section 1 of *Statement Regarding Paternity* (form JV-505).
- (1) (name):
- (2) (name):
- (3) (name):
- (4) (name):
- f. **The likely date** by which the child may be placed for adoption, for legal guardianship, or in an identified placement with a specific goal is (*specify date*):
28. By clear and convincing evidence there is a compelling reason for determining that a hearing under Welf. & Inst. Code, § 366.26 is not in the best interest of the child because the child is not a proper subject for adoption at this time and has no one currently willing or appropriate to accept legal guardianship.
29. **Contact with the child is ordered as set forth in** (*check appropriate box and attach indicated form*):
- a. *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
- b. *Visitation Attachment: Sibling* (form JV-401).
- c. *Visitation Attachment: Grandparent* (form JV-402).
30. **All prior orders not in conflict with this order remain in full force and effect.**
31. **Other findings and orders:**
- a. See attached.
- b. (*Specify*):

CHILD'S NAME: 	CASE NUMBER:
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32. **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept:	Room:
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- a. Selection and implementation hearing (Welf. & Inst. Code, § 366.26)
- b. Postpermanency hearing (Welf. & Inst. Code, § 366.3)
- c. Other (*specify*):

33. Number of pages attached: _____

Date:

JUDGE JUDGE PRO TEMPORE COMMISSIONER REFEREE

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY <h1 style="text-align: center;">DRAFT 5</h1> <h2 style="text-align: center;">09/15/05</h2> <p style="text-align: center;">Not Approved by the Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
CHILD'S NAME: _____	
ORDER GRANTING AUTHORITY TO CONSENT TO MEDICAL, SURGICAL, AND DENTAL CARE (Welf. & Inst. Code, § 366.27)	CASE NUMBER: _____

1. The child is a dependent of the court under Welfare and Institutions Code, section 300.
2. The child is placed by order of this court with a relative caretaker (specify name): _____
3. The relative caretaker named in item 2 is granted the authority to provide legal consent for the child's medical, surgical, and dental care. The authority granted by this order is the authority that is held by a parent with full legal custody of a child.

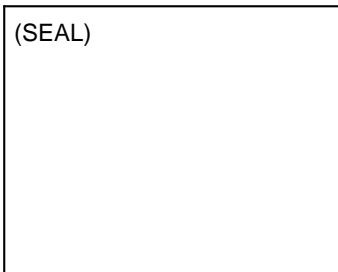
Date: _____

JUDICIAL OFFICER

4. CERTIFICATION

I certify that this document is a correct copy of the original on file in my office and that this order has not been revoked, annulled, or set aside and is still in full force and effect.

Date: _____ Clerk, by _____, Deputy



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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
1.	Ms. Grace Andres Program Manager Superior Court of California, County of Solano Fairfield	A	N	No specific comment.	No response required.
2.	Hon. Charles Campbell Juvenile Dependency Judge Superior Court of California, County of Ventura Ventura	A	N	No specific comment.	No response required.
3.	Ms. Larisa Cummings Staff Attorney Disability Rights Education & Defense Fund Berkeley	N	Y	Many of the forms should contain additional requirements for evaluations, recommendations, inquiries and orders addressing a child’s special education needs due to disability or high risk of developmental disability. DREDF recommends the modification of the following forms to include provisions related to evaluations, recommendations, inquiries, and orders addressing a child’s special education needs due to disability or high risk of developmental disability: JV-100, JV-110, JV-180, JV-365, JV-185, JV-405, JV-406, JV-410, JV-12, JV-415, JV-417, JV-418, JV-420, JV-421, JV-425, JV-426, JV-430, JV-435, JV-440, JV-441, JV-442, JV-445, JV-446, JV-640, JV-642, JV-666, JV-794, JV-622, JV-624, JV-225, JV-280, JV-300, JV-320, JV-600, and JV-740.	At this time the committee recommends against the inclusion of additional educational provisions at this time. The committee believes that this suggestion needs further review and circulation for comment of any proposed changes. The material provided by DREDF will be reviewed for the possible development of optional forms or modification of current forms. The proposed forms do include an item regarding the limitation of a parent’s educational right and the appointment of a responsible individual that includes an order for the completion of the mandatory form, <i>Order Limiting Parent’s</i>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
					<i>Right to Make Education Decisions for the Child and Appointing Responsible Adult as Educational Representative—Juvenile, JV-535</i> when the that right is limited. The proposed forms also include an item for an order directing the person with custody to ensure school attendance and to make reasonable efforts to obtain necessary education services to meet the child’s specific needs.
4.	Mr. Paul Gaines Court Services Supervisor DPSS Riverside County Murrieta	A	N	No specific comment.	No response required.
5.	Ms. Carole Greeley Bay Area Dependency Chapter Fairfield	AM	N	<ol style="list-style-type: none"> 1. Several typographical errors were identified. 2. JV-185: Agree with form with following modifications: <ol style="list-style-type: none"> a. This form should be addressed to all children and it should state that if the child is under 12, the form shall be provided to the child’s attorney or guardian ad litem and that person has a statutory duty to inform the child 	<ol style="list-style-type: none"> 1. The typographical errors were corrected. 2. The proposed modifications will made to the extent discussed below. <ol style="list-style-type: none"> a. The form has been modified as follows: It address all children; tells child how to obtain the form; informs the child that the court

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>of his or her rights. It should also mention that the forms are available. The form should also tell the child that he or she will be informed of all subsequent orders in the case, and that he or she has a statutory right to ask the court to change any of those orders. You should also tell the child about his or her statutory right to file a petition to assert a sibling relationship.</p> <p>b. Delete the two statements about following the rules. It is patronizing and unnecessary.</p> <p>3. JV-400, JV-401 JV-402: Agree with the forms with modification deleting the first two items on each form. Delete the first item prohibiting visitation with the child by one who appears to be under the influence of alcohol or any controlled substance and authorizing the visitation supervisor to terminate the visit if the order is violated is inconsistent with Welf. & Inst. Code, § 362.1 Delete the second item prohibiting matters relating to the allegation of the petition or issues related to the child’s placement from being discussed with the child during visits</p>	<p>has just made a decision about the child’s life and will make other decisions about his or her life that the child may ask to have changed; informs the child that if he or she is under twelve, his or her attorney must discuss the information with him or her; explains to the child about his or her sibling relationship rights; and explains that the court clerk must mail the information to the child.</p> <p>b. The two statements were deleted.</p> <p>3. Both items are frequently included in visitation orders in counties throughout the state as conditions of visitation and for that reason, the committee does not recommend that the items be deleted. Checkboxes have been added to each form so the local court can determine if each item is necessary in individual cases. The juvenile court has the authority pursuant to Welf. &</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>except under the guidance of a counselor in a therapeutic setting and authorizing the visitation supervisor to terminated the visit if the order is violated because there is no statutory basis for it. Visitation rules should be left up to the local courts.</p> <p>4. JV-400: Agree with the form with modification in item 4 to change this to: “contact between the child and presumed/biological/alleged parent (name)...” There is no need to be more specific here. This should be done on the other forms as well.</p>	<p>Inst. Code, § 362(a) to issue any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of a dependent child and by Cal. Rule of Court, rule 1442, the court must consider the issue of visitation for a child detained pending jurisdiction and whether contact would be beneficial or detriment to the child and make appropriate orders. The committee does not believe the first item is inconsistent with Welf. & Inst. Code, § 362.1. The item has been changed by replacing the ‘controlled substance’ with ‘illegal substance’ to clarify that the taking of prescribed medication is not prohibited.</p> <p>4. The JV-400 is an attachment to the JV-405, JV-410, JV-412, JV-415, JV-425, JV-430, JV-425, JV430, JV-435, JV-440, JV-446. On the first page of each of these forms each party is named and</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>5. JV-405: Agree with form with the following modifications:</p> <p>a. Item 2 refers to “initial (detention) hearing.” Welf. & Inst. Code, § 315 says to use the term detention hearing. Change this on Form JV-410 as well.</p> <p>b. On the final page of the form, there is one signature line for judge/judge pro tem and another for referee/commissioner. It would be better to have one line for the judicial officer’s name and then have boxes to specify his or her judicial designation on the case before the</p>	<p>listed by his or her relationship to the child. On all subsequent items on each of these forms and all attachments to these forms, each party may then be identified by his or hers relationship to the child as set forth on the first page of the form. without appending each individual’s name. This was done for clarity and ease of use. The committee does not recommend changing this approach.</p> <p>5. The proposed modifications will be made to the extent discussed below.</p> <p>a. All references including form titles have been changed as recommended.</p> <p>b. There are two signature lines on the JV-405 as well as the JV-410 and JV-415 because the order of a referee removing a child from his or home does not become</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>court.</p> <p>6. Form JV-406: Agree with the form with modification to Item 2 changing “6 month prepermanency” to “six month review”. That is what it was called when the statutory scheme was enacted and there is no reason to change it. Change “12 month permanency” to “12 month review” or “12 month permanency review.” Change “18-month permanency” to “18 month review” or “18 month permanency review.” Change “postpermanency” to “Review after the selection of permanent plan” or Welfare and Institutions Code section 366.3 review.” Please change the titles on the subsequent forms to use these titles for the hearings and orders from these hearings.</p>	<p>effective until expressly approved by a judge of the juvenile court. (Welf. & Inst. Code, § 249.) A judge’s countersignature on the referee’s removal order provides documentation of that express approval. The committee does believe adding check boxes to specify his or her judicial capacity in the case before the court will be useful and check boxes have been added as appropriate to the forms.</p> <p>6. The committee believes the titles used in the proposed forms accurately describe the hearing types and help ensure that the findings and orders that must be made at each hearing type will be accurately made. The titles used are based on the work of committee staff members who have reviewed findings and orders documents on a regular basis in each of the fifty-eight counties over the past eight years.</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>7. Form JV-415: Agree with the form with modification to the title and footer citation to include Welf. & Inst. Code, § 361 et.seq.</p> <p>8. Forms JV-421, JV-438 and JV-442: Agree with the form with correction to mistaken citation Rule 39.1B.</p>	<p>7.The modification was made to the form title and footer citation.</p> <p>8.The correction was made to each form.</p>
6.	Los Angeles County Superior Court Los Angeles	A	Y	No specific comment.	No response required.
7.	Mr. Stephen Love Executive Officer Superior Court of California, County of San Diego San Diego	AM	Y	<p>1. The addition of various juvenile forms would require extensive new procedures if the new forms were not incorporated into the existing automated case management systems. However, impact to juvenile court operations would be minimal if the new forms were incorporated into the existing juvenile automated case management system.</p> <p>2. Various non-substantive grammatical, style and word choice modifications were recommended.</p> <p>3. JV-405: Welf. & Inst. Code, § 322 provides for a continuance on the “motion of the minor or a parent or guardian of such minor.” Should the check box in this item for “other”</p>	<p>1. No response required.</p> <p>2. Modifications were made to provide clarity and improve grammar, as appropriate.</p> <p>3. This check box option is included to allow the inclusion of nontraditional parental relationships such as presumed</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>be deleted?</p> <p>4. JV-419: None of the language on this form is written from the child’s perspective and there is no place on the form for the child to sign.</p> <p>5. JV-420: It is unclear how the questions in item 10 and item 11 regarding sibling relationships will be answered if there are more than two siblings under the court’s jurisdiction.</p> <p>6. JV-421: Add the following to ensure compliance with Title IV-E of the Social Security Act: “Temporary placement and care are vested with the child welfare agency.”</p> <p>7. JV-421: Add item 11.d.(1) to read, “The ... is a person described in Welf. & Inst. Code, § 361.5(b)(5), and reunification services are (1) granted, because <u>reunification is in the best interest of the child and</u>”</p>	<p>mother, second father or second mother.</p> <p>4. An additional form, Guardianship <i>Juvenile—Child’s Consent and Waiver of Rights</i> (JV-419A), was created.</p> <p>5. The format for these two items has been changed so the determinations can be made where multiple siblings are involved. These items were changed in all the forms in which they appear.</p> <p>6. The finding in item 14 fulfills any compliance issues under Title IV-E of the Social Security Act related to the vesting of placement and care with the county agency.</p> <p>7. The second paragraph of Welf. & Inst. Code, § 361.5(c) requires the finding by clear and convincing evidence that reunification is in the best interest of the child when reunification is</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>8. JV-421: Modify item 11.d.(1)(b) to precisely track the language in the third paragraph of Welf. & Inst. Code, § 361.5(c).</p> <p>9. JV-425: Include the finding found in JV-426 regarding the provision of proper notice under the Indian Child Welfare Act.</p> <p>10. JV-425: Add the following to ensure compliance with Title IV-E of the Social Security Act: “The agency []has [] has not complied with the case plan by making reasonable efforts to return the child to a safe home and to complete whatever steps are necessary to finalize the permanent placement of the child.”</p>	<p>provided for a parent or guardian described in specified paragraphs of Inst. Code, § 361.5(b). Inst. Code, § 361.5(b)(5) is not one of the specified paragraphs.</p> <p>8. The language was modified as recommended to ensure clarity.</p> <p>9. Notice under the Indian Child Welfare Act is not required for an in-home status review hearing. The finding was inadvertently included in the JV-426 and has been deleted.</p> <p>10. The finding is required when the child has been removed from his or her home and placed in a foster care setting. It does not apply to a child who remains with the custodial parent or who is removed from the custodial parent and placed with the previously noncustodial parent.</p> <p>11. <i>Custody Order—Juvenile Final</i></p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>11. JV-425: In item 15 include <i>Visitation Attachment (JV-400)</i> as an attachment to <i>Custody Order—Juvenile Final Judgment (form JV-200)</i> and <i>Visitation Order—Juvenile (form JV-205)</i> when entering an order for custody and dismissing the petition.</p> <p>12. JV-425: Does the item regarding paternity need to be added to this form?</p> <p>13. JV-433, JV-438 and JV-442: Modify the item setting the matter for a hearing under section 366.26 on each form to correct citations to Cal. Rules of Court.</p> <p>14. JV-433 and JV-438: Modify the item setting the matter for a hearing under Welf. & Inst. Code, § 366.26 by adding the finding “by clear and convincing evidence reasonable services have been provided or offered to the parents or legal guardians.” The clear and convincing evidence standard is required by Welf. & Inst. Code, § 366.21(g).</p>	<p><i>Judgment (form JV-200)</i> and <i>Visitation Order—Juvenile (form JV-200)</i> are mandatory forms designed for use in cases in which the juvenile court is entering a custody order and final judgment. The use of proposed form is not intended for use in those circumstances.</p> <p>12. The paternity item was added.</p> <p>13. The citations in the item have been corrected on each of the forms.</p> <p>14. The finding has been added to the item on each of the forms.</p> <p>15. The item has been modified to</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				15. JV-442: Modify the item setting the matter for a hearing under section 366.26 by adding the finding “reasonable services have been provided or offered to the parents or legal guardians.” Welf. & Inst. Code, § 366.22 is silent as to the standard of proof necessary at the 18 month permanency hearing.	include the finding with the clear and convincing evidence standard. The committee believes it is the better practice to require the higher standard of proof at all three hearing types.
8.	Mr. Paul Muniz Deputy County Counsel Office of County Counsel, County of Contra Costa Martinez	AM	N	1. Generally, I applaud the Judicial Council’s effort to create a uniform set of orders after hearing, each of which contains all the required and most of the contingent, findings and order. In practical terms, the forms might work well in a small county with a short calendar but not in a county such as Contra Costa with an extensive calendar. None of our current forms run over four pages; of course, they lack many of the provisions of the draft forms. Perhaps someday there will be an integrated computer system in which the social worker’s recommended findings and orders can be flowed into an order-after-hearing template in the court clerk’s computer and the court clerk could amend that template to conform to the court’s actual actions with the printed order after hearing containing only the findings and orders made by the court.	1. No response required.

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>2. Various typographical and non-substantive style, grammatical, and word choice suggestions.</p> <p>3. JV-185: This form is long overdue.</p> <p>4. JV-400: Agree with form as proposed.</p> <p>5. JV-401: Agree for with following modifications:</p> <p>a. An item suspending sibling interaction should be added. Current items only cover limiting child’s contact with a sibling.</p> <p>b. Items continuing the suspension of sibling contacts and authorizing the resumption of sibling contacts should be added.</p> <p>6. JV-402: Agree with form as proposed.</p> <p>7. JV-405: Disagree with the form as</p>	<p>2. Agree to make modifications, as appropriate, to provide clarity and improve grammar.</p> <p>3. No response required.</p> <p>4. No response required.</p> <p>5. Agree in part with proposed modifications.</p> <p>a. An additional item is not necessary. The suspension of all sibling interaction can be accomplished with the use of the three current items which suspend in-person contact, telephone contact, and written communication.</p> <p>b. The Items added to the form to provide for continued suspension and for resumption of sibling contact.</p> <p>6. No response required.</p> <p>7. The form has been modified to</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>proposed. Even if the issue of detention cannot be heard and a continuance is necessary, the court should use the opportunity to make enquiries, advisements, and orders as to the parties present in court because a party’s only court appearance may be at the detention hearing which is being continued. Items including the following advisements and orders should be added: advisement of rights; order to provide information about relatives; order to provide health and education information; order to provide notice under ICWA; order to complete JV-130, JV-140 and JV-505.</p> <p>8. JV-410: Agree with form with following modifications:</p> <p>a. Amend advisement of rights item to track precise language of Cal. Rules of Court, rule 1412(j)(2).</p> <p>b. Once the court has ordered the child detained and the box at item 12, ‘CHILD DETAIN/ED,’ is checked, many of the findings in the subparagraphs are mandatory. There is no need to have check boxes, because the boxes will have to be checked in every</p>	<p>ensure every opportunity is taken to make the suggested inquiries, advisements, and orders.</p> <p>8. Agree in part with proposed modifications as discussed below.</p> <p>a. The item will be modified as proposed.</p> <p>b. The checkboxes will be removed from items as appropriate.</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>case. Unnecessary boxes create more work for the persons who complete the form and create opportunity for error.</p> <p>c. Although Cal. Rules of Court, rule 1446(e) refers to “approved” relative, Welf. & Inst. Code, § 319 was amended to replace “approved” with “assessed” and that amendment should be reflected in item 12.</p> <p>d. The second sentence in item 12.m., “This is a temporary finding and does not preclude later placement with a relative under Welf. & Inst. Code, § 361.3,” is unnecessary. If you feel the order must reflect that the finding is always subject to change, the addition of “at this time” at the end of the first sentence is all that is necessary.</p> <p>e. Items including the orders below should be added: order to provide information about relatives; order to provide health and education information; order to provide notice under ICWA; order to complete JV-505.</p> <p>9. JV-412: Agree with form with following modifications:</p>	<p>c. Text will be modified to conform to statutory language.</p> <p>d. The inclusion of the sentence makes the temporary nature of this finding clear.</p> <p>e. The additional items were added to the form.</p> <p>9. Agree with proposed modifications.</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>a. ICWA requirement for testimony of qualified expert erroneously included in this jurisdictional form.</p> <p>b. Amend advisement of rights item to track precise language of Cal. Rules of Court, rule 1412(j)(2).</p> <p>c. The agency often moves to dismiss allegations as part of the negotiated settlement. The order should reflect that allegation were dismissed on the petitioner’s motion, not that they were tried and found not true.</p> <p>d. Add an item to be used when the court modifies an allegation to conform to proof.</p> <p>10. JV-415: Agree with form with following modifications:</p> <p>a. Amend advisement of rights item to track precise language of Cal. Rules of Court, rule 1412(j)(2).</p> <p>b. Modify the first line of item 10 by adding</p>	<p>a. The item was removed from the form.</p> <p>b. The text was modified to reflect statutory language.</p> <p>c. The item was modified so the form can accurately reflect the actions may occur in the courtroom.</p> <p>d. An item was added so the form can accurately reflect the actions that may occur in the courtroom.</p> <p>10. Agree with proposed modifications.</p> <p>a. Text was modified to reflect statutory language.</p> <p>b. The item was modified to</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>the underscored text: "...form a sibling group in that at least one child in the..."</p> <p>11. JV-416: Agree with form with following recommendations:</p> <p>a. The second sentence of item 4 should be amended to remove the reference to "a minimum of six months under voluntary agreement for informal supervision." Section 300(b) only refers to section 301 with respect to the time limits for services contained in the latter section, not to incorporate section 301's scheme wholesale...I believe your reference in rule 1456(a)(2) to a "program of supervision as provided in section 301" goes well beyond the intent of the reference to section 301 in section 360(b). But, then, the Legislature hasn't come back and restated it any differently, has it.</p> <p>b. I disagree with the interpretation of what happens when the court proceeds pursuant to section 360(b). I do not believe that the court can or should dismiss the petition after placing the family under supervision and ordering services, but should continue its jurisdiction without adjudging the child a dependent, and</p>	<p>provide clarity.</p> <p>11. Agree in part with proposed modifications.</p> <p>a. The committee believes rule 1456(a)(2) accurately reflects the intent of the reference to section 301 in section 360(b).</p> <p>b. The committee believes that proceeding pursuant to section 360(b) requires the dismissal of the petition following an order directing the parent, guardian or Indian custodian to participate in voluntary services. Section</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>set a six-month review under section 364. At the six-moth review, the court either finds that conditions still exist or are likely to recur (§ 364(c)) and orders continued services and a six month review, or fit finds conditions no longer exist and...dismisses the petition. The items should be changed to reflect this interpretation. The title of JV-416 should be changed to reflect that it is an in-home placement without adjudication. the title JV-417 should be changed to reflect that it is an in-home placement with adjudication.</p> <p>c. Add an order for vacating a detention order for child who was previously detained.</p> <p>d. Add a finding that reasonable efforts were made to prevent or eliminate the need for removal to ensure finding is made for any child who may have been detained.</p> <p>12. Item 417: Agree with form with the following recommendations:</p>	<p>360(c) provides that “if the family is subsequently unable or unwilling to cooperate with the services being provided, the social worker may file a petition with the juvenile court pursuant to Section 332 alleging that a previous petition has been sustained.” Section 332 provides for the filing of a petition “to commence proceedings in the juvenile court”. Filing a petition to “commence proceeding” would be unnecessary if the court had continued its jurisdiction and set a six-month review.</p> <p>c. The item was added as recommended.</p> <p>d. The item was added as recommended.</p> <p>12. Agree in part with proposed modifications.</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>a. The title JV-417 should be changed to reflect that it is an in-home placement with adjudication.</p> <p>b. Add an order for vacating a detention order for child who was previously detained.</p> <p>c. Add a finding that reasonable efforts were made to prevent or eliminate the need for removal to ensure finding is made for any child who may have been detained.</p> <p>13. Form JV-418: Agree with form with following modifications:</p> <p>a. Items 1, 4 and 8 should not have checkboxes as they are all necessary to the appointment of a guardian.</p> <p>b. Add item stating the court has read and considered the assessments prepared pursuant to section 360(a) and section 361.5(g) assessment.</p> <p>c. Although section 366.4(a) suggests that the juvenile courts may appoint guardians of the estate, guardianship of the estate of a dependent child are best left to the probate</p>	<p>a. The form title was not altered for the reasons discussed in response 11b.</p> <p>b. The recommended item was added.</p> <p>c. Agree to add item as recommended.</p> <p>13. Agree in part with proposed modifications.</p> <p>a. The checkboxes were removed to eliminate for ease of use.</p> <p>b. The item is located on JV-415. JV-418 is an attachment to JV-415.</p> <p>c. The committee believes that the dependent child is better served by the court system if all issues related to his or her well-being are</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>court. Probate Commissioners are experts at this; juvenile court officers are not.</p> <p>d. Add an order for vacating a detention order for child who was previously detained.</p> <p>e. Add a finding that reasonable efforts were made to prevent or eliminate the need for removal to ensure</p> <p>14. Form JV-419: Agree with form as proposed.</p> <p>15. Form JV-420: Agree with form with following modifications:</p> <p>a. Item 7a: Change from “at the time the petition was filed” to “at the time that the events or conditions arose that brought the child within the provisions of Section 300” to reflect the language of the statute because it defines the legal test for application of section 361.2(a).</p> <p>b. Item 7.d(1): Add text to clarify which parent is to receive reunification services.</p> <p>c. Item 15: Advisements related to time limitations on reunification services are</p>	<p>heard before a single hearing officer.</p> <p>d. The item was added as recommended.</p> <p>e. The item was added as recommended.</p> <p>14. No response required.</p> <p>15. Agree with proposed modifications.</p> <p>a. The text was modified to reflect the language of the statute.</p> <p>b. Item revised to provide clarification.</p> <p>c. The committee agrees and those advisements were removed.</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>unnecessary because the parent from whom a child was removed for placement with a previously noncustodial parent is not entitled to any minimum period of time of reunification services.</p> <p>16. JV-421: Agree with form with following modifications:</p> <p>a. Item 3: There should be an option of making this finding by proof beyond a reasonable doubt. Making such a finding at the setting hearing is the preferred option, and the higher standard of proof is required if the recommendation at the 366.26 hearing will be termination of parental rights. (In re Matthew Z. (2000) 80 Cal.App.4th 545, 551-555)</p> <p>Note: This item 3 is the ICWA finding that continued physical custody with a parent or Indian custodian is likely to cause the child of serious emotional or physical damage.</p> <p>b. Include an order that “care, custody, control and conduct of the child be under the supervision of [the agency] for placement</p>	<p>16. Agree in part with proposed modifications.</p> <p>a. Although the case cited by the commentator permitted the entry of this finding by proof beyond a reasonable doubt at the setting of the matter for a section 366.26 hearing rather than at the section 366.26 hearing at which parental rights were actually terminated, the committee believes the inclusion of the proof beyond a reasonable doubt standard will cause unnecessary confusion as to the appropriate standard to apply in a foster care removal proceeding.</p> <p>b. The order is already included as Item 14 on JV-421.</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>pursuant to section 361.2(e). Forms all lack such an order.</p> <p>c. Add an option for the court to determine that the child’s current placement is not appropriate and to order the agency to move the child to a different placement. If the only finding on the form is that the placement is appropriate, it is could appear as if the issue isn’t being considered.</p> <p>d. Add a finding regarding the continuing appropriateness of a child’s out-of-state placement. Since the court must ‘address’ this question at the hearing (see sections 366(c) and 361(e), it should make a finding which appears in the minutes.</p> <p>e. Item 30.a: Add to this item a section incorporating the advisement of writ rights as well as the timelines for filing a notice of intent to file a writ petition and request for record. Correct reference to Cal. Rules of Court.</p>	<p>c. An item with the option was added for the reasons stated in the comment.</p> <p>d. The finding was added as recommended.</p> <p>e. The item was renumbered as Item 31 and added a section with advisement of writ rights and the timeline for filing the required document for those present in court at the hearing. The timeline for filing the required documents for those who were not present in court was not included because that information is included on the</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>f. Item 30.a: Add to this item a section incorporating the requirements of section 294(f)(1): advisement of the setting of a section 366.26 hearing, order directing parties present to appear at that hearing, and directing that agency need to provided notice to those present only by first class mail.</p> <p>17. JV-425 and JV-426: Agree with forms with following recommendation: Get rid of the items related to the adequacy of the family maintenance services provided by the agency and the extent of progress made by the party receiving those services. Neither section 364 nor rule 1460(e)(1) requires them. The agencies and the court have enough to do without new requirements being imposed through the back door.</p>	<p>JV-820 which the court room clerk must mail to all such parties. Reference to Cal. Rules of Court corrected.</p> <p>f. The item was renumbered as item 31 and a section incorporating the advisement and order was added to item.</p> <p>17. These are not new requirements imposing new responsibilities on the agency. By statute the agency is required to and the court orders it to provide family maintenance services and the party is required and ordered to participate in those service. The agency's report should include information related to the services provided and the party's participation in those services. The committee believes these are important factors which must be</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>18. JV-430: Agree with form with following modifications:</p> <p>a. Amend advisement of rights item to track precise language of Cal. Rules of Court, rule 1412(j)(2).</p> <p>b. Item 13: This should be broken up into a separate finding related to reasonable efforts to return the child to a safe home through the provision of reasonable services and a separate finding related to reasonable efforts to finalize the permanent placement of the</p>	<p>assessed and determined in reaching the decision whether conditions still exist which would justify the initial assumption of jurisdiction or are likely to recur if supervision is withdrawn. Note: Due to an oversight in the review process the findings were incomplete on the JV-425 circulated for comment. The findings were complete and correct in JV-426 circulated for comment.</p> <p>18. Agree in part with proposed modifications.</p> <p>a. The text was modified to reflect statutory language.</p> <p>b. The committee declined to adopt this recommendation. These are elements of a determination regarding the achievement of permanency for a child with returning home being the first and preferred permanent plan and the</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>child. These are separate determination dealing with separate issues.</p> <p>c. Item 14.a: There should be the option of making this finding by proof beyond a reasonable doubt. Making such a finding at the setting hearing is the preferred option, and the higher standard of proof is required if the recommendation at the 366.26 hearing will be the termination of parental rights. (In re Matthew Z. (2000) 80 Cal.App.4th 545, 551-555) Note: This item 14.a is the ICWA finding that active efforts were made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and the efforts were unsuccessful.</p> <p>19. Form JV-431: Agree with form with following modification:</p> <p>a. Add finding that “the child’s out-of-home placement is no longer necessary.”</p> <p>b. Add finding “the extent of progress made toward alleviating or mitigating the causes necessitating placement” for each person who</p>	<p>one in place throughout the reunification period.</p> <p>c. The standard by proof beyond a reasonable doubt does not apply to this finding.</p> <p>19. The proposed modifications are not necessary.</p> <p>a. The finding is already included in item 1 on JV-431.</p> <p>b. This finding is already included on JV-430 as item 15. JV-431 is an attachment to JV-430.</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>was receiving reunification services.</p> <p>20. JV-432: Agree with form with following modifications.</p> <p>a. Include an order that “care, custody, control and conduct of the child be under the supervision of [the agency] for placement pursuant to section 361.2(e). Forms all lack such an order.</p> <p>b. Add an option for the court to determine that the child’s current placement is not appropriate and to order the agency to move the child to a different placement. If the only finding on the form is that the placement is appropriate, it is could appear as if the issue isn’t being considered.</p> <p>c. Add a finding regarding the continuing appropriateness of a child’s out-of-state placement. Since the court must ‘address’ this</p>	<p>20. Agree in part with the proposed modifications.</p> <p>a. The order is found in <i>Dispositional Attachment: Removal from Custodial Parent—Placement with Nonparent, JV-421, Item 14</i> and does not need to be repeated at subsequent hearings. In addition, all subsequent hearing forms include the order, “All prior orders not in conflict with this order remain in full force and effect.”</p> <p>b. An item with the option was added for the reasons stated in the comment.</p> <p>c. The finding was added as recommended.</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>question at the hearing (see sections 366(c) and 361(e), it should make a finding which appears in the minutes.</p> <p>d. Add finding “the extent of progress made toward alleviating or mitigating the causes necessitating placement” for each person who was receiving reunification services.</p> <p>e. Eliminate checkboxes on items that will always have to be checked off.</p> <p>21. Item JV-433: Agree with form with following modifications:</p> <p>a. Include an order that “care, custody, control and conduct of the child be under the supervision of [the agency] for placement pursuant to section 361.2(e). Forms all lack such an order.</p> <p>b. Add an option for the court to determine</p>	<p>d. The finding is already included on JV-430 as item 15. JV-432 is an attachment to JV-430.</p> <p>e. Checkboxes eliminated for ease of use, as appropriate.</p> <p>21. Agree in part with proposed modifications.</p> <p>a. The order is found in <i>Dispositional Attachment: Removal from Custodial Parent—Placement with Nonparent, JV-421, Item 14</i> and does not need to be repeated at subsequent hearings. In addition, all subsequent hearing forms include the order, “All prior orders not in conflict with this order remain in full force and effect.”</p> <p>b. An item with the option was added for the reasons stated in the</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>that the child’s current placement is not appropriate and to order the agency to move the child to a different placement. If the only finding on the form is that the placement is appropriate, it is could appear as if the issue isn’t being considered.</p> <p>c. Add a finding regarding the continuing appropriateness of a child’s out-of-state placement. Since the court must ‘address’ this question at the hearing (see sections 366(c) and 361(e), it should make a finding which appears in the minutes.</p> <p>d. Add finding “the extent of progress made toward alleviating or mitigating the causes necessitating placement” for each person who was receiving reunification services.</p> <p>e. In item 5.a the 300(g) part should be contained within (1) with the whereabouts still unknown, and the failure to contact and visit in (2) should not be connected with a 300(g) finding.</p> <p>f. Add an item to address situation where the child was described by section 300(g) and services have been denied under parent’s</p>	<p>comment.</p> <p>c. The finding was added as recommended.</p> <p>d. This finding is already included on JV-430 as item 15. JV-433 is an attachment to JV-430.</p> <p>e. The modification was made as recommended.</p> <p>f. A separate item was added to cover the circumstances described in the comment.</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>whereabouts unknown and the matter continued for six months in a no-services mode while efforts are made to locate the parent.</p> <p>g. Item 6: Delete this item. The bypass of a section 366.26 hearing in not provided for at a hearing held pursuant to section 366.21(e).</p> <p>h. Item 7: Add to this item a section incorporating the advisement of writ rights as well as the timelines for filing a notice of intent to file a writ petition and request for record. Correct reference to Cal. Rules of Court</p> <p>i. Item 7: Add to this item a section incorporating the requirements of section 294(f)(1): advisement of the setting of a setting of a section 366.26 hearing, order</p>	<p>g. The proposed modification is accurate and the item was deleted.</p> <p>h. The item was renumbered as Item 10 and a section was added with the advisement of writ rights and the timeline for filing the required document for those present in court at the hearing. The timeline for filing the required documents for those who were not present in court was not included because that information is included on the JV-820 which the court room clerk must mail to all such parties. Reference to Cal. Rules of Court corrected.</p> <p>i. The item was renumbered as item 10 and a section with the recommended advisement and orders was added to the item.</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>directing parties present to appear at that hearing, and directing that agency need to provided notice to those present only by first class mail.</p> <p>22. Form JV-435: Agree with form with following modifications:</p> <p>a. Amend advisement of rights item to track precise language of Cal. Rules of Court, rule 1412(j)(2).</p> <p>b. Item 13: This should be broken up into a separate finding related to reasonable efforts to return the child to a safe home through the provision of reasonable services and a separate finding related to reasonable efforts to finalize the permanent placement of the child. These are separate determination dealing with separate issues.</p> <p>c. Item 14.a: There should be the option of making this finding by proof beyond a reasonable doubt. Making such a finding at the setting hearing is the preferred option, and the higher standard of proof is required if the recommendation at the 366.26 hearing will be</p>	<p>22. Agree in part with proposed modifications</p> <p>a. The text was modified to reflect statutory language.</p> <p>b. The committee declined to adopt this recommendation. These are elements of a determination regarding the achievement of permanency for a child with returning home being the first and preferred permanent plan and the one in place throughout the reunification period.</p> <p>c. The standard by proof beyond a reasonable doubt does not apply to this finding.</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>the termination of parental rights. (In re Matthew Z. (2000) 80 Cal.App.4th 545, 551-555) Note: This item 14.a is the ICWA finding that active efforts were made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and the efforts were unsuccessful.</p> <p>23. Form JV-436: Agree with form with following modification:</p> <p>a. Add finding that “the child’s out-of-home placement is no longer necessary.”</p> <p>b. Add finding “the extent of progress made toward alleviating or mitigating the causes necessitating placement” for each person who was receiving reunification services.</p> <p>24. Form JV-437: Agree with form with following modification: Include an order that “care, custody, control and conduct of the child be under the supervision of [the agency] for placement pursuant to section 361.2(e). Forms all lack such an order.</p>	<p>23. The modifications are not necessary.</p> <p>a. The finding is already included in item 1 on JV-436.</p> <p>b. This finding is already included on JV-435 as item 15. JV-436 is an attachment to JV-435.</p> <p>24. The order is found in <i>Dispositional Attachment: Removal from Custodial Parent—Placement with Nonparent, JV-421, Item 14</i> and does not need to be repeated at subsequent hearings. In addition, all subsequent hearing forms include the order, “All prior orders not in</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>25. Item JV-438: Agree with form with following modifications:</p> <p>a. Include an order that “care, custody, control and conduct of the child be under the supervision of [the agency] for placement pursuant to section 361.2(e). Forms all lack such an order.</p> <p>b. Add an option for the court to determine that the child’s current placement is not appropriate and to order the agency to move the child to a different placement. If the only finding on the form is that the placement is appropriate, it is could appear as if the issue isn’t being considered.</p> <p>c. Add a finding regarding the continuing</p>	<p>conflict with this order remain in full force and effect.”</p> <p>25. Agree in part with proposed modifications.</p> <p>a. The order is found in <i>Dispositional Attachment: Removal from Custodial Parent— Placement with Nonparent, JV-421, Item 14</i> and does not need to be repeated at subsequent hearings. In addition, all subsequent hearing forms include the order, “All prior orders not in conflict with this order remain in full force and effect.”</p> <p>b. An item with the option was added for the reasons stated in the comment.</p> <p>c. The finding was added as recommended added.</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>appropriateness of a child’s out-of-state placement. Since the court must ‘address’ this question at the hearing (see sections 366(c) and 361(e), it should make a finding which appears in the minutes.</p> <p>d. Add finding “the extent of progress made toward alleviating or mitigating the causes necessitating placement” for each person who was receiving reunification services.</p> <p>e. Item 6: Add to this item a section incorporating the advisement of writ rights as well as the timelines for filing a notice of intent to file a writ petition and request for record. Correct reference to Cal. Rules of Court.</p> <p>f. Item 6: Add to this item a section incorporating the requirements of section</p>	<p>d. This finding is already included on JV-435 as item 15. JV-438 is an attachment to JV-435.</p> <p>e. Renumbered as Item 8 and a section was added with advisement of writ rights and the timeline for filing the required document for those present in court at the hearing. The timeline for filing the required documents for those who were not present in court was not included because that information is included on the JV-820 which the court room clerk must mail to all such parties. Reference to Cal. Rules of Court corrected.</p> <p>f. Renumbered as Item 8 and added section to item.</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>294(f)(1): advisement of the setting of a setting of a section 366.26 hearing, order directing parties present to appear at that hearing, and directing that agency need to provided notice to those present only by first class mail.</p> <p>26. Form JV-440: Agree with form with following modifications:</p> <p>a. Amend advisement of rights item to track precise language of Cal. Rules of Court, rule 1412(j)(2).</p> <p>b. Item 13: This should be broken up into a separate finding related to reasonable efforts to return the child to a safe home through the provision of reasonable services and a separate finding related to reasonable efforts to finalize the permanent placement of the child. These are separate determination dealing with separate issues.</p> <p>c. Item 14.a: There should be the option of making this finding by proof beyond a reasonable doubt. Making such a finding at the setting hearing is the preferred option, and</p>	<p>26. Agree in part with proposed modifications.</p> <p>a. The text was modified to reflect statutory language.</p> <p>b. The committee declined to adopt this modification. These are elements of a determination regarding the achievement of permanency for a child with returning home being the first and preferred permanent plan and the one in place throughout the reunification period.</p> <p>c. The standard by proof beyond a reasonable doubt does not apply to this finding.</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>the higher standard of proof is required if the recommendation at the 366.26 hearing will be the termination of parental rights. (In re Matthew Z. (2000) 80 Cal.App.4th 545, 551-555) Note: This item 14.a is the ICWA finding that active efforts were made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and the efforts were unsuccessful.</p> <p>27. Form JV-441: Agree with form with following modification:</p> <p>a. Add finding that “the child’s out-of-home placement is no longer necessary.”</p> <p>b. Add finding “the extent of progress made toward alleviating or mitigating the causes necessitating placement” for each person who was receiving reunification services.</p> <p>28. Item JV-442: Agree with form with following modifications:</p> <p>a. Include an order that “care, custody, control and conduct of the child be under the supervision of [the agency] for placement</p>	<p>27. The proposed modifications are not necessary.</p> <p>a. The finding is already included in item 1 on JV-441.</p> <p>b. This finding is already included on JV-440 as item 15. JV-441 is an attachment to JV-440.</p> <p>28. Agree in part with proposed modifications.</p> <p>a. The order is found in <i>Dispositional Attachment: Removal from Custodial Parent—Placement with Nonparent, JV-</i></p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>pursuant to section 361.2(e). Forms all lack such an order.</p> <p>b. Add an option for the court to determine that the child’s current placement is not appropriate and to order the agency to move the child to a different placement. If the only finding on the form is that the placement is appropriate, it is could appear as if the issue isn’t being considered.</p> <p>c. Add a finding regarding the continuing appropriateness of a child’s out-of-state placement. Since the court must ‘address’ this question at the hearing (see sections 366(c) and 361(e), it should make a finding which appears in the minutes.</p> <p>d. Add finding “the extent of progress made toward alleviating or mitigating the causes necessitating placement” for each person who was receiving reunification services.</p>	<p>421, Item 14 and does not need to be repeated at subsequent hearings. In addition, all subsequent hearing forms include the order, “All prior orders not in conflict with this order remain in full force and effect.”</p> <p>b. Agree to add item. Item added.</p> <p>c. Agree to add item. Item added.</p> <p>d. This finding is already included on JV-440 as item 15. JV-442 is an attachment to JV-440.</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>e. Item 6: Add to this item a section incorporating the advisement of writ rights as well as the timelines for filing a notice of intent to file a writ petition and request for record. Correct reference to Cal. Rules of Court.</p> <p>f. Item 6: Add to this item a section incorporating the requirements of section 294(f)(1): advisement of the setting of a setting of a section 366.26 hearing, order directing parties present to appear at that hearing, and directing that agency need to provided notice to those present only by first class mail.</p> <p>29. Form JV-445: Agree with form with following modifications:</p>	<p>e. Agree in part. Renumbered as Item 8 and added section with advisement of writ rights and the timeline for filing the required document for those present in court at the hearing. The timeline for filing the required documents for those who were not present in court was not included because that information is included on the JV-820 which the court room clerk must mail to all such parties. Reference to Cal. Rules of Court corrected.</p> <p>f. Renumbered as Item 8 and added section to item.</p> <p>29. Agree with proposed modifications.</p> <p>a. An item with the option was</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>a. Add an option for the court to determine that the child’s current placement is not appropriate and to order the agency to move the child to a different placement. If the only finding on the form is that the placement is appropriate, it is could appear as if the issue isn’t being considered.</p> <p>b. Add a finding regarding the adequacy of the services provided to the child by the agency.</p> <p>30. Form JV-446: Agree with form with following modifications:</p> <p>a. Amend advisement of rights item to track precise language of Cal. Rules of Court, rule 1412(j)(2).</p> <p>b. There is a presumption that continued care is in the child’s best interest that needs to translate into a finding.</p> <p>c. Include an order that “care, custody, control and conduct of the child be under the supervision of [the agency] for placement pursuant to section 361.2(e). Forms all lack such an order.</p>	<p>added for the reasons stated in the comment.</p> <p>b. The finding was added as recommended.</p> <p>30. Agree in part with proposed modifications.</p> <p>a. The text was modified to reflect the statutory language.</p> <p>b. A finding reflecting the presumption was added.</p> <p>c. The order is found in <i>Dispositional Attachment: Removal from Custodial Parent—Placement with Nonparent, JV-421, Item 14</i> and does not need to be repeated at subsequent hearings. In addition, all</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>d. Add an option for the court to determine that the child’s current placement is not appropriate and to order the agency to move the child to a different placement. If the only finding on the form is that the placement is appropriate, it is could appear as if the issue isn’t being considered.</p> <p>e. Add a finding regarding the continuing appropriateness of a child’s out-of-state placement. Since the court must ‘address’ this question at the hearing (see sections 366(c) and 361(e), it should make a finding which appears in the minutes.</p> <p>f. Add finding “the extent of progress made toward alleviating or mitigating the causes necessitating placement” for each person who was receiving reunification services.</p> <p>g. Item 23: Add to this item a section incorporating the advisement of writ rights as</p>	<p>subsequent hearing forms include the order, “All prior orders not in conflict with this order remain in full force and effect.”</p> <p>d. An item with the option was added for the reasons stated in the comment.</p> <p>e. The finding was added as recommended.</p> <p>f. The finding was added as recommended.</p> <p>g. This item was modified to add a section with advisement of writ rights and the timeline for filing</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>well as the timelines for filing a notice of intent to file a writ petition and request for record. Correct reference to Cal. Rules of Court.</p> <p>h. Item 23: Add to this item a section incorporating the requirements of section 294(f)(1): advisement of the setting of a section 366.26 hearing, order directing parties present to appear at that hearing, and directing that agency need to provided notice to those present only by first class mail.</p> <p>31. JV-448: Hooray! This form is long overdo. I wholeheartedly agree with the form.</p>	<p>the required document for those present in court at the hearing. The timeline for filing the required documents for those who were not present in court was not included because that information is included on the JV-820 which the court room clerk must mail to all such parties. Reference to Cal. Rules of Court corrected.</p> <p>h. The section added to the item as recommended.</p> <p>31. No response required.</p>
9.	Mr. Dean Zipser President Orange County Bar Association Irvine	A	Y	1. Recommend forms be used on pilot basis in several counties of different sizes, refined through such use, made adaptable to the different technologies used in the courts, with	1. The committee believes implementing the forms on a state-wide basis will provide the best opportunity to refine,

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>the eventual result that they (or a computer generated system comparable to them) be made mandatory. The forms include critical findings necessary under federal and state laws that are often overlooked in court-generated findings. They make terminology uniform state wide, expressly make findings required by the Indian Child Welfare Act and address critical waiver of rights issues. Currently the use of terminology differs widely though out the state, the order accompanying transfers are often difficult to read because of the different forms and technology (or Lack thereof) used by different court, all resulting in delay in proceedings, potential for error and denial of critical rights to participants.</p> <p>2. Strongly recommend adoption of statewide system of forms with modifications discussed below.</p> <p>3. Form JV-421, Item 11(e)(2): The language is not consistent with statute and case law. We recommend that the language be changed as follows: “denied, because the person described inflicted child or a sibling suffered severe sexual abuse or <u>the infliction of</u> severe</p>	<p>improve, and experiment with different technologies.</p> <p>2. No response necessary.</p> <p>3. The text of the item has been changed to incorporate the recommended language. Additional text was added to clarify that this item 11(e) applies only when the severe sexual abuse</p>

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Juvenile Law: Findings and Orders After Hearing Forms and Related Attachments for Dependency Court Proceedings (approve Judicial Council forms JV-185, JV-400, JV-401, JV-402, JV-405, JV-406, JV-410, JV-412, JV-415, JV-416, JV-417, JV-418, JV-419, JV-420, JV-421, JV-425, JV-426, JV-430, JV-431, JV-432, JV-433, JV-435, JV-436, JV-437, JV-438, JV-440, JV-441, JV-442, JV-445, JV-446, and JV-448)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>physical harm on the child <u>by a parent or guardian.</u>"</p> <p>4. JV-425: Delete the references to Welf. & Inst. Code, § 366.21. The section is not applicable to an in-home status review hearing.</p> <p>5. JV-433: The last sentence is item 4(c) setting the matter for a hearing pursuant to Section 366.26 should be deleted because it suggests the setting of a Section 366.26 hearing is mandatory and there are circumstance in which a Section 366.26 hearing would not be set.</p> <p>6. JV-445: Item 12 should be deleted because the statute does not permit consideration of a new permanent plan for a child for whom the court has ordered parental rights terminated and who has been ordered placed for adoption.</p>	<p>or severe physical harm was inflicted by the parent or guardian of the child.</p> <p>4. The reference was deleted.</p> <p>5. The sentence was deleted as there are circumstances in which the setting of such a hearing is not mandated.</p> <p>6. The committee does not recommend the deletion of this item. Under Welf. & Inst. Code, §§ 366.3 (e)-(f) one of the issues that continues to be before the court is the continuing appropriateness of the permanent plan. Unusual circumstances may occur in which consideration of the modification of the permanent plan of adoption may</p>

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 JV-418, JV-419, JV-420, JV-421, JV-425, JV-426, JV-430, JV-431, JV-432, JV-433, JV-435, JV-436, JV-437, JV-438,
 JV-440, JV-441, JV-442, JV-445, JV-446, and JV-448)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
					be appropriate.