

Judicial Council of California • Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688
www.courts.ca.gov/policyadmin-invitationstocomment.htm

INVITATION TO COMMENT SPR14-13

Title	Action Requested
Juvenile Dependency: Information Form for Parents	Review and submit comments by June 18, 2014
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Revoke forms JV-050 and JV-055; approve new optional form JV-050-INFO	January 1, 2015
Proposed by	Contact
Family and Juvenile Law Advisory Committee	Tracy Kenny, 916-263-2838 tracy.kenny@jud.ca.gov
Hon. Jerilyn L. Borack, Cochair	
Hon. Kimberly J. Nystrom-Geist, Cochair	

Executive Summary and Origin

Welfare and Institutions Code section 307.4 requires the Judicial Council, in consultation with the County Welfare Directors Association of California, to adopt a form to provide to parents or guardians whose children are being removed to explain their procedural rights and the preliminary stages of the dependency process. There are currently two Judicial Council forms that provide basic information to parents about the dependency court process, but neither of them contains all of the information required by section 307.4. As a result, the Family and Juvenile Law Advisory Committee recommends revoking both of these forms, and replacing them with a new information form that incorporates their essential content and meets the statutory requirements.

Prior Circulation

The proposal to revoke forms JV-050 and JV-055 was circulated for comment in the spring 2013 comment cycle with the intent that informational content of that type would be provided by means other than Judicial Council forms. During the comment period, the committee became aware of the requirements of section 307.4 and opted to withdraw the recommendation to revoke the existing forms until a new form could be developed and circulated for comment.

The Proposal

Information designed to inform parents about the dependency court can be found on *Information for Parents (Juvenile Dependency)* (form JV-050) and *Juvenile Court—The Dependency Court:*

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 These proposals are circulated for comment purposes only.

How It Works (form JV-055). These forms were originally developed in the late 1990s, before the widespread use of the Internet as an information source. In the intervening years the public has grown to look to the Internet for information in various media, and these forms are no longer the primary information source that the courts provide to parents.¹ However, while more-comprehensive and easily updated information is now available for parents, the Judicial Council must adopt a form to comply with the requirements of section 307.4. The committee has prepared a new JV-050-INFO form with basic information about the early stages of a dependency matter that can be provided to parents and guardians at the time a child is removed from their custody. The information is presented in a simple question and answer format, seeking to address the most immediate questions that parents may have after a child is removed. In addition to the content on the current forms, the proposed replacement form includes information on the child and the parent's right to have counsel, the privilege against self-incrimination, and appellate rights as required by section 307.4.

Alternatives Considered

The committee considered adopting a new form to satisfy section 307.4 or revising one of the existing forms, but determined that the optimal approach would be to maintain only one simple, text-based information form that would meet the statutory requirements and need minimal updating and revising. Other information sources will continue to be maintained and added on the California Courts website to provide more-comprehensive, detailed, and timely information for the public.

Implementation Requirements, Costs, and Operational Impacts

Section 307.4 puts the responsibility for printing and distributing the required form on the county. It also requires that the form be made available for distribution through "all public schools, probation offices, and appropriate welfare offices." As a result, the primary operational impacts will fall on the county, which will be printing the form and providing it to parents at the time a child is removed. Courts may incur some expense for printing the new, one page form, but it should not increase their costs as there will no longer be a need to print the two currently available forms, which, together, total six pages in length.

¹ Detailed information is available on the California Courts website, including a pamphlet for parents <<http://www.courts.ca.gov/documents/juvenile-dependency-court-and-you.pdf>> and orientation video <http://www.youtube.com/watch?v=Y7Xz4QdNoEY> (accessed Jan. 30, 2014).

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Is there additional information that should be included?
- In order to make this new form one page, some information from the previous JV-050 and JV-055 has been deleted (e.g. information about reunification), should any of this information be restored, and if so what should be cut to make room for it?

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

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

Attachments and Links

1. Forms JV-050 and JV-055, proposed to be revoked, at pages 4–9
2. Form JV-050-INFO, at page 10.
3. Link to Welfare and Institutions Code section 307.4:
http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=WIC§ionNum=307.4

Additional Information:

_____ County Juvenile Court

Address of the juvenile court

Phone number of the juvenile court

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



Social worker: _____

Other useful numbers to be provided by the county

_____ County
JUVENILE COURT

INFORMATION FOR PARENTS



Dear Parent or Guardian:

PLEASE READ THIS INFORMATION.



1. Why is this matter being investigated?

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

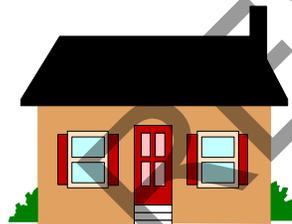
2. If my child was taken from me, why?

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

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

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

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



4. Will my child be returned to me?

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

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

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



5. What about relatives?

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

6. What happens now?

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

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

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

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

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SOME IMPORTANT THINGS FOR YOU TO REMEMBER:

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



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

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

Additional Information:

Some important telephone numbers:

Social worker: _____

Juvenile court: _____

Lawyer: _____

The date of my next hearing is:



_____ County
JUVENILE COURT

**THE DEPENDENCY COURT:
HOW IT WORKS**





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

end court involvement. You must follow these steps within certain time limits. The steps and the time limits will be explained to you.

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

As a court dependent:

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

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

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

PLEASE READ THE PETITION CAREFULLY.

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

- a. If the court decides that your child will not be returned to you and another plan for the child is required, the court **MUST** set a hearing within four months to decide what should happen to your child.



- b. At that hearing, the court has only three choices, in the following order of preference:

- (1) To terminate your parental rights and order the child placed for adoption ("Terminating your parental rights" means that legally you are no longer the child's parent);
- (2) To appoint a legal guardian for your child; or
- (3) To place your child in long-term foster care.

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



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

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



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

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

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

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

1. Do I need a lawyer?

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



2. Will anyone else have a lawyer?

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

3. What will happen at the first hearing?



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

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

- c. In most cases you will be able to have visits with your child if the child is not returned to you.

4. What happens then?

- a. You have a right to have a trial where the judge will decide whether the statements in the petition are true.
- b. If there is to be a trial, a date will be set for that trial.
- c. Whether your child is with you or not, if you admit that all or part of the statements in the petition are true, or allow the judge to make a decision based on the reports presented, there will not be a trial on those issues.

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

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

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

- a. Parenting classes
- b. Individual counseling
- c. Family counseling
- d. Treatment for abuse of alcohol and other drugs



- e. Special programs and classes
- f. Visitation with your child

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



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

5. What do I need to do then?

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

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



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

JV-050-INFO What happens if your child is taken from your home

Why was my child taken from me?

Someone made a report about your child's safety. To protect your child, a police officer or social worker has:

- Taken your child out of your home, and
- Asked the court to get involved in this case to protect your child.

Where is my child now?

Your child may be at a temporary foster home or shelter in this county. To find out more about what is happening with your child, call the social worker for this case:

Social Worker:

Phone:

E-mail:

Will my child be returned to me soon?

It depends. A social worker will review your home situation and decide how best to keep your child safe.

If your child is not returned home before you go to court, your child may be sent temporarily to stay with:

- Your child's other legal parent (if you do not live together),
- A relative or extended family member, or
- A foster parent.

Do I have the right to try to get my child back?

Yes. You have the right to:

- A lawyer. (The court will give you one if you cannot afford one.)
- Take part in all court hearings about your child.
- Have an interpreter in court, if you do not speak English well.
- Refuse to answer questions that could lead to criminal charges against you.

Tell your lawyer if you have questions about your rights or about what happens in court.

Does my child have rights, too?

Yes. Your child also has the right to take part in the court hearings. Your child will have a different lawyer who will:

- Tell the court what the child wants, and
- Ask the court to do what is best for the child.

Can my child be placed with relatives?

Yes. You **must** give the social worker names and contact information for your child's other legal parent and relatives who may be able to care for your child. The social worker will contact them to see if their home is available and safe for your child.

How will I know when to go to court?

You will get a *Notice* with the time, date, and location of the court hearing.

Important! The court and the social worker will mail you many important documents. If your mailing address changes, tell your social worker right away.

What to expect...

1. After your child is taken from your home, a social worker has **2 working days** to decide if your child is safe with you. If the social worker thinks your child is **not** safe with you, she or he will:

- Take a *Petition* to a special court for children (Juvenile Court), and
- Ask the court to be in charge of your child's care, custody, and supervision.

Important! Read the *Petition*. It lists the reasons (*allegations*) your child is not safe at your home. If you do not understand it, ask your lawyer.

2. The court has **1 full working day** to hold a **detention hearing**. This hearing will decide:
 - To return the child to you right away, or
 - Where the child will stay for now and how you can visit him or her.
3. The next hearing will be within **15 working days**. It's called a **jurisdictional hearing**. That's when the judge will look more closely at your child's situation and decide if any allegation in the *Petition* is true.
 - If the judge decides none of them is true, your child will be returned to you.
 - If the judge believes any allegation *is* true, your child may become the **court's dependent**.

If your child becomes the court's dependent...

There will be another hearing (called a **dispositional hearing**), when the judge will decide:

- Where your child should live,
- When, where, and how you can visit your child, and
- What must be done to take care of the problems that caused your child to be taken out of the home. (This is called a *reunification plan*.)

If you or your child disagrees with the judge's decision, you may ask a higher court (Court of Appeal) to review the judge's decision. Your lawyer can tell you more about this.

Questions? Talk to your lawyer, and learn more about cases like yours at: www.courts.ca.gov/cfcc-dependency.htm