

# JUDICIAL COUNCIL OF CALIFORNIA

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## INVITATION TO COMMENT SPR18-25

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Title	Action Requested
Juvenile Law: Electronic Filing and Service in Juvenile Court Matters (Implementation of AB 976)	Review and provide comments by June 8, 2018
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend Cal. Rules of Court, rules 5.504, 5.522, 5.524, 5.534, 5.538, 5.565, 5.570, 5.590, 5.640, 5.695, 5.700, 5.726, 5.727, 5.728, and 5.906; adopt rule 5.523; revise forms EFS-005-JV/JV-141, JV-221, JV-282, JV-310, JV-326, JV-326-INFO, and JV-510	January 1, 2019
	Contact
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Proposed by	
Family and Juvenile Law Advisory Committee	
Hon. Jerilyn L. Borack, Cochair	
Hon. Mark A. Juhas, Cochair	

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### **Executive Summary and Origin**

To implement Assembly Bill 976 (Stats. 2017, ch. 319), the Family and Juvenile Law Advisory Committee proposes amending 15 of the California Rules of Court, adopting one new rule, and revising seven Judicial Council forms. Assembly Bill 976 authorizes electronic filing and service in juvenile matters, pursuant to Code of Civil Procedure section 1010.6. The bill extends the ability to conduct electronic filing and service to all juvenile matters, with some important exceptions and conditions designed to protect the confidential information of minors and to preserve paper notice of specified proceedings. The bill also requires affirmative consent to electronic service for unrepresented parties as of January 1, 2019. These legal changes require the modifications to rules and forms proposed in the Invitation to comment.

### **Background**

Code of Civil Procedure section 1010.6 and trial court rules 2.250–2.261 authorize electronic filing and electronic service in civil matters. On July 1, 2014, the Judicial Council amended rule 5.522 to expressly enable the electronic filing of juvenile court documents in accordance with the

*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 These proposals are circulated for comment purposes only.*

trial court rules, specifically rules 2.252 et seq. However, trial court rule 2.251 on electronic service was expressly excluded. Rule 5.522(b)(4) specifically states: “[t]his rule does not incorporate the electronic service provisions in rule 2.251.” Rule 2.251 authorizes electronic service in those courts that allow or require electronic filing, and sets forth technical requirements for electronic service.

Effective January 1, 2016, Assembly Bill 879 amended Welfare and Institutions Code sections 290.1–295 to authorize notice of certain juvenile dependency hearings by electronic mail. The provisions of AB 879 applied to a defined set of hearings conducted for children in the juvenile dependency system and authorize notice by e-mail for those hearings specified in sections 290.1–295. The legislation set important parameters for e-mail notice of hearing in the juvenile context and codified protections for parties and other persons who may consent to receive an e-mail notice of hearing. The legislation had no effect on juvenile delinquency matters and did not remove the prohibition on electronic service of documents in juvenile matters.

In 2017, the Judicial Council sponsored AB 976 to explicitly authorize electronic filing and service in juvenile, probate, and criminal matters through cross-reference to Code of Procedure sections 1010.6 et seq. The bill adds a new section to the Welfare and Institutions Code to effectuate this cross-reference and to establish limitations on electronic service to protect the confidential information of minors and ensure paper notice of specified proceedings in juvenile court.

### **Legislative Framework**

Assembly Bill 976, which was authored by Assembly Member Marc Berman, takes a comprehensive approach to the authorization of electronic filing and service in several areas of law and adds new provisions to the Code of Civil Procedure requiring a procedure for electronic signatures (to be developed by the Judicial Council by January 1, 2019) and to increase protections for self-represented litigants. Specifically, in all cases filed on or after January 1, 2019, electronic service on an unrepresented person is prohibited unless that person expressly consents to receiving electronic service in that specific action. Currently, and until January 1, 2019, any party who electronically files into a case is considered to have consented to electronic notice in that case.

To authorize electronic filing and service, the bill enacted new sections in the Penal Code, Probate Code, and Welfare and Institutions Code that cross-reference the central electronic filing and service provisions in Code of Civil Procedure section 1010.6. In the Welfare and Institutions Code, the bill added section 212.5, which both authorizes electronic filing and service in juvenile matters and establishes important protections for children and parents who are participants in juvenile cases.

In addition, the bill amended 32 sections of the Welfare and Institutions Code that govern notice and service in a variety of hearings in juvenile proceedings to authorize electronic service by cross-reference to new section 212.5.

The limitations placed on electronic filing and service in the juvenile context are the following:

- Electronic service is authorized only if the county and the court permit electronic service.
- Consent or the withdrawal of consent to receive electronic service may be completed by a party or other person entitled to service, or that person’s attorney.
- Electronic service is prohibited on any party or person under 10 years of age.
- Electronic service is prohibited on any party or person age 10–15 unless both the minor and the minor’s attorney have provided their express consent.
- Electronic service is prohibited on any party or person age 16 or 17 unless the minor provides express consent, after consultation with their attorney. The Judicial Council must develop a rule to set forth the duties of the minor’s attorney during this consultation.
- Electronic service of psychological or medical documentation related to a minor is prohibited, with the exception of the summary required pursuant to section 16010 when it is part of a required report to the court.
- There are three types of notices that may be served electronically, but only in addition to other legally mandated forms of service:
  - A notice of hearing or appellate advisement issued under section 366.26(l)(3)(A) for a hearing at which a social worker is recommending the termination of parental rights.
  - A citation issued under section 661.
  - A notice of hearing under section 777(d).
- Electronic service of initial detention hearing notices issued under sections 290.1 and 290.2 is prohibited.
- Service in a matter that involves an Indian child—or when the court has reason to know that an Indian child is involved in the matter—shall be made under section 224.2.
- Electronic filing and service shall be conducted in a manner that preserves and ensures the confidentiality of records by encryption.

## **The Proposal**

### **Amend Existing Rules of Court and Adopt New Rule of Court**

The provisions of AB 976 establish a general authorization of electronic filing and service in juvenile proceedings with the exceptions described above. The advisory committee recommends making the following changes to the rules in title 5 of the California Rules of Court to bring them into conformity with the amendments to statutes:

#### **Rule 5.504. Judicial Council forms**

Remove the sunset date contained in subdivision (c) for flexibility in local court formatting of Judicial Council forms.

#### **Rule 5.522. Remote filing**

Streamline subdivision (b) to authorize electronic filing under section 212.5 and remove remaining subparagraphs, which are no longer applicable.

**Proposed New Rule: 5.523. Electronic service (§ 212.5)**

Adopt a new rule to establish general authorization for electronic service in juvenile matters under section 212.5, and set forth requirements for attorney consultation prior to consent to electronic service by minors, ages 16 and 17. Subdivision (a) contains a general authorization and references section 212.5. It also contains a requirement of service by first-class mail when a noticing entity knows or should know that a child or nonminor who has consented to electronic service is in custody. Subdivision (b) describes the requirement of express consent to electronic service by the child and the child’s attorney for minors age 10-15. Subdivision (c) describes the requirement of attorney consultation before a minor age 16 or 17 can expressly consent to receiving electronic service. Subdivision (d) contains the elements for consideration in the attorney consultation. Subdivision (e) contains specific information that must be provided to the minor by the minor’s attorney during the consultation.

**Rule 5.524. Form of petition; notice of hearing**

Add a sentence to rule 5.524(e)(1) to indicate that hearings noticed under sections 290.1 and 290.2 must not be served electronically. Change the reference in (e)(2) from “electronic mail” to “electronic service,” remove the reference to section 290.1, and insert a reference to obtaining consent to electronic service under section 212.5. Correct (f)(3) to include counsel representing a parent or guardian, in accordance with section 630.1.

**Rule 5.534. General provisions—all proceedings**

Change the title of subdivision (h) from “Address of parent or guardian—notice” to “Mailing address of parent or guardian.” Delete (i)(4) referencing e-mail notice of dependency hearings. Add new subdivision (j) titled “Electronic service address” with information on providing an electronic service address and consent to electronic service in juvenile matters. Please note that the subdivision titled “Caregiver notice and right to be heard (§§ 290.1–297, 366.21)” was supposed to have been relettered as subdivision (j) as of January 1, 2017, but was not; therefore, there are currently two subdivisions with the letter (i). This proposal would insert a new subparagraph (j) as described above underneath the first subdivision (i), and would reletter the second subdivision (i) to subdivision (k) to follow the new subdivision.

**Rule 5.538. Conduct of proceedings held before a referee not acting as a temporary judge**

Because AB 976 added references to electronic service under section 212.5 to sections 248 and 248.5—and in the spirit of cross-referencing statute whenever possible—this proposal would remove the detailed instructions with regard to service in the rule and would refer the reader to sections 248 and 248.5 for service requirements.

**Rule 5.565. Hearing on subsequent and supplemental petitions**

Amend subdivision (c) to create two subparagraphs in order to indicate the different notice and service requirements for subsequent and supplemental petitions.

**Rule 5.570. Request to change court order (petition for modification)**

Rewrite subdivision (g), creating two subparagraphs in order to indicate the different notice and service requirements for petitions to terminate juvenile court jurisdiction over a nonminor, which is currently required to be noticed under section 295 (as currently set forth in rule 5.555), and all other types of petitions brought under these sections, which will continue to be noticed pursuant to local practice.

**Rule 5.590. Advisement of right to review in Welfare and Institutions Code section 300, 601, or 602 cases**

Amend (b)(2) to provide service requirements for advisement and notice of hearing under section 366.26 if a party is not present in court when the hearing is ordered. The amendment authorizes electronic service in accordance with section 212.5, except for notice of a hearing at which the social worker will recommend the termination of parental rights, in which case notice may be served electronically, but only in addition to service of notice by first-class mail.

**Rule 5.640. Psychotropic medications**

Amend (c)(5) to limit local county practice and local rules of court with respect to electronic service, in order to prohibit the electronic service of psychological and medical documentation related to a minor, under section 212.5. Amend (g)(3) and (4) to include the prohibition on electronic service of psychological or medical documentation related to a minor. Retain language in (h)(2) indicating that a copy of the court order must be provided in person or mailed to the caregiver within two court days of when the order is signed.

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

Amend (g)(10) to provide service requirements for advisement and notice of hearing under section 366.26 if a party is not present in court when the hearing is ordered. The amended subparagraphs authorize electronic service in accordance with section 212.5, except for notice of a hearing at which the social worker will recommend the termination of parental rights, in which case notice may be served electronically but only in addition to service of notice by first-class mail.

**Rule 5.700. Termination of jurisdiction—custody and visitation orders**

Amend (d), related to the clerk’s responsibility to send an endorsed filed copy of the order, to include service by electronic means in accordance with section 212.5.

**Rule 5.726. Prospective adoptive parent designation**

Amend service requirements set forth in (d)(3)(A) to include a reference to electronic service in accordance with section 212.5.

**Rule 5.727. Proposed removal**

Amend (b) to add the required notice to the attorney of a sibling if the change in placement results in the separation of siblings placed together, in accordance with AB 743 (2009). Amend (d)(1) to include a reference to electronic service in accordance with section 212.5 for the notice

of removal issued by the Department of Social Services, and add subparagraph (3) to (d) with a reference to Code of Civil Procedure section 1010.6 for statutory language regarding when electronic service is considered complete and any extensions on time to respond after electronic service. Renumber the remaining subparagraphs. Add to (e)(2) a reference to Code of Civil Procedure section 1010.6 for statutory language regarding extensions on time to respond to notification of the proposed removal. Retain the personal or telephone service requirement in (f) for a notice of hearing on the proposed removal.

**Rule 5.728. Emergency removal**

Amend (b) to add the required notice to the attorney of a sibling if the change in placement results in the separation of siblings placed together, pursuant to AB 743 (2009). The proposal would retain the personal or telephone service requirement in (c) and (e) for a notice of hearing on emergency removal.

**Rule 5.906. Request by nonminor for the juvenile court to resume jurisdiction**

Amend (d)(2)(C) to include a reference to electronic service in accordance with section 212.5. Amend (g)(3) to include a reference to electronic service in accordance with section 212.5.

**Amend Existing Forms**

The advisory committee recommends making the following form changes to ensure consistency of the forms with new statutory language and amended rules of court:

***E-Mail Notice of Hearing: Consent, Withdrawal of Consent, Address Change (Juvenile Dependency) (form EFS-005-JV/JV-141)***

The statutes amended by AB 879 specifically mandated that consent to receive notice of hearing by e-mail be provided on form EFS-005. Prior to July 1, 2016, form EFS-005 allowed litigants and attorneys in civil litigation to provide an “electronic service address,” which can be, but is not necessarily, an electronic *mail* address. The “electronic service” referenced on the form and authorized through the more recent AB 976 is a broader concept than notice of a hearing, which was the sole focus of AB 879.

In response to the language of AB 879, form EFS-005 was restyled as EFS-005-CV and its content was preserved; a new form EFS-005-JV/JV-141, *E-Mail Notice of Hearing: Consent, Withdrawal of Consent, Address Change (Juvenile Dependency)* was created. This form enables persons entitled to notice in juvenile court proceedings to give consent to receive notice by e-mail and provide the court with a current e-mail address. The form also allows persons entitled to notice in juvenile court proceedings to notify the court of a change in the e-mail address for receiving electronic notices of hearings and allows those who have previously provided consent to receive notices of hearing by e-mail to withdraw that consent. Given the broadening of authorization in juvenile matters achieved through AB 976, the committee now proposes to change the name of the form from “Email Notice” to “Electronic Service,” and to amend the language of the form to refer to the provision of consent for “receiving notices and documents electronically” instead of receiving notices of hearing by e-mail. The amendments to page 2 of

the form bring the instructions in line with the electronic service provisions of AB 976. The form retains the functions of consent, provision of an electronic service or electronic mail address, and withdrawal of consent, and could be used to satisfy the requirement of affirmative consent to electronic service that will be required as of January 1, 2019.

***Proof of Notice of Application (form JV-221)***

This form accompanies *Application for Psychotropic Medicine* (form JV-220) and provides the opportunity for the applicant to indicate that notice of the application was provided to parents, caregivers, CASA advocates, attorneys, and the child’s Indian tribe, as applicable. Because such an application would include medical and/or psychological documentation related to a minor, the committee proposes to remove the sections that allow the applicant to indicate that notice was made by electronic service, and that provide for an e-mail or electronic service address.

***Proof of Service—Nonminor (form JV-282)***

This optional form can be used to provide proof of service of a variety of documents related to a nonminor dependent in a juvenile court matter. Because nonminor dependents are by definition not minors, there are fewer restrictions on their ability to consent to electronic filing and service and on the types of documentation that may be served. The committee proposes to describe the ability to electronically serve documents in the first paragraph of the form and to split out the section titled “Name and address” into two sections: “Name” and “Mailing or Electronic Service Address.”

***Proof of Service Under Section 366.26 of the Welfare and Institutions Code (form JV-310)***

This mandatory form is used to show proof of service of a notice of hearing pursuant to section 366.26. Notice of all hearings held under this section may be served electronically (as long as other conditions of electronic service have been met), with the exception of a hearing at which the social worker will recommend termination of parental rights. In the latter case, notice may be given electronically, but only in addition to the other legally required forms of service. Therefore, the committee recommends revising this form to add a section to indicate that service was provided electronically and allow the filer to provide both the electronic service address where notice was given (in item 2h.) and their own electronic service address (in item 3).

***Proof of Notice (form JV-326)***

This form is used to provide proof of notice of the following: (1) an intent to remove, (2) an emergency removal, (3) a hearing regarding an intent to remove, (4) a hearing regarding an emergency removal, and/or (5) a hearing on a prospective adoptive parent designation. Because there is a general authorization for electronic service in juvenile matters of any document that may be served by mail, express mail, overnight delivery, or facsimile transmission, pursuant to new section 212.5 with specified exceptions, it is presumed that the notices and hearings described in section 366.26(n) may generally be provided electronically, providing that other conditions of electronic service have been met. However, current rules of court require personal or telephone notice of (1) an intent to remove, (2) a hearing regarding proposed removal, and (3) a hearing regarding an emergency removal. This proposal would amend rule 5.726 of the

California Rules of Court regarding prospective adoptive parent designation, and rule 5.727 regarding proposed removal to allow for electronic service of the notices under those sections, but would preserve the language in rules 5.727 and 5.728 mandating personal or telephone notice of the hearing on a proposed removal or an emergency removal. Therefore, the committee proposes that this form be modified to account for the possibility of electronic notice in every section that allows for service by mail. This would require additions to items 1a. through 1g. The notification of the court in item 1h. provides for only oral notification to the court (in person or by telephone). The committee also recommends renaming the form to add a statutory cross-reference to section 366.26(n), such that the form name would be “Proof of Notice Under Section 366.26(n),” in order to clearly indicate the relevant proceedings and to match the names of the pertinent title 5 rules.

### ***Instructions for Notice of Prospective Adoptive Parent Hearing (form JV-326-INFO)***

This information sheet describes the notice requirements for three types of hearings: (1) a hearing on prospective adoptive parent designation, (2) a hearing on a notice of proposed removal, and (3) a hearing regarding an emergency removal. Please note that the instructions do not address the notice requirements for the intent to remove or the emergency removal. The committee proposes that the name of the form be changed to “Instructions for Notice of Hearings Under Section 366.26(n)” to more clearly reflect the content of the INFO sheet and to align with the new name of form JV-326 and the pertinent title 5 rules. The committee further proposes amendments to the instructions to reflect the possibility of electronic notice of the hearing regarding a prospective adoptive parent designation.

### ***Proof of Service—Juvenile (form JV-510)***

This optional form can be used to provide proof of service of a variety of documents related to a juvenile court matter. Because AB 976 enacted a general authorization for electronic service, with specified exceptions, the committee proposes to describe the ability to electronically serve documents in the first paragraph of the form and to split out the section titled “Name and address” into two sections: “Name” and “Mailing or Electronic Service Address.”

### **Alternatives Considered**

Alternatives considered include the retention of electronic service language for hearings on the administration of psychotropic medication and the retention of current rules of court limiting notice of a hearing on a proposed removal. Because the retention of the current language in these rules would be in direct conflict with the new statutory provisions, it was determined that the changes needed to be made.

### **Implementation Requirements, Costs, and Operational Impacts**

Implementation may require changes in court procedures and training in those courts that choose to allow electronic filing and electronic service. Because the legislation requires affirmative consent to electronic service by unrepresented parties as of January 1, 2019, there are opportunities to coordinate the provision of this consent through electronic filing service providers.



## 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?
- Are there other California Rules of Court that will require amendment in order to facilitate electronic filing or service in juvenile proceedings?
- Are there additional forms that will require amendment in order to facilitate electronic filing or service in juvenile proceedings?
- Is the proposed language in rule 5.570 sufficient to encompass the variety in local practice of notice requirements for petitions filed pursuant to sections 388 and 778?
- Is the proposed rule containing specific points for consideration—when an attorney for a minor age 16 or 17 counsels that minor regarding the provision of consent to electronic service—sufficient to ensure that the minor is making an informed decision?
- How should the requirement of express consent to electronic service be effectuated? Should the use of form EFS-005-JV/JV-141 (as proposed to be amended) be mandatory to provide express consent? Should the express consent be written?

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. Cal. Rules of Court, rules 5.504, 5.522, 5.523, 5.524, 5.534, 5.538, 5.565, 5.570, 5.590, 5.640, 5.695, 5.700, 5.726, 5.727, 5.728 and 5.906, at pages 10–31
2. Forms EFS-005-JV/JV-141, JV-221, JV-282, JV-310, JV-326, JV-326-INFO, and JV-510, at pages 32–46
3. Link A: chaptered language of AB 976 can be found here:  
[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB976](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB976)

Rules 5.504, 5.522, 5.524, 5.534, 5.538, 5.565, 5.570, 5.590, 5.640, 5.695, 5.700, 5.726, 5.727, 5.728, and 5.906 of the California Rules of Court would be amended, and rule 5.523 would be adopted, effective January 1, 2019, to read:

1 **Rule 5.504. Judicial Council forms**

2  
3 **(a) Explanation of Judicial Council legal forms**

4  
5 Rules 1.30–1.37 and 2.131–2.134 apply to Judicial Council legal forms,  
6 including forms applicable to the juvenile court.

7  
8 **(b) Electronically produced forms**

9  
10 The forms applicable to juvenile court may be produced entirely by computer,  
11 word-processor printer, or similar process, or may be produced by the  
12 California State Department of Social Services Child Welfare Systems Case  
13 Management System.

14  
15 **(c) Implementation of new and revised mandatory forms**

16  
17 To help implement mandatory Judicial Council juvenile forms:

18  
19 (1) New and revised mandatory forms produced by computer, word-processor  
20 printer, or similar process must be implemented within one year of the  
21 effective date of the form. During that one-year period the court may  
22 authorize the use of a legally accurate alternative form, including any  
23 existing local form or the immediate prior version of the Judicial Council  
24 form.

25  
26 (2) ~~Until January 1, 2019, a~~ A court may produce court orders in any  
27 form or format as long as:

28  
29 (A) The document is substantively identical to the mandatory Judicial  
30 Council form it is modifying;

31  
32 (B) Any electronically generated form is identical in both language and  
33 legally mandated elements, including all notices and advisements, to  
34 the mandatory Judicial Council form it is modifying;

35  
36 (C) The order is an otherwise legally sufficient court order, as provided in  
37 rule 1.31(g), concerning orders not on Judicial Council mandatory  
38 forms; and

39  
40 (D) The court sends written notice of its election to change the form or  
41 format of the mandatory form to the Family and Juvenile Law  
42 Advisory Committee and submits additional informational reports as

1 requested by the committee.

2  
3 **Rule 5.522. Remote filing**

4  
5 **(a) Applicability and definitions**

6  
7 (1) This rule applies to juvenile court proceedings in courts that permit fax  
8 or electronic filing by local rule.

9  
10 (2) As used in this rule, “fax,” “fax transmission,” “fax machine,” and “fax  
11 filing” are defined in rule 2.301. A fax machine also includes any  
12 electronic device capable of receiving a fax transmission, as defined in rule  
13 2.301.

14  
15 (3) As used in this rule, “electronic filing” is defined in rule 2.250. Rule 2.250  
16 also defines other terms used in this rule related to electronic filing, such as  
17 “document,” “electronic filer,” and “electronic filing service provider;”  
18 “regular filing hours,” and “close of business.”

19  
20 **(b) Electronic filing**

21  
22 A court may allow for the electronic filing of documents in juvenile proceedings  
23 as provided under, and consistent with, Welfare and Institutions Code section  
24 212.5.

25  
26 (1) ~~A court may allow for the electronic filing of documents in juvenile~~  
27 ~~dependency and delinquency proceedings as provided under, and consistent~~  
28 ~~with, rule 2.252-et seq.~~

29 (2) ~~A court may allow for the electronic filing of documents directly with the~~  
30 ~~court or may provide by local rule for indirect filing through an electronic~~  
31 ~~filing service provider that has in place systems to ensure the integrity and~~  
32 ~~confidentiality of transmission of records and adheres to the requirements~~  
33 ~~of rule 2.256(a)(1).~~

34  
35 (3) ~~Electronic filing must be conducted in a manner that preserves and~~  
36 ~~ensures the confidentiality of records by encryption or other secure~~  
37 ~~methods.~~

38  
39 (4) ~~This rule does not incorporate the electronic service provisions in rule 2.251.~~

40  
41 **(c) Fax filing \* \* \***

1 **5.523. Electronic service (§ 212.5)**

2  
3 **(a) Electronic service—General provisions**

4  
5 (1) Unless otherwise provided by law, a document in a juvenile court matter may  
6 be served electronically as prescribed by section 1010.6 of the Code of Civil  
7 Procedure and in accordance with section 212.5 of the Welfare and  
8 Institutions Code.

9  
10 (2) If the noticing entity knows or should know that a child or nonminor who has  
11 consented to electronic service is in custody at the time that a notice will  
12 issue, the entity must also provide service of the notice by first-class mail.

13 **(b) Consent to electronic service by a child, age 10 to 15**

14  
15 Electronic service is permitted on a child who is 10 to 15 years of age only upon  
16 express consent of the child and the child's attorney.

17 **(c) Consent to electronic service by a child, age 16 or 17**

18  
19 Electronic service is permitted on a child who is 16 or 17 years of age only if the  
20 child, after consultation with his or her attorney, expressly consents.

21  
22 **(d) Required consultation with attorney for child, age 16 or 17**

23  
24 In a consultation with a child who is 16 or 17 years old and who seeks to consent to  
25 electronic service in a juvenile matter, the child's attorney must discuss and  
26 encourage the child to consider the following:

27  
28 (1) Whether the child has regular and reliable access to a means of electronic  
29 communication for purposes of communication regarding their case;

30 (2) What means of electronic communication the child intends to use to  
31 communicate about their case and whether it is private and secure; and

32 (3) Whether the child understands their rights with respect to the provision and  
33 withdrawal of consent to electronic service.

34 **(e) Required notification to child, age 16 or 17**

35  
36 In addition to the required factors for consideration in consultation described in (c),  
37 the child's attorney must also notify the child who seeks to provide consent to  
38 electronic service of the following:

39  
40 (1) Electronic service of medical or psychological documentation related to a  
41 child is prohibited, with the exception of the summary required under section  
42 16010 when included as part of a required report to the court.

1  
2       (2) On or after January 1, 2019, electronic service on a party or other person is  
3       permitted only if the party or other person has expressly consented, as  
4       provided in section 1010.6 of the Code of Civil Procedure.

5  
6       (3) A party or other person may subsequently withdraw their consent to electronic  
7       service by completing the appropriate Judicial Council form.

8  
9       **Rule 5.524. Form of petition; notice of hearing**

10  
11       **(a) Form of petition—dependency (§§ 332, 333)**

12  
13       The petition to declare a child a dependent of the court must be verified and may  
14       be dismissed without prejudice if not verified. The petition must contain the  
15       information stated in section 332.

16  
17       **(b) Form of petition—delinquency (§§ 656, 656.1, 656.5, 661)**

18  
19       The petition to declare a child a ward of the court must be verified and may be  
20       dismissed without prejudice if not verified. The petition must contain the  
21       information stated in sections 656, 656.1, 656.5, 661, and, if applicable, the  
22       intent to aggregate other offenses under section 726.

23  
24       **(c) Use of forms**

25  
26       Dependency petitions must be filed on a Judicial Council form. The filing party  
27       must use *Juvenile Dependency Petition (Version One)* (form JV-100) with the  
28       *Additional Children Attachment (Juvenile Dependency Petition)* (form JV-101)  
29       when appropriate, or *Juvenile Dependency Petition (Version Two)* (form JV-  
30       110) as prescribed by local rule or practice. Rules 1.31 and 1.32 govern the use  
31       of mandatory and optional forms, respectively.

32  
33       **(d) Amending the petition (§§ 348, 678)**

34  
35       Chapter 8 of title 6 of part 2 of the Code of Civil Procedure, beginning at  
36       section 469, applies to variances and amendments of petitions and proceedings  
37       in the juvenile court.

38  
39       **(e) Notice of hearing—dependency (§§ 290.1, 290.2, 297, 338)**

40  
41       (1) When the petition is filed, the probation officer or social worker must serve a  
42       notice of hearing under section 290.1, with a copy of the petition attached.  
43       On filing of the petition, the clerk must issue and serve notice as prescribed  
44       in section 290.2, along with a copy of the petition. CASA volunteers are  
45       entitled to the same notice as stated in sections 290.1 and 290.2. Notice under

1            sections 290.1 and 290.2 cannot be served electronically.

- 2
- 3            (2) If the county and the court choose to allow notice by electronic ~~mail~~ service
- 4            of hearings under sections ~~290.1~~ 291–295, the court must develop a process
- 5            for obtaining consent from persons entitled to notice that complies with ~~the~~
- 6            ~~notice statute~~ Welfare and Institutions Code section 212.5 and ensures that
- 7            notice can be effectuated according to statutory timelines.

8

9            **(f) Notice of hearing—delinquency (§§ 630, 630.1, 658, 659, 660)**

- 10
- 11            (1) Immediately after the filing of a petition to detain a child, the probation
- 12            officer or the prosecuting attorney must issue and serve notice as
- 13            prescribed in section 630.
- 14
- 15            (2) When a petition is filed, the clerk must issue and serve a notice of hearing
- 16            in accordance with sections 658, 659, and 660 with a copy of the petition
- 17            attached.
- 18
- 19            ~~(3) After reasonable notification by minor’s counsel or his or her parent or~~
- 20            ~~guardian, the clerk must provide notice to the minor’s attorney as stated~~
- 21            ~~in section 630.1.~~
- 22
- 23            (3) After reasonable notification by counsel representing the child, his
- 24            parents, or guardian, the clerk must notify such counsel of the hearings as
- 25            prescribed in section 630.1.

26

27            **(g)–(h) \* \* \***

28

29            **Rule 5.534. General provisions—all proceedings**

30

31            **(a)–(h) \* \* \***

32

33            **(i) Mailing Address of parent or guardian (§ 316.1)**

34

35            At the first appearance by a parent or guardian in proceedings under section 300

36            et seq., the court must order each parent or guardian to provide a mailing address.

- 37
- 38            (1) The court must advise that the mailing address provided will be used by
- 39            the court, the clerk, and the social services agency for the purposes of
- 40            notice of hearings and the mailing of all documents related to the
- 41            proceedings.
- 42
- 43            (2) The court must advise that until and unless the parent or guardian, or the
- 44            attorney of record for the parent or guardian, submits written notification of

1 a change of mailing address, the address provided will be used, and notice  
2 requirements will be satisfied by appropriate service at that address.

3  
4 (3) *Notification of Mailing Address* (form JV-140) is the preferred method of  
5 informing the court and the social services agency of the mailing address of  
6 the parent or guardian and change of mailing address.

7  
8 (A) The form must be delivered to the parent or guardian, or both, with the  
9 petition.

10  
11 (B) The form must be available in the courtroom, in the office of the clerk,  
12 and in the offices of the social services agency.

13  
14 (C) The form must be printed and made available in both English and  
15 Spanish.

16  
17 (4) ~~If the county and the court allow notice of hearings under sections 290.1–~~  
18 ~~295 by electronic mail, persons who are entitled to notice and who want to~~  
19 ~~receive notice of hearings by electronic mail must indicate their consent by~~  
20 ~~filing E-Mail Notice of Hearing: Consent, Withdrawal of Consent, Address~~  
21 ~~Change (Juvenile Dependency) (form EFS-005-JV/JV-141).~~

22  
23 (j) **Electronic service address (§ 316.1)**

24  
25 Each party or person entitled to notice who consents to electronic service under  
26 section 212.5 must provide the court with an electronic service address.

27  
28 (1) The court must advise the party or person entitled to notice that the electronic  
29 service address will be used by the court and the social services agency for  
30 purposes of providing notice under sections 291, 292, 293, 294, 295, 297, and  
31 342, unless and until the party or person notifies the court or the social  
32 services agency of a new electronic service address in writing or unless the  
33 party or person withdraws consent to electronic service.

34  
35 (2) A party or person entitled to notice may indicate their consent and provide  
36 their electronic service address by filing *Electronic Service: Consent,*  
37 *Withdrawal of Consent, Address Change (Juvenile)* (form EFS-005-JV/JV-  
38 141).

39  
40 (i) \_\_\_\_\_

41  
42 (k) **Caregiver notice and right to be heard (§§ 290.1–297, 366.21) \* \* \***

43  
44 **Rule 5.538. Conduct of proceedings held before a referee not acting as a**

1           **temporary judge**

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(a) \* \* \*

**(b) Furnishing and serving findings and order; explanation of right to review (§ 248)**

After each hearing before a referee, the referee must make findings and enter an order as provided elsewhere in these rules. In each case, the referee must furnish and serve the findings and order and provide an explanation of the right to review the order in accordance with sections 248 and 248.5. ~~cause all of the following to be done promptly:~~

- (1) ~~Furnish a copy of the findings and order to the presiding judge of the juvenile court.~~
- (2) ~~Furnish to the child (if the child is 14 or more years of age or, if younger, as requested) a copy of the findings and order, with a written explanation of the right to seek review of the order by a juvenile court judge.~~
- (3) ~~Serve the parent and guardian—and counsel for the child, parent, and guardian—a copy of the findings and order, with a written explanation of the right to seek review of the order by a juvenile court judge.~~
  - (A) ~~Service is deemed complete at the time of personal, in-court service as provided in Welfare and Institutions Code section 248, subdivision (b)(1).~~
  - (B) ~~If personal, in-court service as in (A) is not possible, service must be by mail to the last known address and is deemed complete at the time of mailing as provided in subdivision (b)(2) of that section.~~

**Rule 5.565. Hearing on subsequent and supplemental petitions (§§ 342, 364, 386, 387)**

**(a) Contents of subsequent and supplemental petitions (§§ 342, 364, 387)**

A subsequent petition and a supplemental petition must be verified and, to the extent known to the petitioner, contain the information required in an original petition as described in rule 5.524. A supplemental petition must also contain a concise statement of facts sufficient to support the conclusion that the previous disposition has not been effective in the protection of the child or, in the case of a dependent child placed with a relative, that the placement is not appropriate in view of the criteria in section 361.3.



1  
2 **(b) Setting the hearing (§§ 334, 342, 364, 386, 387)**

3  
4 When a subsequent or supplemental petition is filed, the clerk must immediately  
5 set it for hearing within 30 days of the filing date. The hearing must begin within  
6 the time limits prescribed for jurisdiction hearings on original petitions under rule  
7 5.670.

8  
9 **(c) Notice of hearing (§§ 292, 297)**

10  
11 (1) For petitions filed under section 342 or section 387, notice must be provided  
12 in accordance with section 297.

13  
14 (2) For petitions filed under section 364, notice must be provided in accordance  
15 with section 292.

16  
17 ~~**(e) — Notice of hearing (§§ 290.1, 290.2, 292, 297)**~~

18 ~~For petitions filed under sections 342 or 387, notice must be provided in~~  
19 ~~accordance with sections 290.1, 290.2, and 291. Notice for petitions filed~~  
20 ~~under section 364 must be provided as stated in section 292.~~

21  
22 ~~**(d)–(f) \* \* \***~~

23  
24 **Rule 5.570. Request to change court order (petition for modification)**

25  
26 ~~**(a)–(f) \* \* \***~~

27  
28 **(g) Notice of petition and hearing (§§ 388, 778)**

29  
30 ~~The clerk must cause notice of the hearing to be given to the persons and in the~~  
31 ~~same manner prescribed by rule 5.524. The caregiver of the child, nonminor, or~~  
32 ~~nonminor dependent and the tribe of an Indian child must be similarly notified.~~  
33 ~~The parent or legal guardian of a nonminor dependent must not be notified unless~~  
34 ~~the nonminor dependent requests that he or she receive notice or the parent or legal~~  
35 ~~guardian is receiving court-ordered family reunification services.~~

36  
37 (1) If a petition is filed under section 388 or section 778 to terminate juvenile  
38 court jurisdiction over a nonminor, notice of the hearing must be given as  
39 required by rule 5.555(b)(3).

40  
41 (2) For hearings on all other petitions filed under section 388 or section 778,  
42 notice of the hearing must be provided as required under statute, except that  
43 notice to parents or former guardians of a nonminor must only be provided if  
44 the nonminor requests, in writing on the face of the petition, notice to the

1            parents or former guardians, or the parent or legal guardian is receiving  
2            court-ordered family reunification services.

3  
4    **(h)–(j) \* \* \***

5  
6    **Rule 5.590. Advisement of right to review in Welfare and Institutions Code section**  
7            **300, 601, or 602 cases**

8  
9    **(a) \* \* \***

10  
11    **(b) Advisement of requirement for writ petition to preserve appellate rights**  
12            **when court orders hearing under section 366.26**

13  
14            When the court orders a hearing under Welfare and Institutions Code section  
15            366.26, the court must advise all parties and, if present, the child’s parent,  
16            guardian, or adult relative, that if the party wishes to preserve any right to review  
17            on appeal of the order setting the hearing under Welfare and Institutions Code  
18            section 366.26, the party is required to seek an extraordinary writ by filing a  
19            *Notice of Intent to File Writ Petition and Request for Record (California Rules of*  
20            *Court, Rule 8.450)* (form JV-820) or other notice of intent to file a writ petition  
21            and request for record and a *Petition for Extraordinary Writ (California Rules of*  
22            *Court, Rules 8.452, 8.456)* (form JV-825) or other petition for extraordinary writ.

23  
24            (1) The advisement must be given orally to those present when the court  
25            orders the hearing under Welfare and Institutions Code section 366.26.

26  
27            ~~(2) Within one day after the court orders the hearing under Welfare and~~  
28            ~~Institutions Code section 366.26, the advisement must be sent by first-class~~  
29            ~~mail by the clerk of the court to the last known address of any party who is~~  
30            ~~not present when the court orders the hearing under Welfare and~~  
31            ~~Institutions Code section 366.26.~~

32  
33            (2) If a party is not present at the time of making the order, the advisement  
34            must be made by the clerk of the court by first-class mail to the last known  
35            address of the party or by electronic service in accordance with section  
36            212.5. If the notice is for a hearing at which the social worker will  
37            recommend the termination of parental rights, the notice may be  
38            electronically served in accordance with section 212.5, but only in addition  
39            to service of the notice by first-class mail.

40  
41            (3) The advisement must include the time for filing a notice of intent to file  
42            a writ petition.

43  
44            (4) Copies of *Petition for Extraordinary Writ (California Rules of Court,*

1                    *Rules 8.452, 8.456* (form JV-825) and *Notice of Intent to File Writ*  
2                    *Petition and Request for Record* (*California Rules of Court, Rule 8.450*)  
3                    (form JV-820) must be available in the courtroom and must accompany all  
4                    mailed notices informing the parties of their rights.

5  
6                    (c)    \* \* \*

7  
8                    **Rule 5.640. Psychotropic medications**

9                    (a)–(b) \* \* \*

10                    (c)    **Procedure to obtain authorization**

11                    (1)–(9) \* \* \*

12                    (10) Notice of the application must be provided to the parents or legal guardians,  
13                    their attorneys of record, the child’s attorney of record, the child’s Child  
14                    Abuse Prevention and Treatment Act guardian ad litem, the child’s current  
15                    caregiver, the child’s Court Appointed Special Advocate, if any, and where a  
16                    child has been determined to be an Indian child, the Indian child’s tribe (see  
17                    also 25 U.S.C. § 1903(4)–(5); Welf. & Inst. Code, §§ 224.1(a) and (e) and  
18                    224.3).

19                    (A) If the child is living in a group home or a short-term residential  
20                    therapeutic center, notice to the caregiver must be by notice to the group home  
21                    administrator, or to the administrator’s designee, as defined in California Code  
22                    of Regulations, title 22, section 84064.

23                    (B) Local county practice and local rules of court determine the procedures  
24                    for the provision of notice, except as otherwise provided in this rule and in  
25                    section 212.5. The person or persons responsible for providing notice as  
26                    required by local court rules or local practice protocols are encouraged to use  
27                    the most expeditious legally authorized manner of service possible to ensure  
28                    timely notice.

29                    (C)    \* \* \*

30                    (11)–(12) \* \* \*

31                    (d)–(f) \* \* \*

32                    (g)    **Progress review**

33                    (1) After approving any application for authorization, regardless of whether the  
34                    approval is made at a hearing, the court must set a progress review.

- 1 (2) A progress review must occur at every status review hearing and may occur at  
2 any other time at the court's discretion.
- 3 (3) If the progress review is held at the time of the status review hearing, notice  
4 must be provided as required under section 293 or 295, except that electronic  
5 service of psychological or medical documentation related to a child is not  
6 permitted. The notice must include a statement that the hearing will also be a  
7 progress review on previously ordered psychotropic medication, and must  
8 include a blank copy of *Child's Opinion About the Medicine* (form JV-218)  
9 and a blank copy of *Statement About Medicine Prescribed* (form JV-219).
- 10 (4) If the progress review is not held at the time of the status review hearing,  
11 notice must be provided as required under section 293 or 295, except that  
12 electronic service of psychological or medical documentation related to a  
13 child is not permitted. The notice; must include a statement that the hearing  
14 will be a progress review on previously ordered psychotropic medication; and  
15 must include a blank copy of *Child's Opinion About the Medicine* (form JV-  
16 218) and a blank copy of *Statement About Medicine Prescribed* (form JV-  
17 219).
- 18 (5) Before each progress review, the social worker or probation officer must file a  
19 completed *County Report About Psychotropic Medication* (form JV-224) at  
20 least 10 calendar days before the hearing. If the progress review is set at the  
21 same time as a status review hearing, form JV-224 must be attached to and  
22 filed with the report.
- 23 (6) The child, caregiver, parents or legal guardians, and Court Appointed Special  
24 Advocate, if any, may provide input at the progress review as stated in (c)(2).
- 25 (7) At the progress review, the procedures described in section 349 must be  
26 followed.

27 **(h) Copy of order to caregiver**

- 28 (1) Upon the approval or denial of the application, the county child welfare  
29 agency, probation department, or other person or entity who submitted the  
30 request must provide the child's caregiver with a copy of the court order  
31 approving or denying the request.
- 32 (2) The copy of the order must be provided in person or mailed within two court  
33 days of when the order is signed.
- 34 (3) If the court approves the request, the copy of the order must include the last  
35 two pages of form JV-220(A) or the last two pages of JV-220(B) and all  
36 medication information sheets (medication monographs) that were attached to  
37 form JV-220(A) or form JV-220(B).

1 (4) If the child resides in a group home, a copy of the order, the last two pages of  
2 form JV-220(A) or the last two pages of JV-220(B), and all medication  
3 information sheets (medication monographs) that were attached to the JV-  
4 220(A) or form JV-220(B) must be provided to the group home administrator,  
5 or to the administrator's designee, as defined in California Code of  
6 Regulations, regulation 84064.

7 (5) If the child changes placement, the social worker or probation officer must  
8 provide the new caregiver with a copy of the order, the last two pages of form  
9 JV-220(A) or the last two pages of JV-220(B), and the medication information  
10 sheets (medication monographs) that were attached to form JV-220(A) or  
11 form JV-220(B).

12 (i)–(k) \* \* \*

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

14 (a)–(f) \* \* \*

15 (g) **Provision of reunification services (§ 361.5)**

16 (1)–(9) \* \* \*

17 (10) When the court orders a hearing under section 366.26, the court must  
18 advise orally all parties present, and by first-class mail or by electronic  
19 service in accordance with section 212.5 for parties not present, that if  
20 the party wishes to preserve any right to review on appeal of the order  
21 setting the hearing under section 366.26, the party must seek an  
22 extraordinary writ by filing a Notice of Intent to File Writ Petition and  
23 Request for Record (California Rules of Court, Rule 8.450) (form JV-  
24 820) or other notice of intent to file a writ petition and request for record  
25 and a Petition for Extraordinary Writ (California Rules of Court, Rules  
26 8.452, 8.456) (form JV-825) or other petition for extraordinary writ.

27 (A) Within 24 hours of the hearing, notice by first-class mail or by  
28 electronic service in accordance with section 212.5 must be provided  
29 by the clerk of the court to the last known address of any party who  
30 is not present when the court orders the hearing under section  
31 366.26.

32 (B) Copies of *Petition for Extraordinary Writ (California Rules of Court,*  
33 *Rules 8.452, 8.456)* (form JV-825) and *Notice of Intent to File Writ*  
34 *Petition and Request for Record (California Rules of Court, Rule*  
35 *8.450)* (form JV-820) must be available in the courtroom and must  
36  
37  
38  
39

1 accompany all mailed notices informing the parties of their rights.

- 2  
3 (C) If the notice is for a hearing at which the social worker will  
4 recommend the termination of parental rights, the notice may be  
5 electronically served in accordance with section 212.5, but only in  
6 addition to service of the notice by first-class mail.

7  
8 (h)–(i) \* \* \*

9  
10 **Rule 5.700. Termination of jurisdiction—custody and visitation orders (§§ 302, 304,**  
11 **361.2, 362.4, 726.5)**

12  
13 \* \* \*

14  
15 (a)–(c) \* \* \*

16  
17 **(d) Endorsed filed copy—clerk’s certificate of mailing**

18  
19 Within 15 court days of receiving the order, the clerk of the receiving court must  
20 send an endorsed filed copy of the order showing the case number assigned by the  
21 receiving court by first-class mail or by electronic means in accordance with  
22 section 212.5 to the child’s parents and the originating juvenile court, with a  
23 completed clerk’s certificate of mailing, for inclusion in the child’s file.

24  
25 **Rule 5.726. Prospective adoptive parent designation (§§ 366.26(n), 16010.6)**

26  
27 (a)–(c) \* \* \*

28  
29 **(d) Notice of designation hearing**

30  
31 After the court has ordered a hearing on a request for prospective-adoptive-  
32 parent designation, notice of the hearing must be as described below.

33  
34 (1) The following participants must be noticed:

35  
36 (A) The adoption agency;

37  
38 (B) The current caregiver,

39  
40 (C) The child’s attorney;

41  
42 (D) The child, if the child is 10 years of age or older;

43  
44 (E) The child’s identified Indian tribe if any;

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(F) The child’s Indian custodian if any; and

(G) The child’s CASA program if any.

(2) If the request for designation is made at the same time as a request for hearing on a proposed or emergency removal, notice of the designation hearing must be provided with notice of the hearing on proposed removal, as stated in rule 5.727(f).

(3) If the request for designation is made before the agency serves notice of a proposed removal or before an emergency removal occurred, notice must be as follows:

(A) Service of the notice must be either by first-class mail or electronic service in accordance with section 212.5 sent at least 15 calendar days before the hearing date to the last known address of the person to be noticed, or by personal service on the person at least 10 calendar days before the hearing.

(B) *Prospective Adoptive Parent Designation Order* (form JV-327) must be used to provide notice of a hearing on the request for prospective adoptive parent designation.

(C) The clerk must provide notice of the hearing to the participants listed in (1) above, if the court, caregiver, or child requested the hearing.

(D) The child’s attorney must provide notice of the hearing to the participants listed in (1) above, if the child’s attorney requested the hearing.

(E) *Proof of Notice Under Section 366.26(n)* (form JV-326) must be filed with the court before the hearing on the request for prospective adoptive parent designation.

(e)–(f) \* \* \*

**Rule 5.727. Proposed removal (§ 366.26(n))**

**(a) Application of rule**

This rule applies, after termination of parental rights or, in the case of tribal customary adoption, modification of parental rights, to the removal by the Department of Social Services (DSS) or a licensed adoption agency of a

1 dependent child from a prospective adoptive parent or from a caregiver who may  
2 meet the criteria for designation as a prospective adoptive parent in section  
3 366.26(n)(1). This rule does not apply if the caregiver requests the child's  
4 removal.

5  
6 **(b) Participants to be served with notice**

7  
8 Before removing a child from the home of a prospective adoptive parent as  
9 defined in section 366.26(n)(1) or from the home of a caregiver who may meet the  
10 criteria of a prospective adoptive parent in section 366.26(n)(1), and as soon as  
11 possible after a decision is made to remove the child, the agency must notify the  
12 following participants of the proposed removal:

- 13  
14 (1) The court;  
15  
16 (2) The current caregiver, if that caregiver either is a designated prospective  
17 adoptive parent or, on the date of service of the notice, meets the criteria  
18 in section 366.26(n)(1);  
19  
20 (3) The child's attorney;  
21  
22 (4) The child, if the child is 10 years of age or older;  
23  
24 (5) The child's identified Indian tribe if any;  
25  
26 (6) The child's Indian custodian if any; ~~and~~  
27  
28 (7) The child's CASA program if any; and  
29  
30 (8) The child's sibling's attorney, if the change in placement of a dependent  
31 child will result in the separation of siblings currently placed together. Notice  
32 must be made in accordance with section 1010.6.

33  
34 **(c) Form of notice**

35  
36 DSS or the agency must provide notice on *Notice of Intent to Remove Child*  
37 (form JV-323). A blank copy of *Objection to Removal* (form JV-325) and  
38 *Request for Prospective Adoptive Parent Designation* (form JV-321) must also  
39 be provided to all participants listed in (b) except the court.  
40

41 **(d) Service of notice**

42  
43 DSS or the agency must serve notice of its intent to remove a child as follows:

- 44  
45 (1) DSS or the agency must serve notice either by first-class mail or by



1            electronic service in accordance with section 212.5, sent to the last known  
2            address of the person to be noticed, or by personal service.

3  
4            (2) If service is by first-class mail, service is completed and time to respond  
5            is extended by five calendar days.

6  
7            (3) If service is made through electronic means, service is completed and  
8            time to respond is extended in accordance with section 1010.6 of the  
9            Code of Civil Procedure.

10  
11            (3) (4) Notice to the child's identified Indian tribe and Indian custodian must  
12            comply with the requirements of section 224.2.

13  
14            (4) (5) Proof of Notice Under Section 366.26(n) (form JV-326) must be filed  
15            with the court before the hearing on the proposed removal.

16  
17            (e) **Objection to proposed removal**

18  
19            Each participant who receives notice under (b) may object to the proposed  
20            removal of the child and may request a hearing.

21  
22            (1) A request for hearing on the proposed removal must be made on *Objection*  
23            *to Removal* (form JV-325).

24  
25            (2) A request for hearing on the proposed removal must be made within five  
26            court or seven calendar days from the date of notification, whichever is  
27            longer. If service of the notification is by mail, time to request a hearing is  
28            extended by five calendar days. If service of the notification is by  
29            electronic means, time to request a hearing is extended in accordance  
30            with section 1010.6 of the Code of Civil Procedure.

31  
32            (3) The court must set a hearing as follows:

33  
34            (A) The hearing must be set as soon as possible and not later than five court  
35            days after the objection is filed with the court.

36  
37            (B) If the court for good cause is unable to set the matter for hearing five  
38            court days after the petition is filed, the court must set the matter for  
39            hearing as soon as possible.

40  
41            (C) The matter may be set for hearing more than five court days after the  
42            objection is filed if this delay is necessary to allow participation by the  
43            child's identified Indian tribe or the child's Indian custodian.

1 **(f) Notice of hearing on proposed removal**

2  
3 After the court has ordered a hearing on a proposed removal, notice of the  
4 hearing must be as follows:

- 5  
6 (1) The clerk must provide notice of the hearing to the agency and the  
7 participants listed in (b) above, if the court, caregiver, or child requested the  
8 hearing.  
9  
10 (2) The child's attorney must provide notice of the hearing to the agency and  
11 the participants listed in (b) above, if the child's attorney requested the  
12 hearing.  
13  
14 (3) Notice must be by personal service or by telephone. Notice by personal  
15 service must include a copy of the completed forms *Notice of Intent to*  
16 *Remove Child* (form JV-323) and *Objection to Removal* (form JV-325).  
17 Telephone notice must include the reasons for and against the removal,  
18 as indicated on forms JV-323 and JV-325.  
19  
20 (4) *Proof of Notice* (form JV-326) must be filed with the court before the hearing  
21 on the proposed removal.  
22

23 **(g)–(i) \* \* \***

24  
25 **Rule 5.728. Emergency removal (§ 366.26(n))**

26  
27 **(a) Application of rule**

28 This rule applies, after termination of parental rights or, in the case of tribal  
29 customary adoption, modification of parental rights, to the removal by the  
30 Department of Social Services (DSS) or a licensed adoption agency of a  
31 dependent child from the home of a prospective adoptive parent or a caregiver  
32 who may meet the criteria for designation as a prospective adoptive parent in  
33 section 366.26(n)(1) when the DSS or the licensed adoption agency has  
34 determined a removal must occur immediately due to a risk of physical or  
35 emotional harm. This rule does not apply if the child is removed at the request of  
36 the caregiver.  
37

38 **(b) Participants to be noticed**

39  
40 After removing a child from the home of a prospective adoptive parent, or from  
41 the home of a caregiver who may meet the criteria of a prospective adoptive parent  
42 in section 366.26(n)(1), because of risk of physical or emotional harm, the agency  
43 must notify the following participants of the emergency removal:

- 1
- 2 (1) The court;
- 3
- 4 (2) The caregiver, who is a prospective adoptive parent or who, on the date of
- 5 service of the notice, may meet the criteria in section 366.26(n)(1);
- 6
- 7 (3) The child's attorney;
- 8
- 9 (4) The child if the child is 10 years of age or older;
- 10
- 11 (5) The child's identified Indian tribe if any;
- 12
- 13 (6) The child's Indian custodian if any; ~~and~~
- 14
- 15 (7) The child's CASA program if any; and
- 16
- 17 (8) The child's sibling's attorney, if the change in placement of a dependent child
- 18 will result in the separation of siblings currently placed together. Notice must
- 19 be made in accordance with section 1010.6.
- 20

21 **(c) Form and service of notice**

22  
23 *Notice of Emergency Removal* (form JV-324) must be used to provide notice of an  
24 emergency removal, as described below.

- 25
- 26 (1) The agency must provide notice of the emergency removal as soon
- 27 as possible but no later than two court days after the removal.
- 28
- 29 (2) Notice must be either by telephone or by personal service of the form.
- 30
- 31 (3) Telephone notice must include the reasons for removal as indicated on
- 32 the form, and notice of the right to object to the removal.
- 33
- 34 (4) Whenever possible, the agency, at the time of the removal, must give a
- 35 blank copy of *Request for Prospective Adoptive Parent Designation* (form
- 36 JV-321) and a blank copy of *Objection to Removal* (form JV-325) to the
- 37 caregiver and, if the child is 10 years of age or older, to the child.
- 38
- 39 (5) Notice to the court must be served by filing *Notice of Emergency*
- 40 *Removal*(form JV-324) and *Proof of Notice* (form JV-326) with the court.
- 41
- 42 (6) *Proof of Notice* (form JV-326) must be filed with the court before the
- 43 hearing on the proposed removal.
- 44

45 **(d) Objection to emergency removal**

1  
2 Each participant who receives notice under (b) may object to the removal of  
3 the child and may request a hearing.

- 4  
5 (1) A request for hearing on the emergency removal must be made on  
6 *Objection to Removal* (form JV-325).  
7  
8 (2) The court must set a hearing as follows:  
9  
10 (A) The hearing must be set as soon as possible and not later than five court  
11 days after the petition objecting to removal is filed with the court.  
12  
13 (B) If the court for good cause cannot set the matter for hearing within five  
14 court days after the petition objecting to removal is filed, the court must  
15 set the matter for hearing as soon as possible.  
16  
17 (C) The matter may be set for hearing more than five court days after the  
18 petition objecting to removal is filed if this delay is necessary to allow  
19 participation by the child's identified Indian tribe or the child's Indian  
20 custodian.

21  
22 **(e) Notice of hearing on emergency removal**

23  
24 After the court has ordered a hearing on an emergency removal, notice of  
25 the hearing must be as follows:

- 26  
27 (1) The clerk must provide notice of the hearing to the agency and the  
28 participants listed in (b) above, if the court, caregiver, or child requested the  
29 hearing.  
30  
31 (2) The child's attorney must provide notice of the hearing to the agency and  
32 the participants listed in (b) above, if the child's attorney requested the  
33 hearing.  
34  
35 (3) Notice must be by personal service or by telephone. Notice by personal  
36 service must include a copy of the completed *Notice of Emergency Removal*  
37 (form JV-324). Telephone notice must include the reasons for and against  
38 the removal, as indicated on forms JV-324 and JV-325.  
39  
40 (4) *Proof of Notice* (form JV-326) must be filed with the court before the hearing  
41 on the emergency removal.

42  
43 **(f)–(g) \* \* \***  
44

1 **Rule 5.906. Request by nonminor for the juvenile court to resume jurisdiction**  
2 **(§§ 224.1(b), 303, 388(e), 388.1)**

3  
4 **(a)–(c) \* \* \***

5  
6 **(d) Determination of prima facie showing**

7  
8 (1) Within three court days of the filing of form JV-466 with the clerk of the  
9 juvenile court of general jurisdiction, a juvenile court judicial officer  
10 must review the form JV-466 and determine whether a prima facie  
11 showing has been made that the nonminor meets all of the criteria set  
12 forth below in (d)(1)(A)–(D) and enter an order as set forth in (d)(2) or  
13 (d)(3).

14  
15 (A) The nonminor was previously under juvenile court jurisdiction subject  
16 to an order for foster care placement on the date he or she attained 18  
17 years of age, or the nonminor is eligible to seek assumption of  
18 dependency jurisdiction pursuant to the provisions of subdivision (c) of  
19 section 388.1;

20  
21 (B) The nonminor has not attained 21 years of age;

22  
23 (C) The nonminor wants assistance to maintain or secure an appropriate,  
24 supervised placement or is in need of immediate placement and agrees  
25 to a supervised placement under a voluntary reentry agreement; and

26  
27 (D) The nonminor intends to satisfy at least one of the eligibility criteria in  
28 section 11403(b).

29  
30 (2) If the court determines that a prima facie showing has not been made, the  
31 court must enter a written order denying the request, listing the issues  
32 that resulted in the denial and informing the nonminor that a new form  
33 JV-466 may be filed when those issues are resolved.

34  
35 (A) The court clerk must serve on the nonminor:

36  
37 (i) A copy of the written order;

38  
39 (ii) A blank copy of *Request to Return to Juvenile Court Jurisdiction*  
40 *and Foster Care* (form JV-466) and *Confidential Information—*  
41 *Request to Return to Juvenile Court Jurisdiction and Foster Care*  
42 (form JV-468);

43  
44 (iii) A copy of *How to Ask to Return to Juvenile Court Jurisdiction and*

1 *Foster Care* (form JV-464-INFO); and

2  
3 (iv) The names and contact information for those attorneys approved  
4 by the court to represent children in juvenile court proceedings  
5 who have agreed to provide a consultation to any nonminor whose  
6 request was denied due to the failure to make a prima facie  
7 showing.

8  
9 (B) The court clerk must serve on the placing agency a copy of the  
10 written order.

11  
12 (C) Service must be by personal service, ~~or by first-class mail,~~ or by  
13 electronic service in accordance with section 212.5 within two court  
14 days of the issuance of the order.

15  
16 (D) A proof of service must be filed.

17  
18 (3) If the judicial officer determines that a prima facie showing has been  
19 made, the judicial officer must issue a written order:

20  
21 (A) Directing the court clerk to set the matter for a hearing, and

22  
23 (B) Appointing an attorney to represent the nonminor solely for the hearing  
24 on the request.

25  
26 (e)–(f) \* \* \*

27  
28 **(g) Notice of hearing**

29  
30 (1) The juvenile court clerk must serve notice as soon as possible, but no  
31 later than five court days before the date the hearing is set, as follows:

32  
33 (A) The notice of the date, time, place, and purpose of the hearing and a  
34 copy of the form JV-466 must be served on the nonminor, the  
35 nonminor's attorney, the child welfare services agency, the probation  
36 department, or the Indian tribal agency that was supervising the  
37 nonminor when the juvenile court terminated its delinquency,  
38 dependency, or transition jurisdiction over the nonminor, and the  
39 attorney for the child welfare services agency, the probation  
40 department, or the Indian tribe.

41  
42 (B) The notice of the date, time, place, and purpose of the hearing must be  
43 served on the nonminor's parents only if the nonminor included in the  
44 form JV-466 a request that notice be provided to his or her parents.

1  
2  
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(C) The notice of the date, time, place, and purpose of the hearing must be served on the nonminor’s tribal representative if the nonminor is an Indian child and indicated on the form JV-466 his or her choice to have the Indian Child Welfare Act apply to him or her as a nonminor dependent.

(D) The notice of the date, time, place, and purpose of the hearing must be served on the local CASA office if the nonminor had a CASA and included on the form JV-466 a request that notice be provided to his or her former CASA.

(2) The written notice served on the nonminor dependent must include:

(A) A statement that the nonminor may appear for the hearing by telephone; and

(B) Instructions regarding the local juvenile court procedures for arranging to appear and appearing at the hearing by telephone.

(3) Service of the notice must be by personal service, ~~or~~ by first-class mail, or by electronic service in accordance with section 212.5.

(4) Proof of service of notice must be filed by the juvenile court clerk at least two court days prior to the hearing.

**(h)–(i) \* \* \***

**Electronic Service: Consent,  
Withdrawal of Consent, Address  
Change (Juvenile)**

Clerk stamps date here when form is filed.

**DRAFT  
Not Approved by  
the Judicial Council**

**Use this form to:**

- Tell the court that you **agree to receive** notices and documents in your case electronically and give the court an electronic service address;
- **Change** your electronic service or e-mail address; or
- Tell the court that you **do not want to receive** notices and documents in your case electronically any more

- ①  I agree to receive notices and documents electronically in this case
- I want to change my electronic service or e-mail address. I want to receive notices and documents at the new address below starting on: (date):
- I want to stop receiving notices and documents electronically, starting: (date):

② My role is this juvenile case is (choose one of the following):

- Child or nonminor dependent who is the subject of the hearing  
I am:  10–15 years old       18+ years old  
 16 or 17 years old
- Parent or presumed/alleged parent
- Legal guardian
- Lawyer for (name of party or person represented): \_\_\_\_\_

- Grandparent/other adult relative (relationship to child or nonminor dependent): \_\_\_\_\_
- Caregiver for  the child or nonminor dependent     the sibling of the child
- Sibling of the child (age, if minor): \_\_\_\_\_
- Other (relationship to child or nonminor dependent): \_\_\_\_\_

③  I agree to receive notices and documents at this electronic or e-mail address (please print carefully):

Please keep this address confidential.

I do not want to receive notices and documents electronically anymore. I am attaching a copy of the Judicial Council form, *Notification of Mailing Address (JV-140)*, with my current mailing address.

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print name

\_\_\_\_\_  
Signature

**If you are a child between the ages of 10 and 15 and you want to receive notices and documents in this case electronically, your lawyer must also agree and sign this form below.**

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print name of lawyer for child

\_\_\_\_\_  
Signature of lawyer for child

Fill in court name and street address:

**Superior Court of California, County of**

Fill in child's name and date of birth:

**Child's Name:**

**Date of Birth:**

**Case Number:**





Child's name: \_\_\_\_\_

---

**If your court and social services agency offer electronic service and you are a party or a person entitled to notice in a juvenile matter:**

- You can (but do not have to) **agree to receive** notices and documents electronically (electronic service). If you want to receive notices and documents electronically, you may fill out and sign this form, the EFS-005-JV/JV-141, and return it to the court.
- The electronic or e-mail address you provide will be used to serve notices and documents electronically in your case unless and until you tell the court that you have changed your electronic service or e-mail address.
- The court and social services agency will use your electronic service or e-mail address to send you notices of hearings and other documents when the court opens a case to protect a child from abuse or neglect. If you are a parent, you can read more about this process and the different types of hearings that will be held in *What happens if your child is taken from your home?* (form JV-050-INFO) and on the California Courts website: [www.courts.ca.gov/selfhelp-childabuse.htm](http://www.courts.ca.gov/selfhelp-childabuse.htm).
- You may ask the court or social services agency to keep your electronic service or e-mail address confidential by checking the box underneath your e-mail address.
- **If a social worker will recommend terminating parental rights over a child** at the hearing, you will still receive the hearing notice by mail or in person. You will also receive the hearing notice electronically.
- If you are a child between the **ages of 10 and 15** and you want to receive notices and documents electronically, **your lawyer must also sign this form** and agree for you to receive notices and documents electronically.
- If you are a child **age 16 or 17** and want to receive notices and documents electronically, **you must first consult with your lawyer and your lawyer must provide you with certain information before you give your consent**. See California Rules of Court, rule 5.523 for details about the information your attorney must provide you before you give your consent.

- 
- You may also use this form to tell the court when you **change your electronic service or e-mail address**.

- 
- You may also use this form to **stop** receiving notices and documents electronically. If you previously gave the court or social service agency an electronic service or e-mail address and agreed to receive notices and documents electronically, you can use this form to tell the judge that you do not want to receive notices and documents electronically anymore. **If you decide to stop receiving notices and documents electronically, please fill out and attach a copy of the Judicial Council form *Notification of Mailing Address (JV-140)* with your current mailing address when you submit this form.**

Clerk stamps date here when form is filed.

DRAFT
Not Approved by
the Judicial Council

Read Form JV-217-INFO, Guide to Psychotropic Medication Forms, for more information about the required forms and the application process.

1 The following parents/legal guardians of the child were notified of the physician's request to begin and/or to continue administering psychotropic medication, of the name of each medication, and that an application is pending before the court. They were also provided with Form JV-217-INFO, Guide to Psychotropic Medication Forms, a blank copy of Form JV-219, Statement About Medicine Prescribed and a blank copy of Form JV-222, Input on Application for Psychotropic Medication.

a. Name: Date notified:
Relationship to child:

Manner: In person By phone at (specify):

By depositing the required information in a sealed envelope in the United States mail, with first-class postage prepaid, to the last known address (specify):

b. Name: Date notified:
Relationship to child:

Manner: In person By phone at (specify):

By depositing the required information in a sealed envelope in the United States mail, with first-class postage prepaid, to the last known address (specify):

c. Name: Date notified: Relationship to child:

Manner: In person By phone at (specify):

By depositing the required information in a sealed envelope in the United States mail, with first-class postage prepaid, to the last known address (specify):

2 Parental rights were terminated, and the child has no legal parents who must be informed.

3 Parent/legal guardian (name):
was not informed because (state reason):

4 Parent/legal guardian (name):
was not informed because (state reason):

5 The child's current caregiver was notified that a physician is asking to treat the child with psychotropic medication and that an application is pending before the court. The caregiver was provided Form JV-217-INFO, Guide to Psychotropic Medication Forms and a blank copy of Form JV-219, Statement About Medicine Prescribed, or information on how to obtain a copy of the form as follows:

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name and date of birth:

Child's Name:

Date of Birth:

Court fills in case number when form is filed.

Case Number:



Child's name: \_\_\_\_\_

5 Caregiver's name: \_\_\_\_\_ Date notified: \_\_\_\_\_

Manner:  In person  By phone at (specify): \_\_\_\_\_

By depositing the required information in a sealed envelope in the United States mail, with first-class postage prepaid, to the following address

(specify): \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print name

\_\_\_\_\_  
Sign your name  Signature follows on page 3.

6  The child's attorney and the child's CAPTA guardian ad litem, if that person is someone other than the child's attorney, were provided with completed Form JV-220, *Application for Psychotropic Medication*; completed JV-220(A), *Physician's Statement—Attachment* or completed Form JV-220(B), *Physician's Request to Continue Medication—Attachment*; a copy of Form JV-217-INFO, *Guide to Psychotropic Medication Forms*; a blank Form JV-218, *Child's Opinion About the Medication*; and a blank copy of Form JV-222, *Input on Application for Psychotropic Medication*, as follows:

a. Attorney's name: \_\_\_\_\_ Date notified: \_\_\_\_\_

Manner:  In person  By fax at (specify): \_\_\_\_\_

By depositing copies in a sealed envelope in the United States mail, with first-class postage prepaid, to the last known address (specify): \_\_\_\_\_

b. CAPTA guardian ad litem's name: \_\_\_\_\_ Date notified: \_\_\_\_\_

Manner:  In person  By fax at (specify): \_\_\_\_\_

By depositing copies in a sealed envelope in the United States mail, with first-class postage prepaid, to the last known address (specify): \_\_\_\_\_

7  The following attorneys were notified of the physician's request to begin and/or continue administering psychotropic medication, of the name of each medication, and that an application is pending before the court. They were also provided with a copy of Form JV-217-INFO, *Guide to Psychotropic Medication Forms*, and a blank copy of Form JV-222, *Input on Application for Psychotropic Medication*, or with information on how to obtain a copy of each form as follows:

a. Attorney's name: \_\_\_\_\_ Date notified: \_\_\_\_\_

Attorney for (name): \_\_\_\_\_

Manner:  In person  By phone at (specify): \_\_\_\_\_  By fax at (specify): \_\_\_\_\_

By depositing the required information and copies of JV-217-INFO and JV-222 in a sealed envelope in the United States mail, with first-class postage prepaid, to the last known address (specify): \_\_\_\_\_

b. Attorney's name: \_\_\_\_\_ Date notified: \_\_\_\_\_

Attorney for (name): \_\_\_\_\_

Manner:  In person  By phone at (specify): \_\_\_\_\_  By fax at (specify): \_\_\_\_\_

By depositing the required information and copies of JV-217-INFO and JV-222 in a sealed envelope in the United States mail, with first-class postage prepaid, to the last known address (specify): \_\_\_\_\_



Case Number: \_\_\_\_\_

Child's name: \_\_\_\_\_

7 c. Attorney's name: \_\_\_\_\_ Date notified: \_\_\_\_\_

Attorney for (name): \_\_\_\_\_

Manner:  In person  By phone at (specify): \_\_\_\_\_  By fax at (specify): \_\_\_\_\_

By depositing the required information and copies of JV-217-INFO and JV-222 in a sealed envelope in the United States mail, with first-class postage prepaid, to the last known address (specify): \_\_\_\_\_

Date: \_\_\_\_\_  
Type or print name \_\_\_\_\_ Sign your name  Signature follows on page 3.

8  The child's CASA volunteer was notified of the physician's request to begin and/or continue administering psychotropic medication, of the name of each medication, and an application is pending before the court as follows:

CASA volunteer (name): \_\_\_\_\_ Date notified: \_\_\_\_\_

Manner:  In person  By phone at (specify): \_\_\_\_\_

By depositing the required information in a sealed envelope in the United States mail, with first-class postage prepaid, to the last known address (specify): \_\_\_\_\_

9  The Indian child's tribe was notified of the physician's request to begin and/or continue administering psychotropic medication, of the name of each medication, and that an application is pending before the court. They were also provided with Form JV-217-INFO, Guide to Psychotropic Medication Forms, a blank copy of Form JV-219, Statement About Medicine Prescribed, and a blank copy of JV-222, Input on Application for Psychotropic Medication.

Indian Tribe (name): \_\_\_\_\_ Date notified: \_\_\_\_\_

Manner:  In person  By phone at (specify): \_\_\_\_\_  By fax at (specify): \_\_\_\_\_

By depositing the required information in a sealed envelope in the United States mail, with first-class postage prepaid, to the last known address (specify): \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_  
Type or print name \_\_\_\_\_ Sign your name \_\_\_\_\_

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):  TELEPHONE NO.: _____ FAX NO. ( <i>Optional</i> ): _____ E-MAIL ADDRESS: _____ ATTORNEY FOR ( <i>Name</i> ): _____	FOR COURT USE ONLY  <b>DRAFT</b> <b>Not Approved by</b> <b>the Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
NONMINOR'S NAME:	
<b>PROOF OF SERVICE—NONMINOR</b>	CASE NUMBER:

I served a copy of the (*name of document*):

on the following persons or entities by personally delivering a copy to the person served, OR by delivering a copy to a competent adult at the usual place of residence or business of the person served and thereafter mailing a copy by first-class mail to the person served at the place where the copy was delivered, OR by placing a copy in a sealed envelope and depositing the envelope directly in the United States mail with postage prepaid or at my place of business for same-day collection and mailing with the United States mail, following our ordinary business practices with which I am readily familiar OR by delivering a copy by electronic means at the electronic service address indicated below:

- |                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Nonminor<br>a. Name:<br>b. Mailing or electronic service address:<br>c. Date of service:<br>d. Method of service:                                                                                                                                                                                                             | <input type="checkbox"/> Attorney<br>a. Name:<br>b. Mailing or electronic service address:<br>c. Date of service:<br>d. Method of service: |
| 2. <input type="checkbox"/> Social worker <input type="checkbox"/> Probation officer<br>a. Name:<br>b. Mailing or electronic service address:<br>c. Date of service:<br>d. Method of service:                                                                                                                                                             | <input type="checkbox"/> Attorney<br>a. Name:<br>b. Mailing or electronic service address:<br>c. Date of service:<br>d. Method of service: |
| 3. <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Legal guardian<br>Notice provided only if requested by nonminor dependent or if the parent is receiving court-ordered family reunification services.<br>a. Name:<br>b. Mailing or electronic service address:<br>c. Date of service:<br>d. Method of service: | <input type="checkbox"/> Attorney<br>a. Name:<br>b. Mailing or electronic service address:<br>c. Date of service:<br>d. Method of service: |
| 4. <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Legal guardian<br>Notice provided only if requested by nonminor dependent or if the parent is receiving court-ordered family reunification services.<br>a. Name:<br>b. Mailing or electronic service address:<br>c. Date of service:<br>d. Method of service: | <input type="checkbox"/> Attorney<br>a. Name:<br>b. Mailing or electronic service address:<br>c. Date of service:<br>d. Method of service: |

<b>NONMINOR'S NAME:</b>	CASE NUMBER:
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5.  Nonminor dependent's sibling under juvenile court jurisdiction  Attorney
- a. Name: a. Name:
- b. Mailing or electronic service address: b. Mailing or electronic service address:
- c. Date of service: c. Date of service:
- d. Method of service: d. Method of service:
6.  Nonminor dependent's sibling under juvenile court jurisdiction  Attorney
- a. Name: a. Name:
- b. Mailing or electronic service address: b. Mailing or electronic service address:
- c. Date of service: c. Date of service:
- d. Method of service: d. Method of service:
7.  Supervisor of nonminor dependent's residence  Attorney
- a. Name: a. Name:
- b. Mailing or electronic service address: b. Mailing or electronic service address:
- c. Date of service: c. Date of service:
- d. Method of service: d. Method of service:
8.  Other  Attorney
- a. Name: a. Name:
- b. Mailing or electronic service address: b. Mailing or electronic service address:
- c. Date of service: c. Date of service:
- d. Method of service: d. Method of service:
9.  Other  Attorney
- a. Name: a. Name:
- b. Mailing or electronic service address: b. Mailing or electronic service address:
- c. Date of service: c. Date of service:
- d. Method of service: d. Method of service:

10. At the time of service I was at least 18 years of age and not a party to this matter. I am a resident of or employed in the county where the mailing occurred. My residence or business mailing address or my electronic service address is *(specify)*:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)



SIGNATURE

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	<b>FOR COURT USE ONLY</b>   <b>DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<b>CASE NAME:</b>	
<b>PROOF OF SERVICE UNDER SECTION 366.26 OF THE WELFARE AND INSTITUTIONS CODE</b>	CASE NUMBER:

1. I served a copy of the attached *Notice of Hearing* under section 366.26 on (*identify name and relationship to child below*):
  - a. Name of person served:
  - b.  Mother  Legal/Presumed father  Alleged father  Guardian  Child 10 or over  
 Present custodian  Grandparent  Counsel of record
2. *Manner of service (check proper box)*:
  - a.  **Personal service.** By personally delivering a copy to the person served.
    - (1) Date of service:
    - (2) Time of service:
  - b.  **Substituted service.** By delivering copies to a competent adult at the usual place of residence or business of the person served, and thereafter mailing a copy by first-class mail to the person at the place where the copy was delivered.
    - (1) Name of person with whom left:
    - (2) Date and time of leaving:
    - (3) Date of mailing:
    - (4) Place of mailing (*city and state*):
  - c.  **Certified mail to residence or business.** (*Attach evidence of mailing.*)
  - d.  **Certified mail to counsel of record.** (*Attach evidence of mailing.*)
  - e.  **First-class mail.** By placing copies in a sealed envelope and depositing the envelope  directly in the United States mail with postage paid OR  at my place of business for same-day collection and mailing with the United States mail, following our ordinary business practices with which I am readily familiar.
    - (1)  To residence (*address*):
    - (2)  To business (*address*):
    - (3) Date of deposit:
    - (4) Place of deposit (*city and state*):
  - f.  **First-class mail to grandparent.**
    - (1) Addressed as follows (*name and address*):
    - (2) Date of deposit:
    - (3) Place of deposit (*city and state*):
  - g.  **Publication.** (*Attach evidence of publication.*)
  - h.  **Electronic Service** (*electronic service address*):
  - i.  **Other:**
3. At the time of service I was at least 18 years of age and not a party to this matter. I am a resident of or employed in the county where the mailing occurred. My residence or business mailing address, or my electronic service address is (*specify*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE)

Proof of Notice Under Section 366.26(n)

Clerk stamps date here when form is filed. DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL

- 1 Notice of [ ] Intent to remove [ ] Emergency removal [ ] Hearing on [ ] Prospective adoptive parent designation [ ] Intent to remove [ ] Emergency removal set for (date): at (time): in Department of the superior court at (address):

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

was given to:

a. [ ] The adoption agency (name of agency employee notified):

Fill in child's name and date of birth: Child's Name: Date of Birth: Fill in case number: Case Number:

- (1) [ ] Orally, in person, on (date): at (time): (2) [ ] Orally, by telephone, on (date): at (time): Phone number: (3) [ ] By personally delivering copies to the person served on on (date): at (time): (4) [ ] By placing copies as addressed below in a sealed envelope and depositing the envelope: (a) [ ] directly in the U.S. mail with postage paid or (b) [ ] at my place of business for same-day collection and mailing with the U.S. mail, following our ordinary business practice. Address:

(5) [ ] By electronic service on (date): at (time): at the following electronic service address:

b. [ ] The caregiver (name):

- (1) [ ] Orally, in person, on (date): at (time): (2) [ ] Orally, by telephone, on (date): at (time): Phone number: or [ ] Confidential phone number in court file (3) [ ] By personally delivering copies to the person served on on (date): at (time): (4) [ ] By placing copies as addressed below in a sealed envelope and depositing the envelope: (a) [ ] directly in the U.S. mail with postage paid or (b) [ ] at my place of business for same-day collection and mailing with the U.S. mail, following our ordinary business practice. Address:

or [ ] Confidential address in court file

(5) [ ] By electronic service on (date): at (time): at the following electronic service address:





Child's name: \_\_\_\_\_

- c.  The child's attorney (*name*): \_\_\_\_\_
  - (1)  Orally, in person, on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_
  - (2)  Orally, by telephone, on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_  
 Phone number: \_\_\_\_\_ or  Confidential phone number in court file
  - (3)  By personally delivering copies to the person served on on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_
  - (4)  By placing copies as addressed below in a sealed envelope and depositing the envelope:
    - (a)  directly in the U.S. mail with postage paid *or*
    - (b)  at my place of business for same-day collection and mailing with the U.S. mail, following our ordinary business practice.  
 Address: \_\_\_\_\_

- (5)  By electronic service on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_  
 at the following electronic service address: \_\_\_\_\_

- d.  The child if 10 years of age or older (*name*): \_\_\_\_\_
  - (1)  Orally, in person, on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_
  - (2)  Orally, by telephone, on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_  
 Phone number: \_\_\_\_\_ or  Confidential phone number in court file
  - (3)  By personally delivering copies to the person served on on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_
  - (4)  By placing copies as addressed below in a sealed envelope and depositing the envelope:
    - (a)  directly in the U.S. mail with postage paid *or*
    - (b)  at my place of business for same-day collection and mailing with the U.S. mail, following our ordinary business practice.  
 Address: \_\_\_\_\_

*or*  Confidential address in court file

- (5)  By electronic service on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_  
 at the following electronic service address: \_\_\_\_\_

- e.  The child's identified Indian tribe, if any (*name of tribe and person notified*): \_\_\_\_\_
  - (1)  Orally, in person, on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_
  - (2)  Orally, by telephone, on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_  
 Phone number: \_\_\_\_\_ or  Confidential phone number in court file
  - (3)  By personally delivering copies to the person served on on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_
  - (4)  By placing copies as addressed below in a sealed envelope and depositing the envelope:
    - (a)  directly in the U.S. mail with postage paid *or*
    - (b)  at my place of business for same-day collection and mailing with the U.S. mail, following our ordinary business practice.  
 Address: \_\_\_\_\_

- (5)  By electronic service on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_  
 at the following electronic service address: \_\_\_\_\_

- f.  The child's Indian custodian, if any (*name*): \_\_\_\_\_
  - (1)  Orally, in person, on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_
  - (2)  Orally, by telephone, on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_  
 Phone number: \_\_\_\_\_ or  Confidential phone number in court file



Child's name: \_\_\_\_\_

Case Number: \_\_\_\_\_

- f. (3)  By personally delivering copies to the person served on on (date): \_\_\_\_\_ at (time): \_\_\_\_\_
- (4)  By placing copies as addressed below in a sealed envelope and depositing the envelope:
  - (a)  directly in the U.S. mail with postage paid *or*
  - (b)  at my place of business for same-day collection and mailing with the U.S. mail, following our ordinary business practice.

Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*or*  Confidential address in court file

- (5)  By electronic service on (date): \_\_\_\_\_ at (time): \_\_\_\_\_  
 at the following electronic service address: \_\_\_\_\_

g.  The child's Court Appointed Special Advocate (CASA) program, if any (*name of tribe and person notified*): \_\_\_\_\_

- (1)  Orally, in person, on (date): \_\_\_\_\_ at (time): \_\_\_\_\_
- (2)  Orally, by telephone, on (date): \_\_\_\_\_ at (time): \_\_\_\_\_  
 Phone number: \_\_\_\_\_ *or*  Confidential phone number in court file
- (3)  By personally delivering copies to the person served on on (date): \_\_\_\_\_ at (time): \_\_\_\_\_
- (4)  By placing copies as addressed below in a sealed envelope and depositing the envelope:
  - (a)  directly in the U.S. mail with postage paid *or*
  - (b)  at my place of business for same-day collection and mailing with the U.S. mail, following our ordinary business practice.

Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- (5)  By electronic service on (date): \_\_\_\_\_ at (time): \_\_\_\_\_  
 at the following electronic service address: \_\_\_\_\_

h.  The court (*name of court employee notified*): \_\_\_\_\_

- (1)  Orally, in person, on (date): \_\_\_\_\_ at (time): \_\_\_\_\_
- (2)  Orally, by telephone, on (date): \_\_\_\_\_ at (time): \_\_\_\_\_  
 Phone number: \_\_\_\_\_

2 At the time of notice, I was at least 18 years of age and not a party to this matter. I live or am employed in the county where the service occurred. My residence or business mailing address or electronic mailing address is (*specify*): \_\_\_\_\_

3 I declare under penalty of perjury under the laws of the State of California that the information in items 1 and 2 is true and correct, which means that if I lie on this form, I am committing a crime.

Date: \_\_\_\_\_

\_\_\_\_\_  
 Type or print your name

\_\_\_\_\_  
 Sign of your name

Below are basic instructions for providing notice of a hearing on prospective adoptive parent designation, an intent to remove, or an emergency removal. If you are unfamiliar with this notice process, please refer to Welfare and Institutions Code section 366.26(n) and rules 5.726, 5.727, and 5.728 of the California Rules of Court.

### Notice of designation hearing

- ① The **clerk** must provide notice of the hearing if the caregiver or the child filed form JV-321.
- ② The **child's attorney** must provide notice of the hearing if the child's attorney filed form JV-321.
- ③ If the request for designation was made at the same time as a request for a hearing on an intended or emergency removal, notice of the designation hearing must be provided with notice of the removal hearing and can be given by telephone.
- ④ If the request for designation was made before a request for removal was filed or before an emergency removal occurred, notice must be either by first-class mail, by electronic service, or by personal service. Notice must include form JV-321, *Request for Prospective Adoptive Parent Designation*, and the order setting a hearing on form JV-327, *Prospective Adoptive Parent Designation Order*.
- ⑤ *Proof of Notice Under Section 366.26(n)*, form JV-326, must be filed with the court before the hearing on the request for prospective adoptive parent designation.

### Notice of proposed removal hearing

- ① The **clerk** must provide notice of the hearing if the court, the caregiver, or the child is requesting a hearing.
- ② The **child's attorney** must provide notice of the hearing if the child's attorney is requesting a hearing.
- ③ Notice may be given by personal service or by telephone. Telephone notice must include the reasons for and against the removal, as indicated on forms JV-323, *Notice of Intent to Remove Child*, and JV-325, *Objection to Removal*.
- ④ If notice is made by personal service, forms JV-323, *Notice of Intent to Remove Child*, and JV-325, *Objection to Removal*, must be used.
- ⑤ *Proof of Notice Under Section 366.26(n)*, form JV-326, must be filed with the court before the hearing on the intended removal.

### Notice of emergency removal hearing

- ① The **clerk** must provide notice of the hearing if the court, the caregiver, or the child is requesting a hearing.
- ② The **child's attorney** must provide notice of the hearing if the child's attorney is requesting a hearing.
- ③ Notice of an emergency removal hearing may be by personal service or by telephone. Telephone notice must include the reasons for and against the removal, as indicated on forms JV-324, *Notice of Emergency Removal*, and JV-325, *Objection to Removal*.
- ④ If notice is made by personal service, forms JV-324, *Notice of Emergency Removal*, and JV-325, *Objection to Removal*, must be used.
- ⑤ *Proof of Notice Under Section 366.26(n)*, form JV-326, must be filed with the court before the hearing on the emergency removal.

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  <h2 style="margin: 0;">DRAFT</h2> <h1 style="margin: 0;">Not Approved by the Judicial Council</h1>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
<b>PROOF OF SERVICE—JUVENILE</b>	CASE NUMBER:

I served a copy of the \_\_\_\_\_ (name of document) on \_\_\_\_\_ (hearing date, if applicable) on the following persons or entities by personally delivering a copy to the person served, OR by delivering a copy to a competent adult at the usual place of residence or business of the person served and thereafter mailing a copy by first-class mail to the person served at the place where the copy was delivered, OR by placing a copy in a sealed envelope and depositing the envelope directly in the U.S. mail with postage prepaid or at my place of business for same-day collection and mailing with the U.S. mail, following our ordinary business practices with which I am readily familiar OR by delivering a copy by electronic means at the electronic service address indicated below:

1.  Social worker     Probation officer

a. Name: \_\_\_\_\_

b. Mailing or electronic service address: \_\_\_\_\_

c. Date of service: \_\_\_\_\_

d. Method of service: \_\_\_\_\_

2.  Mother     Father     Legal guardian

a. Name: \_\_\_\_\_

b. Mailing or electronic service address: \_\_\_\_\_

c. Date of service: \_\_\_\_\_

d. Method of service: \_\_\_\_\_

3.  Mother     Father     Legal guardian

a. Name: \_\_\_\_\_

b. Mailing or electronic service address: \_\_\_\_\_

c. Date of service: \_\_\_\_\_

d. Method of service: \_\_\_\_\_

4.  Mother     Father     Legal guardian

a. Name: \_\_\_\_\_

b. Mailing or electronic service address: \_\_\_\_\_

c. Date of service: \_\_\_\_\_

d. Method of service: \_\_\_\_\_

Attorney

a. Name: \_\_\_\_\_

b. Mailing or electronic service address: \_\_\_\_\_

c. Date of service: \_\_\_\_\_

d. Method of service: \_\_\_\_\_

Attorney

a. Name: \_\_\_\_\_

b. Mailing or electronic service address: \_\_\_\_\_

c. Date of service: \_\_\_\_\_

d. Method of service: \_\_\_\_\_

Attorney

a. Name: \_\_\_\_\_

b. Mailing or electronic service address: \_\_\_\_\_

c. Date of service: \_\_\_\_\_

d. Method of service: \_\_\_\_\_

Attorney

a. Name: \_\_\_\_\_

b. Mailing or electronic service address: \_\_\_\_\_

c. Date of service: \_\_\_\_\_

d. Method of service: \_\_\_\_\_

CASE NAME:  	CASE NUMBER:  
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5.  Child (if 10 years of age or older)

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

6.  Child (if 10 years of age or older)

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

7.  Child's sibling

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

8.  CASA volunteer

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

9.  Tribe/Bureau of Indian Affairs

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

10.  Indian custodian

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

CASE NAME:  	CASE NUMBER:  
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11.  Child's caregiver

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

12.  De facto parent

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

13.  Grandparent

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

14. Other (specify):

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

15. Other (specify):

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

16. At the time of service I was at least 18 years of age and not a party to this cause. I am a resident of or employed in the county where the mailing occurred. My residence or business mailing address, or my electronic service address is (specify):

I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

▶

\_\_\_\_\_  
(SIGNATURE)