



## JUDICIAL COUNCIL OF CALIFORNIA

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### MEMORANDUM

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| Date  | Action Requested  |
| February 11, 2016   | Please review before February 18 meeting                          |
| To  | Deadline  |
| Family and Juvenile Law Advisory Committee                            | February 18, 2016   |
| From  | Contact   |
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| Subject   |   |
| Juvenile Law: Permissive E-Filing and E-Service Legislative Proposal  |   |

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#### Background

Recognizing that courts are swiftly proceeding to a paperless world, the Information Technology Advisory Committee (“ITAC”) is leading a collaborative, multi-year effort to modernize the statutes and rules so that they will be consistent with and foster modern e-business practices. This year, ITAC will be working with other advisory committees—including the Family and Juvenile Law Advisory Committee, the Civil and Small Claims Advisory Committee, the Probate and Mental Health Advisory Committee, and the Criminal Law Advisory Committee—to propose statutory amendments that would facilitate e-filing and e-service in all case types.

Attached to this memorandum is a draft Invitation to Comment and proposed amendments to the Welfare and Institutions Code that are intended to implement permissive e-filing and e-service in

juvenile dependency and delinquency proceedings. These amendments mirror those contemplated by the other advisory committees.

## Discussion

Effective January 1, 2016, Assembly Bill 879 authorized notice of hearing by e-mail in juvenile dependency hearings by amending sections 290.1–295 and 316.1. Each notice statute expressly allows for e-mail notice of hearings and restates the conditions and limitations on e-mail notice.

This legislative proposal would extend permissive e-service to juvenile dependency and delinquency proceedings. It would add a new section 212.5 that would authorize permissive e-filing and e-service by expressly incorporating Code of Civil Procedure section 1010.6(a) and (b). Proposed new section 212.5 would retain the conditions and limitations imposed by AB 879 on e-service. Among others, these include that (1) e-service is only permitted if the party or other person entitled to notice consents; (2) both minors and their attorneys must consent to e-service; (3) minors who are 14 or 15 years old will receive notices and other documents both by e-service and by other traditional means of service; and (4) notices and the appellate advisements for hearings at which a social worker will recommend termination of parental rights will be served both by e-service and by other statutory means of service.

Rather than repeating these conditions and limitations in each section of code, the proposed new section 212.5 would authorize permissive e-service and would state appropriate conditions and limitations. This section would be cross-referenced throughout the Welfare and Institutions Code wherever a notice or other document could be e-served. This centralized approach facilitates extending e-service consistently to both delinquency and dependency hearings. It will also make any future efforts to amend the e-service provisions easier.

The following questions are presented for possible discussion during the committee's February 18 meeting:

1. Should the proposed new section 212.5 codify both mandatory and permissive e-filing in juvenile dependency and delinquency proceedings? Or only permissive e-filing?

Currently, rule 5.522(b) allows for both mandatory and permissive e-filing in juvenile proceedings. The legislative proposal recommends incorporating by reference subdivision (b) of Code of Civil Procedure section 1010.6, which authorizes permissive e-filing in civil matters. However, it would not incorporate by reference other subdivisions, which authorize mandatory e-filing in civil matters.

2. Should this proposal expressly authorize or prohibit social workers and probation officers from obtaining the consent of parties and other persons on a Judicial Council form and then filing that form with the court?

During the winter rules cycle, the Family and Juvenile Law Advisory Committee circulated for public comment a rule and form proposal to implement AB 879. Comments submitted in response questioned what role social workers would play in obtaining consent.

AB 879 does not expressly address whether a social worker is authorized to obtain the consent to notice by e-mail; yet it does appear to contemplate such a practice because (1) only the social worker would have contact with the parent before the initial detention hearing and (2) Welfare and Institutions Code section 290.1, as amended by AB 879, authorizes notice of the initial detention hearing by e-mail. The implementing rule amendments recommended by the committee provide only that the process for obtaining consent is a local decision. Nevertheless, because the committee acknowledged there may be concerns regarding consent to receiving notice of the initial hearing, it recommended that an Advisory Committee Comment be added to rule 5.524 to clarify that “from an operational standpoint, there may be significant problems with ensuring that a person entitled to notice would have the opportunity to be fully informed of his or her right to notice and the advisability of consenting to notice of hearing by electronic mail before the initial hearing contemplated in section 290.1.”

Based on the committee’s concerns, this proposal would prohibit e-service of the notice of the initial detention/petition hearing in section 290.1 and 290.2. In addition, the legislative proposal would allow only parties or other persons entitled to notice, or their attorneys, to file the consent to e-service with the court.

3. Are there any other provisions in the Welfare and Institutions Code that should be incorporated into the proposal? Are there any that have been added that should be left out?

The legislative proposal attempts to strike a balance between promoting access to courts through technological solutions, while also protecting the rights of the litigants and other persons affected by juvenile proceedings. Staff is interested in hearing whether the committee has any concerns with extending e-service to the provisions identified in the legislative proposal.

The legislative proposal would authorize e-service of the following types of documents:

- Written order findings and orders of a referee (§§ 248, 248.5)

- Notice of jurisdictional/disposition hearings in dependency cases, unless the child is detained and the persons required to be noticed were not present at the initial petition hearing (§ 291)
- Notice of status review hearings under sections 364, 366.21, 366.22, and 366.25 in dependency cases (§§ 292, 293)
- Notice of “selection and implementation” (permanency) hearings under section 366.26 in dependency cases (§ 294)
- Notices of review and termination of jurisdiction hearings under sections 366.3, 366.31, and 391 in dependency cases (§ 295)
- Notice of subsequent and supplemental petitions filed under section 342 and 387 in dependency cases (§§ 297, 387)
- Notice of hearings to change, modify or set aside an order to terminate jurisdiction under section 386 and 388 in dependency cases (§§ 291, 297)
- Copy of social worker’s reports in dependency cases (§§ 302, 364.05, 366.05)
- Copy of juvenile court custody orders in dependency cases (§ 362.4)
- Notice of and copy of petition for jurisdictional hearing in delinquency cases where the child is not detained or where the child is detained and the persons required to receive notice were present at the detention hearing (§ 660)
- Notices of hearings under sections 727, 727.2, or 727.3 in delinquency cases (§ 727.4)
- Notice when a juvenile court decides to terminate or modify a guardianship previously established under the Probate Code (§ 728)
- Copy of the order to pay costs for care of minor in the custody of the juvenile court (§ 903.45)

This legislative proposal would *not* allow for e-service of the following types of documents:

- Notice and copy of the petition for initial detention/petition hearings in dependency cases (§§ 290.1, 290.2)
- Notice of jurisdictional/disposition hearings in dependency cases, where the child is detained and the persons required to be noticed were not present at the initial petition hearing (§ 291)
- Notice and copy of the petition for initial detention/petition hearings in delinquency cases (§ 658)
- Notice and copy of petition for jurisdictional hearings in delinquency cases, where the child is detained and the persons required to receive notice were not present at the detention hearing (§ 660)

This legislative proposal would authorize e-service only *in addition to* other traditional means of service of the following:

- Notice and appellate advisements for hearings at which the social worker will recommend the termination of parental rights (§ 366.26)
- Any notice or document served on a minor who is 14 or 15 years old.

#### Committee's Task

The committee is tasked with reviewing the legislative proposal and:

- Asking staff or group members for further information and analysis;
- Recommending to the Policy Coordination and Liaison Committee that all or part of the proposal be circulated for public comment during the spring cycle; or
- Rejecting the proposal.

#### Attachments

1. Draft Invitation to Comment
2. Proposed amendments to the Welfare and Institutions Code

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[www.courts.ca.gov/policyadmin-invitationstocomment.htm](http://www.courts.ca.gov/policyadmin-invitationstocomment.htm)

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## INVITATION TO COMMENT

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| Title   | Action Requested   |
| Juvenile Law: Electronic Filing and Service in Juvenile Proceedings   | Review and submit comments by June 14, 2016  |
| Proposed Rules, Forms, Standards, or Statutes   | Proposed Effective Date  |
| Add section 212.5 and amend sections 248, 248.5, 290.1, 290.2, 291, 292, 293, 294, 295, 297, 302, 316.1, 342, 362.4, 364.05, 366.05, 366.26, 387, 658, 660, 727.4, 728, 779 and 903.45 of the Welfare and Institutions Code | January 1, 2018  |
|   | Contact  |
|   | Diana Glick, 916-643-7012<br><a href="mailto:diana.glick@jud.ca.gov">diana.glick@jud.ca.gov</a>          |
| Proposed by   | Tara Lundstrom, 415-865-7650<br><a href="mailto:tara.lundstrom@jud.ca.gov">tara.lundstrom@jud.ca.gov</a> |
| Family and Juvenile Law Advisory Committee  |  |
| Hon. Jerilyn L. Borack, Cochair   |  |
| Hon. Mark A. Juhas, Cochair   |  |
| Information Technology Advisory Committee   |  |
| Hon. Terence L. Bruiniers, Chair  |  |

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### **Executive Summary and Origin**

The Family and Juvenile Law Advisory Committee and the Information Technology Advisory Committee recommend amending the Welfare and Institutions Code to authorize permissive electronic filing and service under Code of Civil Procedure section 1010.6(a) and (b) in juvenile proceedings. This legislative proposal would add a new section 212.5 to the Welfare and Institutions Code that would incorporate by reference Code of Civil Procedure section 1010.6(a) and (b), subject to appropriate conditions and limitations on electronic service for juvenile proceedings. The proposal would also amend various Welfare and Institutions Code provisions to implement new section 212.5 consistently throughout the code.

### **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. Effective July 1, 2014, the Judicial Council amended rule 5.522 to enable the electronic filing of juvenile court documents in accordance

*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.*

with the trial court rules, specifically rules 2.252, et seq. However, the council expressly excluded the application of trial court rule 2.251 to juvenile proceedings. (See Cal. Rules of Court, rule 5.522(b)(4) [“This rule does not incorporate the electronic service provisions in rule 2.251”].) Rule 2.251 authorizes electronic service 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 e-mail. While this legislative proposal circulates for public comment, the Judicial Council will consider whether to adopt rule amendments and a new form to implement AB 879.

### **The Proposal**

The provisions of AB 879 apply 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 electronic service in the juvenile context and codified protections for parties and other persons who may consent to receive an e-mail notice of hearing.

This proposal seeks to apply the electronic filing and service provisions contained in subdivisions (a) and (b) of section 1010.6 of the Code of Civil Procedure to juvenile dependency and delinquency proceedings, while preserving the conditions and limitations on electronic service set forth in AB 879.

### **New proposed section 212.5**

Specifically, the proposal would add a new section 212.5 to Welfare and Institutions Code, which would expressly apply the provisions of subdivisions (a) and (b) of section 1010.6 of the Code of Civil Procedure to all juvenile proceedings, while setting limitations and conditions on the electronic service of parties and other persons. The limitations on electronic service include the following:

- Electronic service is authorized only if the county and the court choose to permit electronic service.
- Electronic service on a party or other person is permitted only upon consent to receive electronic service by the party or other person.
- A party or other person may withdraw prior consent to electronic service
- Consent or withdrawal of prior consent to receive electronic service may be filed with the court only by a party or other person, or that person’s attorney.
- If the party or other person to be served is a minor who is 14 years old or older, electronic service is permitted only upon consent by both the minor and the minor’s attorney
- The party or other person must be served by both electronic means and by other means specified in the statute if (1) the party or person to be served is a minor who is 14 or 15 years old; or (2) the document to be served is the notice of hearing or the appellate advisements required pursuant to Welfare and Institutions Code section 366.26(l)(3)(A)

for a hearing at which the social worker will recommend the termination of parental rights.

- If the minor is an Indian child, or the court has reason to know that an Indian child is involved, service shall be provided exclusively in accordance with Welfare and Institutions Code section 224.2.

Although both mandatory and permissive electronic filing are currently authorized by rule for all juvenile proceedings under rule 5.522(b), proposed new section 212.5 would codify only the authorization for permissive electronic filing by incorporating Code of Civil Procedure section 1010.6(b) by reference.

#### **Proposed amendments to sections 248 and 248.5**

These sections describe service of the written findings and court orders when a referee hears a juvenile case. This proposal would add references to the new section 212.5 to authorize electronic service of these written findings and orders.

#### **Proposed amendments to sections 290.1, 290.2, 291, 292, 293, 294, 295, and 316.1**

These sections govern notice in the following types of juvenile dependency hearings: detention, jurisdiction, disposition, review, and termination of jurisdiction hearings. They were amended by AB 879 to authorize e-mail notices of hearings. This proposal would amend sections 291, 292, 293, 294, 295, and 316.1 to replace the language added by AB 879 with a cross-reference to the proposed new section 212.5. These proposed amendments are intended to implement electronic service in juvenile proceedings and to streamline the notice provisions in the Welfare and Institutions Code.

In addition, in implementing AB 879, the committees determined that from an operational perspective, it is unlikely that a person entitled to notice would have the opportunity to be fully informed of his or her right to notice and the advisability of consenting to electronic notice of hearings before the initial petition hearing. Therefore, the authorization for electronic notice of an initial petition hearing in sections 290.1 and 290.2 would be removed from the Code. The proposal would clarify that electronic service of these notices is not permitted.

#### **Proposed amendments to section 297**

This section contains notice provisions for subsequent and supplemental petitions, as well as petitions for modification. The proposal would allow for electronic service of these types of petition hearings, pursuant to proposed new section 212.5.

#### **Proposed amendments to section 302**

This section requires a social worker who provides a parent or guardian with notice of a proceeding at which the social worker intends to present a report, to provide a copy of the report to the parents or guardians and to their attorneys. This proposal would authorize electronic service of this report under the proposed new section 212.5.



**Proposed amendments to section 342**

This section currently provides that procedures for initial hearings also apply to subsequent petitions. This proposal would allow for other procedures as provided by law. Section 297 contains greater detail on the notice requirements for subsequent petitions and also authorizes electronic service.

**Proposed amendments to section 362.4**

This section requires that upon the termination of jurisdiction over a minor, and if there is a juvenile court custody order filed, the clerk of the receiving court must mail a copy of the order with the case number to the juvenile court and mail a copy to the parents. This proposal would add a cross-reference to new proposed section 212.5 to allow the court to send the order to the receiving court by electronic means and to electronically serve a copy of the order on the parents.

**Proposed amendments to sections 364.05 and 366.05**

These sections apply to social workers in counties of the first class; they are required to mail a copy of specified reports to certain parties. The proposal would authorize electronic service of these reports subject to the requirements of proposed new section 212.5.

**Proposed amendments to section 366.26**

This section applies to permanency hearings for dependent children and requires that a notice of hearing pursuant to this section must contain an advisement regarding the appellate rights and responsibilities of litigants. Currently, the appellate advisements may be given orally, if the party is present in court, or by first-class mail. In keeping with the approach of AB 879, this proposal would allow for electronic service of the notice of appellate advisements, subject to one exception: if the social worker will recommend the termination of parental rights at the hearing, electronic service may only be in addition to service by first-class mail. This exception is also stated in the proposed new section 212.5.

**Proposed amendment to section 387**

This section contains a notice provision for supplemental petitions to modify a previous order of placement. The proposal would authorize electronic service of supplemental petitions under proposed new section 212.5.

**Proposed amendment to section 658**

This section describes the notice required for the initial petition hearing in juvenile delinquency cases and for supplemental petitions. As in the case of the initial petition hearing in juvenile dependency, the proposal would prohibit electronic service for the initial delinquency hearing. Electronic service of supplemental petitions is authorized under proposed new section 212.5.

**Proposed amendments to section 660**

This section provides different notice requirements for a jurisdictional hearing depending on whether the minor was detained in custody and whether the parties and persons entitled to notice

were present at the detention hearing. The proposal would authorize electronic service for these hearings, except for hearings where the child is detained and those persons entitled to service were not present at the detention hearing.

#### **Proposed amendment to section 727.4**

This section contains notice provisions for several types of juvenile delinquency hearings that occur after the initial petition hearing. These include wardship probation hearings and six-month and twelve-month hearings for dependents who are subsequently adjudged to be wards of the court. The proposal would allow for electronic service of notices of these hearings under proposed new section 212.5.

#### **Proposed amendments to section 728**

Section 728 applies when a juvenile court decides to terminate or modify a guardianship that was established in a probate court. The juvenile court must provide notice of its decision to the probate court where the guardianship was established. This court, in turn, must send a copy of the notice to all parties. This proposal would allow the receiving court to electronically serve this notice under proposed section 212.5.

#### **Proposed amendments to section 779**

Section 779 requires that courts serve notice on the Director of the Youth Authority by U.S. mail when the court decides to change, modify, or set aside an order of commitment. This proposal would eliminate the requirement that service must be by U.S. mail.

#### **Proposed amendments to section 903.45**

This section describes the process by which a county financial evaluation officer determines whether a parent must pay for the costs of care for a minor who is in the custody of the juvenile court. The statute provides that if a parent or guardian agrees to assume responsibility for certain costs, the order to pay those costs may be granted as long as a copy of the order is served on the person by mail. This proposal would authorize electronic service of this order under proposed new section 212.5.

#### **Alternatives Considered**

As an alternative, the committees considered extending AB 879's authorization of e-mail notices of hearings to juvenile delinquency hearings, without adopting electronic service in the juvenile context. The committees also considered whether to codify both mandatory and permissive electronic filing in the Welfare and Institutions Code.

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

Implementation may require additional training and changes in court procedures in those courts that choose to allow for electronic service of notices of hearing and other documents. Because AB 879's authorization for e-mailing notices of hearings will be in place for two years before this proposal could go into effect, it is foreseeable that some courts may implement electronic

notice in the interim, implementing this proposal should result in minimal implementation costs for these courts.

## Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Are there other sections in the Welfare and Institutions Code that will require amendment in order to facilitate electronic filing or service in juvenile proceedings?
- Are there any juvenile dependency or delinquency proceedings for which this proposal recommends extending electronic service of the notice of the hearing that should remain limited to first-class mail or personal delivery?
- Should this proposal expressly authorize or prohibit social workers and probation officers from obtaining the consent to electronic service of parties and other persons and filing that consent with the court?
- Should the proposed new section 212.5 of the Welfare and Institutions Code authorize both mandatory and permissive electronic filing? Or only permissive electronic filing?

The advisory committees also seek 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?
- How well would this proposal work in courts of different sizes?

### Attachments and Links

1. Proposed amendments to the Welfare and Institutions Code, at pages \*-\*
2. Assembly Bill 879 (Stats. 2015, ch. 219),  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB879](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB879)

Section 212.5 of the Welfare and Institutions Code would be added and sections 248, 248.5, 290.1, 290.2, 291, 292, 293, 294, 295, 297, 302, 316.1, 342, 362.4, 364.05, 366.05, 366.26, 387, 658, 660, 727.4, 728, 779 and 903.45, would be amended, effective January 1, 2018, to read:

1  
2 **212.5.**

3 Unless otherwise provided by law, Section 1010.6(a) and (b) of the Code of Civil Procedure  
4 shall apply to juvenile matters, with the following exceptions and conditions:

5 (a) Electronic service is authorized only if the county and the court choose to permit electronic  
6 service.

7 (b) Electronic service on a party or other person shall be permitted only upon consent to receive  
8 electronic service by the party or other person. A party or other person may withdraw prior  
9 consent to electronic service. The Judicial Council shall create a form designed to implement  
10 this section.

11 (c) Consent or withdrawal of prior consent to receive electronic service may be filed with the  
12 court only by a party or other person, or that person's attorney.

13 (d) If the party or other person to be served is a minor who is 14 years old or older, electronic  
14 service shall be permitted only upon consent by the minor and by the minor's attorney.

15 (e) Electronic service is not permitted if the party or other person is 13 years old or younger.

16 (f) The party or other person shall be served both by electronic means and by other means  
17 specified in the relevant statute if:

18 (1) The party or person to be served is a minor who is 14 or 15 years old; or

19 (2) The document to be served is the notice of hearing or the appellate advisements required  
20 pursuant to Section 366.26(l)(3)(A) for a hearing at which the social worker will recommend the  
21 termination of parental rights.

22 (3) If the minor is an Indian child, or the court has reason to know that an Indian child is  
23 involved, service shall be provided exclusively in accordance with Section 224.2.

24  
25 **248.**

26 (a) A referee shall hear those cases that are assigned to him or her by the presiding judge of the  
27 juvenile court, with the same powers as a judge of the juvenile court, except that a referee shall  
28 not conduct any hearing to which the state or federal constitutional prohibitions against double  
29 jeopardy apply unless all of the parties thereto stipulate in writing that the referee may act in the  
30 capacity of a temporary judge. A referee shall promptly furnish to the presiding judge of the  
31 juvenile court and the minor, if the minor is 14 or more years of age or if younger has so  
32 requested, and shall serve upon the minor's attorney of record and the minor's parent or guardian  
33 or adult relative and the attorney of record for the minor's parent or guardian or adult relative a  
34 written copy of his or her findings and order and shall also furnish to the minor, if the minor is  
35 14 or more years of age or if younger has so requested, and to the parent or guardian or adult  
36 relative, with the findings and order, a written explanation of the right of those persons to seek  
37 review of the order by the juvenile court.

38 (b) Service, as provided in this section, shall be made as follows:

39 (1) If a minor, parent, or guardian is present in court at the time the findings and order are made,  
40 then the findings and order may be served in court on any minor, parent, or guardian who is  
41 present in court on that date and a written explanation of the right to seek review of the order as  
42 required pursuant to subdivision (a) shall be furnished at that time.

1 (2) If paragraph (1) is not applicable, service shall be made by mail or by electronic service  
2 pursuant to Section 212.5, within the time period specified in Section 248.5, to the last known  
3 address of those persons or to the address designated by those persons appearing at the hearing  
4 before the referee and the mailing documents served shall include, if applicable, the written  
5 explanation of the right to seek review of the order. If the parent or guardian does not have a last  
6 known address designated, then service ~~by mail~~ shall be to that party in care of his or her  
7 counsel.

8  
9 **248.5.**

10 All written findings and orders of the court shall be served by the clerk of the court personally, ~~or~~  
11 by first-class mail, or by electronic service pursuant to Section 212.5, within three judicial days  
12 of their issuance on the petitioner, the minor or the minor's counsel, the parent or the parent's  
13 counsel, and the guardian or the guardian's counsel.

14  
15 **290.1.**

16 If the probation officer or social worker determines that the child shall be retained in custody, he  
17 or she shall immediately file a petition pursuant to Section 332 with the clerk of the juvenile  
18 court, who shall set the matter for hearing on the detention hearing calendar. The probation  
19 officer or social worker shall serve notice as prescribed in this section.

20 (a) Notice shall be given to the following persons whose whereabouts are known or become  
21 known prior to the initial petition hearing:

22 (1) The mother.

23 (2) The father or fathers, presumed and alleged.

24 (3) The legal guardian or guardians.

25 (4) The child, if the child is 10 years of age or older.

26 (5) Any known sibling of the child who is the subject of the hearing if that sibling either is the  
27 subject of a dependency proceeding or has been adjudged to be a dependent child of the juvenile  
28 court. If the sibling is 10 years of age or older, the sibling, the sibling's caregiver, and the  
29 sibling's attorney. If the sibling is under 10 years of age, the sibling's caregiver and the sibling's  
30 attorney. However, notice is not required to be given to any sibling whose matter is calendared in  
31 the same court on the same day.

32 (6) If there is no parent or guardian residing in California, or if the residence is unknown, then to  
33 any adult relative residing within the county, or, if none, the adult relative residing nearest the  
34 court.

35 (7) The attorney for the parent or parents, or legal guardian or guardians.

36 (8) The district attorney, if the district attorney has notified the clerk of the court that he or she  
37 wishes to receive the petition, containing the time, date, and place of the hearing.

38 (9) The probate department of the superior court that appointed the guardian, if the child is a  
39 ward of a guardian appointed pursuant to the Probate Code.

40 (b) No notice is required for a parent whose parental rights have been terminated.

41 (c) The notice shall be given as soon as possible after the filing of the petition.

42 (d) The notice of the initial petition hearing shall include all of the following:

43 (1) The date, time, and place of the hearing.

1 (2) The name of the child.  
2 (3) A copy of the petition.  
3 (e) Service of the notice shall be written or oral. If the person being served cannot read, notice  
4 shall be given orally. ~~Except as provided in subdivisions (f), (g), and (h), written notice may be~~  
5 ~~served by electronic mail if the county, or city and county, and the court choose to permit service~~  
6 ~~by electronic mail and the person to be served has consented to service by electronic mail by~~  
7 ~~signing Judicial Council Form EFS-005. Notice shall not be served electronically under this~~  
8 ~~section.~~

9 (f) If the probation officer or social worker knows or has reason to know that an Indian child is  
10 involved, notice shall be given in accordance with Section 224.2.

11 ~~(g) Except as provided in subdivision (h), if notice is required to be provided to a child pursuant~~  
12 ~~to paragraph (4) or (5) of subdivision (a), written notice may be served on the child by electronic~~  
13 ~~mail only if all of the following requirements are satisfied:~~

- 14 ~~(1) The county, or city and county, and the court choose to permit service by electronic mail.~~
- 15 ~~(2) The child is 16 years of age or older.~~
- 16 ~~(3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~  
17 ~~005.~~
- 18 ~~(4) The attorney for the child has consented to service of the minor by electronic mail by signing~~  
19 ~~Judicial Council Form EFS-005.~~

20 ~~(h) If notice is required to be provided to a child pursuant to paragraph (4) or (5) of subdivision~~  
21 ~~(a), written notice may be served on the child by electronic mail as well as by regular mail if all~~  
22 ~~of the following requirements are satisfied:~~

- 23 ~~(1) The county, or city and county, and the court choose to permit service by electronic mail.~~
- 24 ~~(2) The child is 14 or 15 years of age.~~
- 25 ~~(3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~  
26 ~~005.~~
- 27 ~~(4) The attorney for the child has consented to service of the minor by electronic mail by signing~~  
28 ~~Judicial Council Form EFS-005.~~

29 ~~(i) This section shall remain in effect only until January 1, 2019, and as of that date is repealed,~~  
30 ~~unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.~~

31  
32 **290.2.**

33 Upon the filing of a petition by a probation officer or social worker, the clerk of the juvenile  
34 court shall issue notice, to which shall be attached a copy of the petition, and he or she shall  
35 cause the same to be served as prescribed in this section.

36 (a) Notice shall be given to the following persons whose address is known or becomes known  
37 prior to the initial petition hearing:

- 38 (1) The mother.
- 39 (2) The father or fathers, presumed and alleged.
- 40 (3) The legal guardian or guardians.
- 41 (4) The child, if the child is 10 years of age or older.
- 42 (5) Any known sibling of the child who is the subject of the hearing if that sibling either is the  
43 subject of a dependency proceeding or has been adjudged to be a dependent child of the juvenile

1 court. If the sibling is 10 years of age or older, the sibling, the sibling’s caregiver, and the  
2 sibling’s attorney. If the sibling is under 10 years of age, the sibling’s caregiver and the sibling’s  
3 attorney. However, notice is not required to be given to any sibling whose matter is calendared in  
4 the same court on the same day.

5 (6) If there is no parent or guardian residing in California, or if the residence is unknown, to any  
6 adult relative residing within the county, or, if none, the adult relative residing nearest the court.

7 (7) Upon reasonable notification by counsel representing the child, parent, or guardian, the clerk  
8 of the court shall give notice to that counsel as soon as possible.

9 (8) The district attorney, if the district attorney has notified the clerk of the court that he or she  
10 wishes to receive the petition, containing the time, date, and place of the hearing.

11 (9) The probate department of the superior court that appointed the guardian, if the child is a  
12 ward of a guardian appointed pursuant to the Probate Code.

13 (b) No notice is required for a parent whose parental rights have been terminated.

14 (c) Notice shall be served as follows:

15 (1) If the child is retained in custody, the notice shall be given to the persons required to be  
16 noticed as soon as possible, and at least five days before the hearing, unless the hearing is set to  
17 be heard in less than five days in which case notice shall be given at least 24 hours prior to the  
18 hearing.

19 (2) If the child is not retained in custody, the notice shall be given to those persons required to be  
20 noticed at least 10 days prior to the date of the hearing. If any person who is required to be given  
21 notice is known to reside outside of the county, the clerk of the juvenile court shall mail the  
22 notice and copy of the petition by first-class mail to that person as soon as possible after the  
23 filing of the petition and at least 10 days before the time set for hearing. Failure to respond to the  
24 notice is not cause for an arrest or detention. In the instance of a failure to appear after notice by  
25 first-class mail, the court shall direct that the notice and copy of the petition be personally served  
26 on all persons required to receive the notice and copy of the petition. For these purposes,  
27 personal service of the notice and copy of the petition outside of the county at least 10 days  
28 before the time set for hearing is equivalent to service by first-class mail. Service may be waived  
29 by any person by a voluntary appearance entered in the minutes of the court or by a written  
30 waiver of service filed with the clerk of the court at, or prior to, the hearing.

31 ~~(3) Except as provided in subdivisions (e), (f), and (g), notice may be served by electronic mail~~  
32 ~~in lieu of notice by first-class mail if the county, or city and county, and the court choose to~~  
33 ~~permit service by electronic mail and the person to be served has consented to service by~~  
34 ~~electronic mail by signing Judicial Council Form EFS-005. Notice shall not be served~~  
35 ~~electronically under this section.~~

36 (d) The notice of the initial petition hearing shall include all of the following:

- 37 (1) The date, time, and place of the hearing.
- 38 (2) The name of the child.
- 39 (3) A copy of the petition.

40 (e) If the court knows or has reason to know that an Indian child is involved, notice shall be  
41 given in accordance with Section 224.2.



~~(f) Except as provided in subdivision (g), if notice is required to be provided to a child pursuant to paragraph (4) or (5) of subdivision (a), written notice may be served on the child by electronic mail only if all of the following requirements are satisfied:~~

~~(1) The county, or city and county, and the court choose to permit service by electronic mail.~~

~~(2) The child is 16 years of age or older.~~

~~(3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-005.~~

~~(4) The attorney for the child has consented to service of the minor by electronic mail by signing Judicial Council Form EFS-005.~~

~~(g) If notice is required to be provided to a child pursuant to paragraph (4) or (5) of subdivision (a), written notice may be served on the child by electronic mail as well as by regular mail if all of the following requirements are satisfied:~~

~~(1) The county, or city and county, and the court choose to permit service by electronic mail.~~

~~(2) The child is 14 or 15 years of age.~~

~~(3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-005.~~

~~(4) The attorney for the child has consented to service of the minor by electronic mail by signing Judicial Council Form EFS-005.~~

~~(h) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.~~

**291.**

After the initial petition hearing, the clerk of the court shall cause the notice to be served in the following manner:

(a) Notice of the hearing shall be given to the following persons:

(1) The mother.

(2) The father or fathers, presumed and alleged.

(3) The legal guardian or guardians.

(4) The child, if the child is 10 years of age or older.

(5) Any known sibling of the child who is the subject of the hearing if that sibling either is the subject of a dependency proceeding or has been adjudged to be a dependent child of the juvenile court. If the sibling is 10 years of age or older, the sibling, the sibling's caregiver, and the sibling's attorney. If the sibling is under 10 years of age, the sibling's caregiver and the sibling's attorney. However, notice is not required to be given to any sibling whose matter is calendared in the same court on the same day.

(6) Each attorney of record unless counsel of record is present in court when the hearing is scheduled, then no further notice need be given.

(7) If there is no parent or guardian residing in California, or if the residence is unknown, then to any adult relative residing within the county, or, if none, the adult relative residing nearest the court.

(8) If the hearing is a dispositional hearing that is also serving as a permanency hearing pursuant to subdivision (f) of Section 361.5, notice shall be given to the current caregiver for the child, including foster parents, relative caregivers, preadoptive parents, and nonrelative extended



1 family members. Any person notified may attend all hearings and may submit any information  
2 he or she deems relevant to the court in writing.

3 (b) No notice is required for a parent whose parental rights have been terminated.

4 (c) Notice shall be served as follows:

5 (1) If the child is detained, the notice shall be given to the persons required to be noticed as soon  
6 as possible, and at least five days before the hearing, unless the hearing is set less than five days  
7 and then at least 24 hours prior to the hearing.

8 (2) If the child is not detained, the notice shall be given to those persons required to be noticed at  
9 least 10 days prior to the date of the hearing.

10 (d) The notice shall include all of the following:

11 (1) The name and address of the person notified.

12 (2) The nature of the hearing.

13 (3) Each section and subdivision under which the proceeding has been initiated.

14 (4) The date, time, and place of the hearing.

15 (5) The name of the child upon whose behalf the petition has been brought.

16 (6) A statement that:

17 (A) If they fail to appear, the court may proceed without them.

18 (B) The child, parent, guardian, Indian custodian, or adult relative to whom notice is required to  
19 be given pursuant to paragraph (1), (2), (3), (4), or (7) of subdivision (a) is entitled to have an  
20 attorney present at the hearing.

21 (C) If the parent, guardian, Indian custodian, or adult relative noticed pursuant to paragraph (1),  
22 (2), (3), or (7) of subdivision (a) is indigent and cannot afford an attorney, and desires to be  
23 represented by an attorney, the parent, guardian, Indian custodian, or adult relative shall  
24 promptly notify the clerk of the juvenile court.

25 (D) If an attorney is appointed to represent the parent, guardian, Indian custodian, or adult  
26 relative, the represented person shall be liable for all or a portion of the costs to the extent of his  
27 or her ability to pay.

28 (E) The parent, guardian, Indian custodian, or adult relative may be liable for the costs of support  
29 of the child in any out-of-home placement.

30 (7) A copy of the petition.

31 (e) Service of the notice of the hearing shall be given in the following manner:

32 (1) If the child is detained and the persons required to be noticed are not present at the initial  
33 petition hearing, they shall be noticed by personal service or by certified mail, return receipt  
34 requested.

35 (2) If the child is detained and the persons required to be noticed are present at the initial petition  
36 hearing, they shall be noticed by personal service, ~~or~~ by first-class mail, or by electronic service  
37 pursuant to Section 212.5.

38 (3) If the child is not detained, the persons required to be noticed shall be noticed by personal  
39 service, ~~or~~ by first-class mail, or by electronic service pursuant to Section 212.5, unless the  
40 person to be served is known to reside outside the county, in which case service shall be by first-  
41 class mail or by electronic service pursuant to Section 212.5.

42 ~~Except as provided in subdivisions (g), (h), and (i), notice may be served by electronic mail in~~  
43 ~~lieu of notice by first-class mail if the county, or city and county, and the court choose to permit~~

~~service by electronic mail and the person to be served has consented to service by electronic mail by signing Judicial Council Form EFS-005.~~

(f) Any of the notices required to be given under this section or Sections 290.1 and 290.2 may be waived by a party in person or through his or her attorney, or by a signed written waiver filed on or before the date scheduled for the hearing.

(g) If the court knows or has reason to know that an Indian child is involved, notice shall be given in accordance with Section 224.2.

~~(h) Except as provided in subdivision (i), if notice is required to be provided to a child pursuant to paragraph (4) or (5) of subdivision (a), written notice may be served on the child by electronic mail only if all of the following requirements are satisfied:~~

~~(1) The county, or city and county, and the court choose to permit service by electronic mail.~~

~~(2) The child is 16 years of age or older.~~

~~(3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-005.~~

~~(4) The attorney for the child has consented to service of the minor by electronic mail by signing Judicial Council Form EFS-005.~~

~~(i) If notice is required to be provided to a child pursuant to paragraph (4) or (5) of subdivision (a), written notice may be served on the child by electronic mail as well as by regular mail if all of the following requirements are satisfied:~~

~~(1) The county, or city and county, and the court choose to permit service by electronic mail.~~

~~(2) The child is 14 or 15 years of age.~~

~~(3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-005.~~

~~(4) The attorney for the child has consented to service of the minor by electronic mail by signing Judicial Council Form EFS-005.~~

~~(j) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.~~

## **292.**

The social worker or probation officer shall give notice of the review hearing held pursuant to Section 364 in the following manner:

(a) Notice of the hearing shall be given to the following persons:

(1) The mother.

(2) The presumed father or any father receiving services.

(3) The legal guardian or guardians.

(4) The child, if the child is 10 years of age or older.

(5) Any known sibling of the child who is the subject of the hearing if that sibling either is the subject of a dependency proceeding or has been adjudged to be a dependent child of the juvenile court. If the sibling is 10 years of age or older, the sibling, the sibling's caregiver, and the sibling's attorney. If the sibling is under 10 years of age, the sibling's caregiver and the sibling's attorney. However, notice is not required to be given to any sibling whose matter is calendared in the same court on the same day.

- 1 (6) Each attorney of record, if that attorney was not present at the time that the hearing was set  
2 by the court.
- 3 (b) No notice is required for a parent whose parental rights have been terminated.
- 4 (c) The notice of the hearing shall be served not earlier than 30 days, nor later than 15 days,  
5 before the hearing.
- 6 (d) The notice shall contain a statement regarding the nature of the hearing to be held and any  
7 change in the custody or status of the child being recommended by the supervising agency. The  
8 notice shall also include a statement that the child and the parent or parents or legal guardian or  
9 guardians have a right to be present at the hearing, to be represented by counsel at the hearing  
10 and the procedure for obtaining appointed counsel, and to present evidence regarding the proper  
11 disposition of the case. The notice shall also state that if the parent or parents or legal guardian or  
12 guardians fail to appear, the court may proceed without them.
- 13 (e) Service of the notice shall be by personal service, by first-class mail, ~~or~~ by certified mail,  
14 return receipt requested, addressed to the last known address of the person to be noticed, or by  
15 electronic service pursuant to Section 212.5. ~~Except as provided in subdivisions (f), (g), and (h),~~  
16 ~~notice may be served by electronic mail if the county, or city and county, and the court choose to~~  
17 ~~permit service by electronic mail and the person to be served has consented to service by~~  
18 ~~electronic mail by signing Judicial Council Form EFS-005.~~
- 19 (f) If the social worker or the probation officer knows or has reason to know that an Indian child  
20 is involved, notice shall be given in accordance with Section 224.2.
- 21 ~~(g) Except as provided in subdivision (h), if notice is required to be provided to a child pursuant~~  
22 ~~to paragraph (4) or (5) of subdivision (a), written notice may be served on the child by electronic~~  
23 ~~mail only if all of the following requirements are satisfied:~~
- 24 ~~(1) The county, or city and county, and the court choose to permit service by electronic mail.~~  
25 ~~(2) The child is 16 years of age or older.~~  
26 ~~(3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~  
27 ~~005.~~  
28 ~~(4) The attorney for the child has consented to service of the minor by electronic mail by signing~~  
29 ~~Judicial Council Form EFS-005.~~
- 30 ~~(h) If notice is required to be provided to a child pursuant to paragraph (4) or (5) of subdivision~~  
31 ~~(a), written notice may be served on the child by electronic mail as well as by regular mail if all~~  
32 ~~of the following requirements are satisfied:~~
- 33 ~~(1) The county, or city and county, and the court choose to permit service by electronic mail.~~  
34 ~~(2) The child is 14 or 15 years of age.~~  
35 ~~(3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~  
36 ~~005.~~  
37 ~~(4) The attorney for the child has consented to service of the minor by electronic mail by signing~~  
38 ~~Judicial Council Form EFS-005.~~
- 39 ~~(i) This section shall remain in effect only until January 1, 2019, and as of that date is repealed,~~  
40 ~~unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.~~

41  
42  
43

1 **293.**

2 The social worker or probation officer shall give notice of the review hearings held pursuant to  
3 Section 366.21, 366.22, or 366.25 in the following manner:

4 (a) Notice of the hearing shall be given to the following persons:

5 (1) The mother.

6 (2) The presumed father or any father receiving services.

7 (3) The legal guardian or guardians.

8 (4) The child, if the child is 10 years of age or older.

9 (5) Any known sibling of the child who is the subject of the hearing if that sibling either is the  
10 subject of a dependency proceeding or has been adjudged to be a dependent child of the juvenile  
11 court. If the sibling is 10 years of age or older, the sibling, the sibling's caregiver, and the  
12 sibling's attorney. If the sibling is under 10 years of age, the sibling's caregiver and the sibling's  
13 attorney. However, notice is not required to be given to any sibling whose matter is calendared in  
14 the same court on the same day.

15 (6) In the case of a child removed from the physical custody of his or her parent or legal  
16 guardian, the current caregiver of the child, including the foster parents, relative caregivers,  
17 preadoptive parents, nonrelative extended family members, community care facility, or foster  
18 family agency having custody of the child. In a case in which a foster family agency is notified  
19 of the hearing pursuant to this section, and the child resides in a foster home certified by the  
20 foster family agency, the foster family agency shall provide timely notice of the hearing to the  
21 child's caregivers.

22 (7) Each attorney of record if that attorney was not present at the time that the hearing was set by  
23 the court.

24 (b) No notice is required for a parent whose parental rights have been terminated. On and after  
25 January 1, 2012, in the case of a nonminor dependent, as described in subdivision (v) of Section  
26 11400, no notice is required for a parent.

27 (c) The notice of hearing shall be served not earlier than 30 days, nor later than 15 days, before  
28 the hearing.

29 (d) The notice shall contain a statement regarding the nature of the hearing to be held and any  
30 change in the custody or status of the child being recommended by the supervising agency. If the  
31 notice is to the child, parent or parents, or legal guardian or guardians, the notice shall also  
32 advise them of the right to be present, the right to be represented by counsel, the right to request  
33 counsel, and the right to present evidence. The notice shall also state that if the parent or parents  
34 or legal guardian or guardians fail to appear, the court may proceed without them.

35 (e) Service of the notice shall be by first-class mail addressed to the last known address of the  
36 person to be noticed, ~~or~~ by personal service on the person, or by electronic service pursuant to  
37 Section 212.5. Service of a copy of the notice shall be by personal service, ~~or~~ by certified mail,  
38 return receipt requested, by electronic service under Section 212.5, or any other form of notice  
39 that is equivalent to service by first-class mail. ~~Except as provided in subdivisions (g), (h), and~~  
40 ~~(i), notice may be served by electronic mail in lieu of notice by first-class mail if the county, or~~  
41 ~~city and county, and the court choose to permit service by electronic mail and the person to be~~  
42 ~~served has consented to service by electronic mail by signing Judicial Council Form EFS-005.~~

1 (f) Notice to the current caregiver of the child, including a foster parent, a relative caregiver, a  
2 preadoptive parent, or a nonrelative extended family member, or to a certified foster parent who  
3 has been approved for adoption, or the State Department of Social Services when it is acting as  
4 an adoption agency or by a county adoption agency, shall indicate that the person notified may  
5 attend all hearings or may submit any information he or she deems relevant to the court in  
6 writing.

7 (g) If the social worker or probation officer knows or has reason to know that an Indian child is  
8 involved, notice shall be given in accordance with Section 224.2.

9 ~~(h) Except as provided in subdivision (i), if notice is required to be provided to a child pursuant  
10 to paragraph (4) or (5) of subdivision (a), written notice may be served on the child by electronic  
11 mail only if all of the following requirements are satisfied:~~

12 ~~(1) The county, or city and county, and the court choose to permit service by electronic mail.~~

13 ~~(2) The child is 16 years of age or older.~~

14 ~~(3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-  
15 005.~~

16 ~~(4) The attorney for the child has consented to service of the minor by electronic mail by signing  
17 Judicial Council Form EFS-005.~~

18 ~~(i) If notice is required to be provided to a child pursuant to paragraph (4) or (5) of subdivision  
19 (a), written notice may be served on the child by electronic mail as well as by regular mail if all  
20 of the following requirements are satisfied:~~

21 ~~(1) The county, or city and county, and the court choose to permit service by electronic mail.~~

22 ~~(2) The child is 14 or 15 years of age.~~

23 ~~(3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-  
24 005.~~

25 ~~(4) The attorney for the child has consented to service of the minor by electronic mail by signing  
26 Judicial Council Form EFS-005.~~

27 ~~(j) This section shall remain in effect only until January 1, 2019, and as of that date is repealed,  
28 unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.~~

29  
30 **294.**

31 The social worker or probation officer shall give notice of a selection and implementation  
32 hearing held pursuant to Section 366.26 in the following manner:

33 (a) Notice of the hearing shall be given to the following persons:

34 (1) The mother.

35 (2) The fathers, presumed and alleged.

36 (3) The child, if the child is 10 years of age or older.

37 (4) Any known sibling of the child who is the subject of the hearing if that sibling either is the  
38 subject of a dependency proceeding or has been adjudged to be a dependent child of the juvenile  
39 court. If the sibling is 10 years of age or older, the sibling, the sibling's caregiver, and the  
40 sibling's attorney. If the sibling is under 10 years of age, the sibling's caregiver and the sibling's  
41 attorney. However, notice is not required to be given to any sibling whose matter is calendared in  
42 the same court on the same day.

- 1 (5) The grandparents of the child, if their address is known and if the parent's whereabouts are  
2 unknown.
- 3 (6) All counsel of record.
- 4 (7) To any unknown parent by publication, if ordered by the court pursuant to paragraph (2) of  
5 subdivision (g).
- 6 (8) The current caregiver of the child, including foster parents, relative caregivers, preadoptive  
7 parents, and nonrelative extended family members. Any person notified may attend all hearings  
8 and may submit any information he or she deems relevant to the court in writing.
- 9 (b) The following persons shall not be notified of the hearing:
- 10 (1) A parent who has relinquished the child to the State Department of Social Services, county  
11 adoption agency, or licensed adoption agency for adoption, and the relinquishment has been  
12 accepted and filed with notice as required under Section 8700 of the Family Code.
- 13 (2) An alleged father who has denied paternity and has executed a waiver of the right to notice of  
14 further proceedings.
- 15 (3) A parent whose parental rights have been terminated.
- 16 (c)(1) Service of the notice shall be completed at least 45 days before the hearing date. Service is  
17 deemed complete at the time the notice is personally delivered to the person named in the notice  
18 or 10 days after the notice has been placed in the mail or sent by electronic means mail, or at the  
19 expiration of the time prescribed by the order for publication.
- 20 (2) Service of notice in cases where publication is ordered shall be completed at least 30 days  
21 before the date of the hearing.
- 22 (d) Regardless of the type of notice required, or the manner in which it is served, once the court  
23 has made the initial finding that notice has properly been given to the parent, or to any person  
24 entitled to receive notice pursuant to this section, subsequent notice for any continuation of a  
25 Section 366.26 hearing may be by first-class mail to any last known address, by an order made  
26 pursuant to Section 296, by electronic service pursuant to Section 212.5, except as provided in  
27 paragraphs (2) and (3) of subdivision (h) and subdivision (i), by electronic mail if the county, or  
28 city and county, and the court choose to permit service by electronic mail and the person to be  
29 served has consented to service by electronic mail by signing Judicial Council Form EFS-005, or  
30 by any other means that the court determines is reasonably calculated, under any circumstance,  
31 to provide notice of the continued hearing. However, if the recommendation changes from the  
32 recommendation contained in the notice previously found to be proper, notice shall be provided  
33 to the parent, and to any person entitled to receive notice pursuant to this section, regarding that  
34 subsequent hearing.
- 35 (e) The notice shall contain the following information:
- 36 (1) The date, time, and place of the hearing.
- 37 (2) The right to appear.
- 38 (3) The parents' right to counsel.
- 39 (4) The nature of the proceedings.
- 40 (5) The recommendation of the supervising agency.
- 41 (6) A statement that, at the time of hearing, the court is required to select a permanent plan of  
42 adoption, legal guardianship, or long-term foster care for the child.
- 43 (f) Notice to the parents may be given in any one of the following manners:



1 (1) If the parent is present at the hearing at which the court schedules a hearing pursuant to  
2 Section 366.26, the court shall advise the parent of the date, time, and place of the proceedings,  
3 their right to counsel, the nature of the proceedings, and the requirement that at the proceedings  
4 the court shall select and implement a plan of adoption, legal guardianship, or long-term foster  
5 care for the child. The court shall direct the parent to appear for the proceedings and then direct  
6 that the parent be notified thereafter *only* by first-class mail to the parent's usual place of  
7 residence or business ~~only or by electronic service pursuant to Section 212.5. In lieu of notice by~~  
8 ~~first-class mail, notice may be served by electronic mail if the county, or city and county, and the~~  
9 ~~court choose to permit service by electronic mail and the person to be served has consented to~~  
10 ~~service by electronic mail by signing Judicial Council Form EFS-005.~~  
11 (2) Certified mail, return receipt requested, to the parent's last known mailing address. This  
12 notice shall be sufficient if the child welfare agency receives a return receipt signed by the  
13 parent.  
14 (3) Personal service to the parent named in the notice.  
15 (4) Delivery to a competent person who is at least 18 years of age at the parent's usual place of  
16 residence or business, and thereafter ~~mailed to~~ *served on* the parent named in the notice by first-  
17 class mail at the place where the notice was delivered *or by electronic service pursuant to*  
18 *Section 212.5.*  
19 (5) If the residence of the parent is outside the state, service may be made as described in  
20 paragraph (1), (3), or (4) or by certified mail, return receipt requested.  
21 (6) If the recommendation of the probation officer or social worker is legal guardianship or long-  
22 term foster care, *service may be made by first-class mail to the parent's usual place of residence*  
23 *or business or by electronic service pursuant to Section 212.5.* ~~or, i~~ *In the case of an Indian child,*  
24 *tribal customary adoption, service may be made by first-class mail to the parent's usual place of*  
25 *residence or business. In lieu of notice by first-class mail, notice may be serviced by electronic*  
26 *mail if the county, or city and county, and the court choose to permit service by electronic mail*  
27 *and the person to be served has consented to service by electronic mail by signing Judicial*  
28 *Council Form EFS-005.*  
29 (7) If a parent's identity is known but his or her whereabouts are unknown and the parent cannot,  
30 with reasonable diligence, be served in any manner specified in paragraphs (1) to (6), inclusive,  
31 the petitioner shall file an affidavit with the court at least 75 days before the hearing date, stating  
32 the name of the parent and describing the efforts made to locate and serve the parent.  
33 (A) If the court determines that there has been due diligence in attempting to locate and serve the  
34 parent and the probation officer or social worker recommends adoption, service shall be to that  
35 parent's attorney of record, if any, by certified mail, return receipt requested. If the parent does  
36 not have an attorney of record, the court shall order that service be made by publication of  
37 citation requiring the parent to appear at the date, time, and place stated in the citation, and that  
38 the citation be published in a newspaper designated as most likely to give notice to the parent.  
39 Publication shall be made once a week for four consecutive weeks. Whether notice is to the  
40 attorney of record or by publication, the court shall also order that notice be given to the  
41 grandparents of the child, if their identities and addresses are known, by first-class mail *or by*  
42 *electronic service pursuant to Section 212.5.*

1 (B) If the court determines that there has been due diligence in attempting to locate and serve the  
2 parent and the probation officer or social worker recommends legal guardianship or long-term  
3 foster care, no further notice is required to the parent, but the court shall order that notice be  
4 given to the grandparents of the child, if their identities and addresses are known, by first-class  
5 mail or by electronic service pursuant to Section 212.5.

6 (C) In any case where the residence of the parent becomes known, notice shall immediately be  
7 served upon the parent as provided for in either paragraph (2), (3), (4), (5), or (6).

8 (g) (1) If the identity of one or both of the parents, or alleged parents, of the child is unknown, or  
9 if the name of one or both parents is uncertain, then that fact shall be set forth in the affidavit  
10 filed with the court at least 75 days before the hearing date and the court, consistent with the  
11 provisions of Sections 7665 and 7666 of the Family Code, shall issue an order dispensing with  
12 notice to a natural parent or possible natural parent under this section if, after inquiry and a  
13 determination that there has been due diligence in attempting to identify the unknown parent, the  
14 court is unable to identify the natural parent or possible natural parent and no person has  
15 appeared claiming to be the natural parent.

16 (2) After a determination that there has been due diligence in attempting to identify an unknown  
17 parent pursuant to paragraph (1) and the probation officer or social worker recommends  
18 adoption, the court shall consider whether publication notice would be likely to lead to actual  
19 notice to the unknown parent. The court may order publication notice if, on the basis of all  
20 information before the court, the court determines that notice by publication is likely to lead to  
21 actual notice to the parent. If publication notice to an unknown parent is ordered, the court shall  
22 order the published citation to be directed to either the father or mother, or both, of the child, and  
23 to all persons claiming to be the father or mother of the child, naming and otherwise describing  
24 the child. An order of publication pursuant to this paragraph shall be based on an affidavit  
25 describing efforts made to identify the unknown parent or parents. Service made by publication  
26 pursuant to this paragraph shall require the unknown parent or parents to appear at the date, time,  
27 and place stated in the citation. Publication shall be made once a week for four consecutive  
28 weeks.

29 (3) If the court determines that there has been due diligence in attempting to identify one or both  
30 of the parents, or alleged parents, of the child and the probation officer or social worker  
31 recommends legal guardianship or long-term foster care, no further notice to the parent shall be  
32 required.

33 (h) (1) Notice to all counsel of record shall be by first-class mail; or by electronic service  
34 pursuant to Section 212.5. ~~by electronic mail if the county, or city and county, and the court~~  
35 ~~choose to permit service by electronic mail and the person to be served has consented to service~~  
36 ~~by electronic mail by signing Judicial Council Form EFS-005.~~

37 ~~(2) Except as provided in paragraph (3), if notice is required to be provided to a child, written~~  
38 ~~notice may be served on the child by electronic mail only if all of the following requirements are~~  
39 ~~satisfied:~~

40 ~~(A) The county, or city and county, and the court choose to permit service by electronic mail.~~

41 ~~(B) The child is 16 years of age or older.~~

42 ~~(C) The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~  
43 ~~005.~~



~~(D) The attorney for the child has consented to service of the minor by electronic mail by signing Judicial Council Form EFS-005.~~

~~(3) If notice is required to be provided to a child, written notice may be served on the child by electronic mail as well as by regular mail if all of the following requirements are satisfied:~~

~~(A) The county, or city and county, and the court choose to permit service by electronic mail.~~

~~(B) The child is 14 or 15 years of age.~~

~~(C) The child has consented to service by electronic mail by signing Judicial Council Form EFS-005.~~

~~(D) The attorney for the child has consented to service of the minor by electronic mail by signing Judicial Council Form EFS-005.~~

(i) If the court knows or has reason to know that an Indian child is involved, notice shall be given in accordance with Section 224.2.

(j) Notwithstanding subdivision (a), if the attorney of record is present at the time the court schedules a hearing pursuant to Section 366.26, no further notice is required, except as required by subparagraph (A) of paragraph (7) of subdivision (f).

(k) This section shall also apply to children adjudged wards pursuant to Section 727.31.

(l) The court shall state the reasons on the record explaining why good cause exists for granting any continuance of a hearing held pursuant to Section 366.26 to fulfill the requirements of this section.

~~(m) Notwithstanding any choice by a county, or city and county, and the court to permit service of written notice of court proceedings by electronic mail, or consent by any person to service of written notice by electronic mail by signing Judicial Council Form EFS-005, notice of any hearing at which the county welfare department is recommending the termination of parental rights may ~~only~~ be served electronically by electronic mail only if notice is also given by another means of service provided for in this section.~~

~~(n) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.~~

## **295.**

The social worker or probation officer shall give notice of review hearings held pursuant to Sections 366.3 and 366.31 and for termination of jurisdiction hearings held pursuant to Section 391 in the following manner:

(a) Notice of the hearing shall be given to the following persons:

(1) The mother.

(2) The presumed father.

(3) The legal guardian or guardians.

(4) The child, if the child is 10 years of age or older, or a nonminor dependent.

(5) Any known sibling of the child or nonminor dependent who is the subject of the hearing if that sibling either is the subject of a dependency proceeding or has been adjudged to be a dependent child of the juvenile court. If the sibling is 10 years of age or older, the sibling, the sibling's caregiver, and the sibling's attorney. If the sibling is under 10 years of age, the sibling's caregiver and the sibling's attorney. However, notice is not required to be given to any sibling whose matter is calendared in the same court on the same day.

- 1 (6) The current caregiver of the child, including the foster parents, relative caregivers,  
2 preadoptive parents, nonrelative extended family members, community care facility, or foster  
3 family agency having physical custody of the child if a child is removed from the physical  
4 custody of the parents or legal guardian. The person notified may attend all hearings and may  
5 submit any information he or she deems relevant to the court in writing.
- 6 (7) The current caregiver of a nonminor dependent, as described in subdivision (v) of Section  
7 11400. The person notified may attend all hearings and may submit for filing an original and  
8 eight copies of written information he or she deems relevant to the court. The court clerk shall  
9 provide the current parties and attorneys of record with a copy of the written information  
10 immediately upon receipt and complete, file, and distribute a proof of service.
- 11 (8) The attorney of record if that attorney of record was not present at the time that the hearing  
12 was set by the court.
- 13 (9) The alleged father or fathers, but only if the recommendation is to set a new hearing pursuant  
14 to Section 366.26.
- 15 (b) No notice shall be required for a parent whose parental rights have been terminated or for the  
16 parent of a nonminor dependent, as described in subdivision (v) of Section 11400, unless the  
17 parent is receiving court-ordered family reunification services pursuant to Section 361.6.
- 18 (c) The notice of the review hearing shall be served no earlier than 30 days, nor later than 15  
19 days, before the hearing.
- 20 (d) The notice of the review hearing shall contain a statement regarding the nature of the hearing  
21 to be held, any recommended change in the custody or status of the child, and any  
22 recommendation that the court set a new hearing pursuant to Section 366.26 in order to select a  
23 more permanent plan.
- 24 (e) Service of notice shall be by first-class mail addressed to the last known address of the person  
25 to be provided notice *or by electronic service pursuant to Section 212.5*. ~~Except as provided in~~  
26 ~~subdivisions (g), (h), and (i), notice may be served by electronic mail in lieu of notice by first-~~  
27 ~~class mail if the county, or city and county, and the court choose to permit service by electronic~~  
28 ~~mail and the person to be served has consented to service by electronic mail by signing Judicial~~  
29 ~~Council Form EFS-005~~. In the case of an Indian child, notice shall be by registered mail, return  
30 receipt requested.
- 31 (f) If the child is ordered into a permanent plan of legal guardianship, and subsequently a petition  
32 to terminate or modify the guardianship is filed, the probation officer or social worker shall serve  
33 notice of the petition not less than 15 court days prior to the hearing on all persons listed in  
34 subdivision (a) and on the court that established legal guardianship if it is in another county.
- 35 (g) If the social worker or probation officer knows or has reason to know that an Indian child is  
36 involved, notice shall be given in accordance with Section 224.2.
- 37 ~~(h) Except as provided in subdivision (i), if notice is required to be provided to a child pursuant~~  
38 ~~to paragraph (4) or (5) of subdivision (a), written notice may be served on the child by electronic~~  
39 ~~mail only if all of the following requirements are satisfied:~~
- 40 ~~(1) The county, or city and county, and the court choose to permit service by electronic mail.~~  
41 ~~(2) The child is 16 years of age or older.~~  
42 ~~(3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~  
43 ~~005.~~

1 ~~(4) The attorney for the child has consented to service of the minor by electronic mail by signing~~  
2 ~~Judicial Council Form EFS-005.~~

3 ~~(i) If notice is required to be provided to a child pursuant to paragraph (4) or (5) of subdivision~~  
4 ~~(a), written notice may be served on the child by electronic mail as well as by regular mail if all~~  
5 ~~of the following requirements are satisfied:~~

6 ~~(1) The county, or city and county, and the court choose to permit service by electronic mail.~~

7 ~~(2) The child is 14 or 15 years of age.~~

8 ~~(3) The child has consented to service by electronic mail by signing Judicial Council Form EFS-~~  
9 ~~005.~~

10 ~~(4) The attorney for the child has consented to service of the minor by electronic mail by signing~~  
11 ~~Judicial Council Form EFS-005.~~

12 ~~(j) This section shall remain in effect only until January 1, 2019, and as of that date is repealed,~~  
13 ~~unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.~~

14  
15 **297.**

16 (a) ~~Notice required for an initial petition filed pursuant to Section 300 is applicable to a~~  
17 ~~subsequent petition filed pursuant to Section 342. A subsequent petition filed pursuant to Section~~  
18 ~~342 shall be noticed pursuant to Sections 290.1 and 290.2, except that service may be electronic~~  
19 ~~service pursuant to Section 212.5.~~

20 (b) Upon the filing of a supplemental petition pursuant to Section 387, the clerk of the juvenile  
21 court shall immediately set the matter for hearing within 30 days of the date of the filing, and the  
22 social worker or probation officer shall cause notice thereof to be served upon the persons  
23 required by, and in the manner prescribed by, Sections 290.1, 290.2, and 291, except that service  
24 may be electronic service pursuant to Section 212.5.

25 (c) If a petition for modification has been filed pursuant to Section 388, and it appears that the  
26 best interest of the child may be promoted by the proposed change of the order, the recognition  
27 of a sibling relationship, or the termination of jurisdiction, the court shall order that a hearing be  
28 held and shall give prior notice, or cause prior notice to be given, to the social worker or  
29 probation officer and to the child's attorney of record, or if there is no attorney of record for the  
30 child, to the child, and his or her parent or parents or legal guardian or guardians in the manner  
31 prescribed by Section 291 unless a different manner is prescribed by the court.

32 (d) If the court knows or has reason to know that an Indian child is involved, notice shall be  
33 given in accordance with Section 224.2.

34 (e) On and after January 1, 2012, if a petition for modification has been filed pursuant to  
35 subdivision (e) of Section 388 by a nonminor dependent, as described in subdivision (v) of  
36 Section 11400, no notice is required for a parent.

37  
38 **302.**

39 (a) A juvenile court may assume jurisdiction over a child described in Section 300 regardless of  
40 whether the child was in the physical custody of both parents or was in the sole legal or physical  
41 custody of only one parent at the time that the events or conditions occurred that brought the  
42 child within the jurisdiction of the court.

1 (b) Unless their parental rights have been terminated, both parents shall be notified of all  
2 proceedings involving the child. In any case where the social worker is required to provide a  
3 parent or guardian with notice of a proceeding at which the social worker intends to present a  
4 report, the social worker shall also provide both parents, whether custodial or noncustodial, or  
5 any guardian, or the counsel for the parent or guardian a copy of the report prior to the hearing,  
6 ~~either personally by personal service, or~~ by first-class mail, or by electronic service pursuant to  
7 Section 212.5. The social worker shall not charge any fee for providing a copy of a report  
8 required by this subdivision. The social worker shall keep confidential the address of any parent  
9 who is known to be the victim of domestic violence.

10 (c) When a child is adjudged a dependent of the juvenile court, any issues regarding custodial  
11 rights between his or her parents shall be determined solely by the juvenile court, as specified in  
12 Sections 304, 361.2, and 362.4, so long as the child remains a dependent of the juvenile court.

13 (d) Any custody or visitation order issued by the juvenile court at the time the juvenile court  
14 terminates its jurisdiction pursuant to Section 362.4 regarding a child who has been previously  
15 adjudged to be a dependent child of the juvenile court shall be a final judgment and shall remain  
16 in effect after that jurisdiction is terminated. The order shall not be modified in a proceeding or  
17 action described in Section 3021 of the Family Code unless the court finds that there has been a  
18 significant change of circumstances since the juvenile court issued the order and modification of  
19 the order is in the best interests of the child.

### 20 21 **316.1.**

22 (a)(1) Upon his or her appearance before the court, each parent or guardian shall designate for  
23 the court his or her permanent mailing address. The court shall advise each parent or guardian  
24 that the designated mailing address will be used by the court and the social services agency for  
25 notice purposes unless and until the parent or guardian notifies the court or the social services  
26 agency of a new mailing address in writing.

27 ~~(2) Except as provided in subdivisions (b) and (c), in addition to providing his or her permanent~~  
28 ~~mailing address, the court may, if the county, or city and county, and the court choose to permit~~  
29 ~~service by electronic mail, permit any party who is entitled to notice of court proceedings, upon~~  
30 ~~his or her consent to service by electronic mail by signing Judicial Council Form EFS-005, to~~  
31 ~~voluntarily provide the court with a designated electronic mail address for the purpose of~~  
32 ~~receiving notice by electronic mail.~~ Upon his or her appearance before the court, each party who  
33 consents to electronic service pursuant to Section 212.5 ~~by electronic mail~~ shall designate for the  
34 court his or her electronic ~~mail~~ service address. The court shall advise each party that the  
35 electronic ~~mail~~ service address will be used by the court and the social services agency for  
36 purposes of providing notice pursuant to Sections ~~290.1, 290.2,~~ 291, 292, 293, 294, 295, 297,  
37 and 342, unless and until the party notifies the court or the social services agency of a new  
38 electronic ~~mail~~ service address in writing or unless the party withdraws consent to electronic  
39 service.

40 ~~(b) Except as provided in subdivision (c), the court may permit a child who appears before the~~  
41 ~~court and who is entitled to notice of court proceedings to voluntarily provide the court with a~~  
42 ~~designated electronic mail address for the purpose of receiving notice by electronic mail only~~  
43 ~~under the following circumstances:~~

~~(1) If the child is 16 years of age or older, notice shall be served by first class mail, or if all of the following requirements are satisfied, by electronic mail:~~

~~(A) The county, or city and county, and the court choose to permit service by electronic mail.~~

~~(B) The child has consented to service by electronic mail by signing Judicial Council Form EFS-005.~~

~~(C) The attorney for the child has consented to service of the minor by electronic mail by signing Judicial Council Form EFS-005.~~

~~(2) If the child is 14 or 15 years of age, written notice may be served on the child by electronic mail as well as by regular mail if all of the following requirements are satisfied:~~

~~(A) The county, or city and county, and the court choose to permit service by electronic mail.~~

~~(B) The child has consented to service by electronic mail by signing Judicial Council Form EFS-005.~~

~~(C) The attorney for the child has consented to service of the minor by electronic mail by signing Judicial Council Form EFS-005.~~

~~(e) Notice of court proceedings by electronic mail is not permitted in any of the following circumstances:~~

~~(1) For notice of any hearing at which the county welfare department is recommending termination of parental rights, in which case notice may only be served by electronic mail if supplemental and in addition to first class mail.~~

~~(2) If the social worker or probation officer knows or has reason to know that an Indian child is involved, in which case notice shall be given in accordance with Section 224.2.~~

~~(3) If the person entitled to notice is a child under 14 years of age.~~

~~(d) The Judicial Council may develop a form for the designation of a permanent mailing address by parents and guardians for use by the courts and social services agencies.~~

~~(e) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.~~

### **342.**

In any case in which a minor has been found to be a person described by Section 300 and the petitioner alleges new facts or circumstances, other than those under which the original petition was sustained, sufficient to state that the minor is a person described in Section 300, the petitioner shall file a subsequent petition. This section does not apply if the jurisdiction of the juvenile court has been terminated prior to the new allegations.

*Unless otherwise provided by law, a* All procedures and hearings required for an original petition are applicable to a subsequent petition filed under this section.

### **362.4**

When the juvenile court terminates its jurisdiction over a minor who has been adjudged a dependent child of the juvenile court prior to the minor's attainment of the age of 18 years, and proceedings for dissolution of marriage, for nullity of marriage, or for legal separation, of the minor's parents, or proceedings to establish the paternity of the minor child brought under the Uniform Parentage Act, Part 3 (commencing with Section 7600) of Division 12 of the Family Code, are pending in the superior court of any county, or an order has been entered with regard

1 to the custody of that minor, the juvenile court on its own motion, may issue a protective order as  
2 provided for in Section 213.5 or as defined in Section 6218 of the Family Code, and an order  
3 determining the custody of, or visitation with, the child.

4 Any order issued pursuant to this section shall continue until modified or terminated by a  
5 subsequent order of the superior court. The order of the juvenile court shall be filed in the  
6 proceeding for nullity, dissolution, or legal separation, or in the proceeding to establish paternity,  
7 at the time the juvenile court terminates its jurisdiction over the minor, and shall become a part  
8 thereof.

9 If no action is filed or pending relating to the custody of the minor in the superior court of any  
10 county, the juvenile court order may be used as the sole basis for opening a file in the superior  
11 court of the county in which the parent, who has been given custody, resides. The court may  
12 direct the parent or the clerk of the juvenile court to transmit the order to the clerk of the superior  
13 court of the county in which the order is to be filed. The clerk of the superior court shall,  
14 immediately upon receipt, open a file, without a filing fee, and assign a case number.

15 The clerk of the superior court shall, upon the filing of any juvenile court custody order, send a  
16 copy of the order with the case number by first-class mail or by electronic means pursuant to  
17 Section 212.5 ~~a copy of the order with the case number~~ to the juvenile court and to the parents at  
18 the address listed on the order. The Judicial Council shall adopt forms for any custody or  
19 restraining order issued under this section. These form orders shall not be confidential.

20  
21 **364.05.**

22 Notwithstanding Section 364, in a county of the first class, a copy of the report required pursuant  
23 to subdivision (b) of Section 364 shall be provided to all parties at least 10 calendar days prior to  
24 the hearing. This may be accomplished by mailing or electronically serving pursuant to Section  
25 212.5 the report at least 15 calendar days prior to the hearing to a party whose address is within  
26 the State of California, or at least 20 calendar days prior to the hearing to a party whose address  
27 is outside the State of California. The court shall grant a reasonable continuance, not to exceed  
28 10 calendar days, upon request by any party or his or her counsel on the ground that the report  
29 was not provided at least 10 calendar days prior to the hearing as required by this section, unless  
30 the party or his or her counsel has expressly waived the requirement that the report be provided  
31 within the 10-day period or the court finds that the party's ability to proceed at the hearing is not  
32 prejudiced by the lack of timely service of the report. In making this determination, the court  
33 shall presume that a party is prejudiced by the lack of timely service of the report, and may find  
34 that the party is not prejudiced only by clear and convincing evidence to the contrary.

35  
36 **366.05.**

37 Notwithstanding subdivision (c) of Section 366.21, in a county of the first class, any  
38 supplemental report filed in connection with a status review hearing held pursuant to subdivision  
39 (a) of Section 366 shall be provided to the parent or legal guardian and to counsel for the child at  
40 least 10 calendar days prior to the hearing. This may be accomplished by mailing or  
41 electronically serving pursuant to Section 212.5 the report at least 15 calendar days prior to the  
42 hearing to a party whose address is within the State of California, or at least 20 calendar days  
43 prior to the hearing to a party whose address is outside the State of California. The court shall



1 grant a reasonable continuance, not to exceed 10 calendar days, upon request by any party or his  
2 or her counsel on the ground that the report was not provided at least 10 calendar days prior to  
3 the hearing as required by this section, unless the party or his or her counsel has expressly  
4 waived the requirement that the report be provided within the 10-day period or the court finds  
5 that the party's ability to proceed at the hearing is not prejudiced by the lack of timely service of  
6 the report. In making this determination, the court shall presume that a party is prejudiced by the  
7 lack of timely service of the report, and may find that the party is not prejudiced only by clear  
8 and convincing evidence to the contrary.

9  
10 **366.26.**

11 (a)-(k) \* \* \*

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

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

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

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

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

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

25 (A) A trial court, after issuance of an order directing a hearing pursuant to this section be held,  
26 shall advise all parties of the requirement of filing a petition for extraordinary writ review as set  
27 forth in this subdivision in order to preserve any right to appeal in these issues. This notice shall  
28 be made orally to a party if the party is present at the time of the making of the order. ~~or~~ *If the*  
29 *party is not present at the time of making the order, this notice shall be made by the clerk of the*  
30 *court* by first-class mail ~~by the clerk of the court~~ to the last known address of a party ~~not present~~  
31 ~~at the time of making the order~~ *or by electronic service pursuant to Section 212.5. If the notice is*  
32 *for a hearing at which the social worker will recommend the termination of parental rights,*  
33 *service may be electronic service only in addition to service by first-class mail.*

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

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

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

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

40 (A) Make every reasonable attempt to achieve a substantive and meritorious review by the  
41 appellate court within the time specified in Sections 366.21, 366.22, and 366.25 for holding a  
42 hearing pursuant to this section.

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

3 (5) This subdivision shall only apply to cases in which an order to set a hearing pursuant to this  
4 section is issued on or after January 1, 1995.

5 (m)–(n) \* \* \*

6

7 **387.**

8 (a) An order changing or modifying a previous order by removing a child from the physical  
9 custody of a parent, guardian, relative, or friend and directing placement in a foster home, or  
10 commitment to a private or county institution, shall be made only after noticed hearing upon a  
11 supplemental petition.

12 (b) The supplemental petition shall be filed by the social worker in the original matter and shall  
13 contain a concise statement of facts sufficient to support the conclusion that the previous  
14 disposition has not been effective in the rehabilitation or protection of the child or, in the case of  
15 a placement with a relative, sufficient to show that the placement is not appropriate in view of  
16 the criteria in Section 361.3.

17 (c) Notwithstanding subdivision (a), dependency jurisdiction shall be resumed for a child as to  
18 whom dependency jurisdiction has been suspended pursuant to Section 366.5 if the jurisdiction  
19 established pursuant to Section 601 or 602 is terminated and if, after the issuance of a joint  
20 assessment pursuant to Section 366.5, the court determines that the court's dependency  
21 jurisdiction should be resumed.

22 (d) Upon the filing of the supplemental petition, the clerk of the juvenile court shall immediately  
23 set the same for hearing within 30 days, and the social worker shall cause notice thereof to be  
24 served upon the persons and in the manner prescribed by Sections 290.1 and 291, except that  
25 service under this subdivision may be electronic service pursuant to Section 212.5.

26 (e) An order for the detention of the child pending adjudication of the petition may be made only  
27 after a hearing is conducted pursuant to Article 7 (commencing with Section 305).

28

29 **658.**

30 (a) Except as provided in subdivision (b), upon the filing of the petition, the clerk of the juvenile  
31 court shall issue a notice, to which shall be attached a copy of the petition, and he or she shall  
32 cause the same to be served upon the minor, if the minor is eight or more years of age, and upon  
33 each of the persons described in subdivision (e) of Section 656 whose residence addresses are set  
34 forth in the petition and thereafter before the hearing upon all persons whose residence addresses  
35 become known to the clerk. If the court has ordered the care, custody, and control of the minor to  
36 be under the supervision of the probation officer for foster care placement pursuant to  
37 subdivision (a) of Section 727, the clerk shall also issue a copy of that notice to any foster  
38 parents, preadoptive parents, legal guardians or relatives providing care to the minor. The clerk  
39 shall issue a copy of the petition, to the minor's attorney and to the district attorney, if the district  
40 attorney has notified the clerk of the court that he or she wishes to receive the petition,  
41 containing the time, date, and place of the hearing. Service under this subdivision shall not be  
42 made electronically.



1 (b) Upon the filing of a supplemental petition where the minor has been declared a ward of the  
2 court or a probationer under Section 602 in the original matter, the clerk of the juvenile court  
3 shall issue a notice, to which shall be attached a copy of the petition, and he or she shall cause  
4 the notice to be served upon the minor, if the minor is eight or more years of age, and upon each  
5 of the persons described in subdivision (e) of Section 656 whose residence addresses are set forth  
6 in the supplemental petition and thereafter known to the clerk. The clerk shall issue a copy of the  
7 supplemental petition to the minor's attorney, and to the district attorney if the probation officer  
8 is the petitioner, or, to the probation officer if the district attorney is the petitioner, containing the  
9 time, date, and place of the hearing. If the court has ordered the care, custody, and control of the  
10 minor to be under the supervision of the probation officer for foster care placement pursuant to  
11 subdivision (a) of Section 727, the clerk shall also issue a copy of that notice to any foster  
12 parents, preadoptive parents, legal guardians, or relatives providing care to the minor. Service  
13 under this subdivision may be electronic service pursuant to Section 212.5.  
14

15 **660.**

16 (a) Except as provided in subdivision (b), if the minor is detained, the clerk of the juvenile court  
17 shall cause the notice and copy of the petition to be served on all persons required to receive that  
18 notice and copy of the petition pursuant to subdivision (e) of Section 656 and Section 658, either  
19 personally or by certified mail with request for return receipt, as soon as possible after filing of  
20 the petition and at least five days prior to the time set for hearing, unless the hearing is set less  
21 than five days from the filing of the petition, in which case, the notice and copy of the petition  
22 shall be served at least 24 hours prior to the time set for hearing. Service under this subdivision  
23 shall not be made electronically.

24 (b) If the minor is detained, and all persons entitled to notice pursuant to subdivision (e) of  
25 Section 656 and Section 658 were present at the detention hearing, the clerk of the juvenile court  
26 shall cause the notice and copy of the petition to be served on all persons required to receive the  
27 notice and copy of the petition, ~~either personally~~ by personal service, ~~or~~ by first-class mail, or by  
28 electronic service pursuant to Section 212.5, as soon as possible after the filing of the petition  
29 and at least five days prior to the time set for hearing, unless the hearing is set less than five days  
30 from the filing of the petition, in which case the notice and copy of the petition shall be served at  
31 least 24 hours prior to the time set for the hearing.

32 (c) If the minor is not detained, the clerk of the juvenile court shall cause the notice and copy of  
33 the petition to be served on all persons required to receive the notice and copy of the petition,  
34 ~~either personally~~ by personal service, ~~or~~ by first-class mail, or by electronic service pursuant to  
35 Section 212.5, at least 10 days prior to the time set for hearing. If that person is known to reside  
36 outside of the county, the clerk of the juvenile court shall ~~mail-serve~~ the notice and copy of the  
37 petition, by first-class mail or by electronic service pursuant to Section 212.5, to that person, as  
38 soon as possible after the filing of the petition and at least 10 days before the time set for hearing.  
39 Failure to respond to the notice shall in no way result in arrest or detention. In the instance of  
40 failure to appear after notice by first-class mail or electronic service, the court shall direct that  
41 the notice and copy of the petition is to be personally served on all persons required to receive  
42 the notice and a copy of the petition. However, if the whereabouts of the minor are unknown,  
43 personal service of the notice and a copy of the petition is not required and a warrant for the

1 arrest of the minor may be issued pursuant to Section 663. Personal service of the notice and  
2 copy of the petition outside of the county at least 10 days before the time set for hearing is  
3 equivalent to service by first-class mail or electronic service. Service may be waived by any  
4 person by a voluntary appearance entered in the minutes of the court or by a written waiver of  
5 service filed with the clerk of the court at or prior to the hearing.

6 (d) For purposes of this section, service on the minor’s attorney shall constitute service on the  
7 minor’s parent or legal guardian.

8  
9 **727.4.**

10 (a)(1) Notice of any hearing pursuant to Section 727, 727.2, or 727.3 shall be ~~mailed~~ served by  
11 the probation officer to the minor, the minor’s parent or guardian, any adult provider of care to  
12 the minor including, but not limited to, foster parents, relative caregivers, preadoptive parents,  
13 community care facility, or foster family agency, and to the counsel of record if the counsel of  
14 record was not present at the time that the hearing was set by the court, by first-class  
15 mail addressed to the last known address of the person to be notified, ~~or shall be personally~~  
16 served by personal service on those persons, or by electronic service pursuant to Section 212.5,  
17 not earlier than 30 days nor later than 15 days preceding the date of the hearing. The notice shall  
18 contain a statement regarding the nature of the status review or permanency planning hearing and  
19 any change in the custody or status of the minor being recommended by the probation  
20 department. The notice shall also include a statement informing the foster parents, relative  
21 caregivers, or preadoptive parents that he or she may attend all hearings or may submit any  
22 information he or she deems relevant to the court in writing. The foster parents, relative  
23 caregiver, and preadoptive parents are entitled to notice and opportunity to be heard but need not  
24 be made parties to the proceedings. Proof of notice shall be filed with the court.

25 (2) If the court or probation officer knows or has reason to know that the minor is or may be an  
26 Indian child, any notice sent under this section shall comply with the requirements of Section  
27 224.2.

28 (b) At least 10 calendar days prior to each status review and permanency planning hearing, after  
29 the hearing during which the court orders that the care, custody and control of the minor to be  
30 under the supervision of the probation officer for placement pursuant to subdivision (a) of  
31 Section 727, the probation officer shall file a social study report with the court, pursuant to the  
32 requirements listed in Section 706.5.

33 (c) The probation department shall inform the minor, the minor’s parent or guardian, and all  
34 counsel of record that a copy of the social study prepared for the hearing will be available 10  
35 days prior to the hearing and may be obtained from the probation officer.

36 (d) As used in Article 15 (commencing with Section 625) to Article 18 (commencing with  
37 Section 725), inclusive:

38 (1) “Foster care” means residential care provided in any of the settings described in Section  
39 11402.

40 (2) “At risk of entering foster care” means that conditions within a minor’s family may  
41 necessitate his or her entry into foster care unless those conditions are resolved.

1 (3) “Preadoptive parent” means a licensed foster parent who has been approved for adoption by  
2 the State Department of Social Services when it is acting as an adoption agency or by a licensed  
3 adoption agency.

4 (4) “Date of entry into foster care” means the date that is 60 days after the date on which the  
5 minor was removed from his or her home, unless one of the exceptions below applies:  
6 (A) If the minor is detained pending foster care placement, and remains detained for more than  
7 60 days, then the date of entry into foster care means the date the court adjudges the minor a  
8 ward and orders the minor placed in foster care under the supervision of the probation officer.  
9 (B) If, before the minor is placed in foster care, the minor is committed to a ranch, camp, school,  
10 or other institution pending placement, and remains in that facility for more than 60 days, then  
11 the “date of entry into foster care” is the date the minor is physically placed in foster care.  
12 (C) If at the time the wardship petition was filed, the minor was a dependent of the juvenile court  
13 and in out-of-home placement, then the “date of entry into foster care” is the earlier of the date  
14 the juvenile court made a finding of abuse or neglect, or 60 days after the date on which the child  
15 was removed from his or her home.

16 (5) “Reasonable efforts” means:  
17 (A) Efforts made to prevent or eliminate the need for removing the minor from the minor’s  
18 home.  
19 (B) Efforts to make it possible for the minor to return home, including, but not limited to, case  
20 management, counseling, parenting training, mentoring programs, vocational training,  
21 educational services, substance abuse treatment, transportation, and therapeutic day services.  
22 (C) Efforts to complete whatever steps are necessary to finalize a permanent plan for the minor.  
23 (D) In child custody proceedings involving an Indian child, “reasonable efforts” shall also  
24 include “active efforts” as defined in Section 361.7.

25 (6) “Relative” means an adult who is related to the minor by blood, adoption, or affinity within  
26 the fifth degree of kinship including stepparents, stepsiblings, and all relatives whose status is  
27 preceded by the words “great,” “great-great,” “grand,” or the spouse of any of these persons even  
28 if the marriage was terminated by death or dissolution. “Relative” shall also include an  
29 “extended family member” as defined in the Indian Child Welfare Act (25 U.S.C. Sec. 1903(2)).

30 (7) “Hearing” means a noticed proceeding with findings and orders that are made on a case-by-  
31 case basis, heard by either of the following:  
32 (A) A judicial officer, in a courtroom, recorded by a court reporter.  
33 (B) An administrative panel, provided that the hearing is a status review hearing and that the  
34 administrative panel meets the following conditions:  
35 (i) The administrative review shall be open to participation by the minor and parents or legal  
36 guardians and all those persons entitled to notice under subdivision (a).  
37 (ii) The minor and his or her parents or legal guardians receive proper notice as required in  
38 subdivision (a).  
39 (iii) The administrative review panel is composed of persons appointed by the presiding judge of  
40 the juvenile court, the membership of which shall include at least one person who is not  
41 responsible for the case management of, or delivery of services to, the minor or the parents who  
42 are the subjects of the review.

1 (iv) The findings of the administrative review panel shall be submitted to the juvenile court for  
2 the court's approval and shall become part of the official court record.

3  
4 **728.**

5 (a) The juvenile court may terminate or modify a guardianship of the person of a minor  
6 previously established under the Probate Code, or appoint a coguardian or successor guardian of  
7 the person of the minor, if the minor is the subject of a petition filed under Section 300, 601, or  
8 602. If the probation officer supervising the minor provides information to the court regarding  
9 the minor's present circumstances and makes a recommendation to the court regarding a motion  
10 to terminate or modify a guardianship established in any county under the Probate Code, or to  
11 appoint a coguardian or successor guardian, of the person of a minor who is before the juvenile  
12 court under a petition filed under Section 300, 601, or 602, the court shall order the appropriate  
13 county department, or the district attorney or county counsel, to file the recommended motion.  
14 The motion may also be made by the guardian or the minor's attorney. The hearing on the  
15 motion may be held simultaneously with any regularly scheduled hearing held in proceedings to  
16 declare the minor a dependent child or ward of the court, or at any subsequent hearing  
17 concerning the dependent child or ward. Notice requirements of Section 294 shall apply to the  
18 proceedings in juvenile court under this subdivision.

19 (b) If the juvenile court decides to terminate or modify a guardianship previously established  
20 under the Probate Code pursuant to subdivision (a), the juvenile court shall provide notice of that  
21 decision to the court in which the guardianship was originally established. The clerk of the  
22 superior court, upon receipt of the notice, shall file the notice with other documents and records  
23 of the pending proceeding and send by first-class mail *or electronic service pursuant to Section*  
24 *212.5* a copy of the notice to all parties of record in the superior court.

25 (c) If, at any time during the period a minor under the age of 18 years is a ward of the juvenile  
26 court, the probation officer supervising the minor recommends to the court that the court  
27 establish a guardianship of the person of the minor and appoint a specific adult to act as  
28 guardian, or on the motion of the minor's attorney, or on the order of the court that a  
29 guardianship shall be established as the minor's permanent plan pursuant to paragraph (4) of  
30 subdivision (b) of Section 727.3, the court shall set a hearing to consider the recommendation or  
31 motion and shall order the clerk to notice the minor's parents and relatives as required in Section  
32 294. If the motion is not made by the minor's attorney, the court may appoint the district attorney  
33 or county counsel to prosecute the action.

34 (d) The procedures for appointment of a guardian shall be conducted exclusively pursuant to  
35 Section 366.26, except that subdivision (j) of Section 366.26 shall not apply.

36 (e) Upon the appointment of a guardian pursuant to subdivision (d), the court may continue  
37 wardship and conditions of probation, or may terminate the wardship of the minor.

38 (f) Notwithstanding Section 1601 of the Probate Code, the proceedings to modify or terminate a  
39 guardianship granted under this section shall be held in the juvenile court unless the termination  
40 is due to the emancipation or adoption of the minor.

41 (g) The Judicial Council shall develop rules of court and adopt appropriate forms for the findings  
42 and orders under this section.

1 **779.**

2 The court committing a ward to the Youth Authority may thereafter change, modify, or set aside  
3 the order of commitment. Ten days' notice of the hearing of the application therefor shall be  
4 served ~~by United States mail~~ upon the Director of the Youth Authority. In changing, modifying,  
5 or setting aside the order of commitment, the court shall give due consideration to the effect  
6 thereof upon the discipline and parole system of the Youth Authority or of the correctional  
7 school in which the ward may have been placed by the Youth Authority. Except as provided in  
8 this section, nothing in this chapter shall be deemed to interfere with the system of parole and  
9 discharge now or hereafter established by law, or by rule of the Youth Authority, for the parole  
10 and discharge of wards of the juvenile court committed to the Youth Authority, or with the  
11 management of any school, institution, or facility under the jurisdiction of the Youth Authority.  
12 Except as provided in this section, this chapter does not interfere with the system of transfer  
13 between institutions and facilities under the jurisdiction of the Youth Authority. This section  
14 does not limit the authority of the court to change, modify, or set aside an order of commitment  
15 after a noticed hearing and upon a showing of good cause that the Youth Authority is unable to,  
16 or failing to, provide treatment consistent with Section 734.

17 However, before any inmate of a correctional school may be transferred to a state hospital, he or  
18 she shall first be returned to a court of competent jurisdiction and, after hearing, may be  
19 committed to a state hospital for the insane in accordance with law.  
20

21 **903.45.**

22 (a) The board of supervisors may designate a county financial evaluation officer pursuant to  
23 Section 27750 of the Government Code to make financial evaluations of liability for  
24 reimbursement pursuant to Sections 207.2, 903, 903.1, 903.2, 903.25, 903.3, and 903.5, and  
25 other reimbursable costs allowed by law, as set forth in this section.

26 (b) In a county where a board of supervisors has designated a county financial evaluation officer,  
27 the juvenile court shall, at the close of the disposition hearing, order any person liable for the  
28 cost of support, pursuant to Section 903, the cost of legal services as provided for in Section  
29 903.1, probation costs as provided for in Section 903.2, or any other reimbursable costs allowed  
30 under this code, to appear before the county financial evaluation officer for a financial evaluation  
31 of his or her ability to pay those costs. If the responsible person is not present at the disposition  
32 hearing, the court shall cite him or her to appear for a financial evaluation. In the case of a  
33 parent, guardian, or other person assessed for the costs of transport, food, shelter, or care of a  
34 minor under Section 207.2 or 903.25, the juvenile court shall, upon request of the county  
35 probation department, order the appearance of the parent, guardian, or other person before the  
36 county financial evaluation officer for a financial evaluation of his or her ability to pay the costs  
37 assessed.

38 If the county financial evaluation officer determines that a person so responsible has the ability  
39 to pay all or part of the costs, the county financial evaluation officer shall petition the court for  
40 an order requiring the person to pay that sum to the county or court, depending on which entity  
41 incurred the expense. If the parent or guardian is liable for costs for legal services pursuant to  
42 Section 903.1, the parent or guardian has been reunified with the child pursuant to a court order,  
43 and the county financial evaluation officer determines that repayment of the costs would harm

1 the ability of the parent or guardian to support the child, then the county financial evaluation  
2 officer shall not petition the court for an order of repayment, and the court shall not make that  
3 order. In addition, if the parent or guardian is currently receiving reunification services, and the  
4 court finds, or the county financial officer determines, that repayment by the parent or guardian  
5 will pose a barrier to reunification with the child because it will limit the ability of the parent or  
6 guardian to comply with the requirements of the reunification plan or compromise the parent's or  
7 guardian's current or future ability to meet the financial needs of the child, or in any case in  
8 which the court finds that the repayment would be unjust under the circumstances of the case,  
9 then the county financial evaluation officer shall not petition the court for an order of repayment,  
10 and the court shall not order repayment by the parent or guardian. In evaluating a person's ability  
11 to pay under this section, the county financial evaluation officer and the court shall take into  
12 consideration the family's income, the necessary obligations of the family, and the number of  
13 persons dependent upon this income. A person appearing for a financial evaluation has the right  
14 to dispute the county financial evaluation officer's determination, in which case he or she is  
15 entitled to a hearing before the juvenile court. The county financial evaluation officer, at the time  
16 of the financial evaluation, shall advise the person of his or her right to a hearing and of his or  
17 her rights pursuant to subdivision (c).

18 At the hearing, a person responsible for costs is entitled to have, but shall not be limited to, the  
19 opportunity to be heard in person, to present witnesses and other documentary evidence, to  
20 confront and cross-examine adverse witnesses, to disclosure of the evidence against him or her,  
21 and to receive a written statement of the findings of the court. The person has the right to be  
22 represented by counsel, and, if the person is unable to afford counsel, the right to appointed  
23 counsel. If the court determines that the person has the ability to pay all or part of the costs,  
24 including the costs of any counsel appointed to represent the person at the hearing, the court shall  
25 set the amount to be reimbursed and order him or her to pay that sum to the county or court,  
26 depending on which entity incurred the expense, in a manner in which the court believes  
27 reasonable and compatible with the person's financial ability.

28 If the person, after having been ordered to appear before the county financial evaluation officer,  
29 has been given proper notice and fails to appear as ordered, the county financial evaluation  
30 officer shall recommend to the court that the person be ordered to pay the full amount of the  
31 costs. Proper notice to the person shall contain all of the following:

- 32 (1) That the person has a right to a statement of the costs as soon as it is available.
- 33 (2) The person's procedural rights under Section 27755 of the Government Code.
- 34 (3) The time limit within which the person's appearance is required.
- 35 (4) A warning that if the person fails to appear before the county financial evaluation officer, the  
36 officer will recommend that the court order the person to pay the costs in full.

37 If the county financial evaluation officer determines that the person has the ability to pay all or a  
38 portion of these costs, with or without terms, and the person concurs in this determination and  
39 agrees to the terms of payment, the county financial evaluation officer, upon his or her written  
40 evaluation and the person's written agreement, shall petition the court for an order requiring the  
41 person to pay that sum to the county or the court in a manner that is reasonable and compatible  
42 with the person's financial ability. This order may be granted without further notice to the

1 person, provided a copy of the order is served on the person by mail or by electronic means  
2 pursuant to section 212.5.  
3 However, if the county financial evaluation officer cannot reach an agreement with the person  
4 with respect to either the liability for the costs, the amount of the costs, the person's ability to  
5 pay the costs, or the terms of payment, the matter shall be deemed in dispute and referred by the  
6 county financial evaluation officer back to the court for a hearing.  
7 (c) At any time prior to the satisfaction of a judgment entered pursuant to this section, a person  
8 against whom the judgment was entered may petition the rendering court to modify or vacate the  
9 judgment on the basis of a change in circumstances relating to his or her ability to pay the  
10 judgment.  
11 (d) Execution may be issued on the order in the same manner as on a judgment in a civil action,  
12 including any balance remaining unpaid at the termination of the court's jurisdiction over the  
13 minor.