



# JUDICIAL COUNCIL OF CALIFORNIA

INFORMATION TECHNOLOGY  
ADVISORY COMMITTEE

[www.courts.ca.gov/itac.htm](http://www.courts.ca.gov/itac.htm)  
[itac@jud.ca.gov](mailto:itac@jud.ca.gov)

## ITAC RULES AND POLICY SUBCOMMITTEE

### MINUTES OF OPEN MEETING

November 15, 2017

12:10 PM

Teleconference

---

**Subcommittee Members Present:** Hon. Peter J. Siggins; Hon. Julie R. Culver; Hon. Louis R. Mauro; Mr. Darrel Parker; Mr. Don Willenburg

**Subcommittee Members Absent:** Hon. Jackson Lucky

**Others Present:** Mr. Patrick O'Donnell; Ms. Andrea Jaramillo; Ms. Fati Farmanfarmaian; Ms. Jane Whang

---

#### OPEN MEETING

---

##### **Call to Order and Roll Call**

The chair called the meeting to order at 12:10 PM, and took roll call.

##### **Approval of Minutes**

The subcommittee reviewed and approved the minutes of the May 23, 2017 ITAC Rules and Policy Subcommittee meeting.

There were no public comments for this meeting.

---

#### DISCUSSION AND ACTION ITEMS (ITEMS 1-2)

---

##### **Item 1**

##### **Rules and Policy Subcommittee 2017 Project Updates (Discussion Item)**

Report on end of year Rules and Policy Subcommittee 2017 projects.

**Presenters:** Mr. Patrick O'Donnell, Managing Attorney, Legal Services  
Ms. Andrea Jaramillo, Attorney II, Legal Services

**Update:** Ms. Jaramillo advised the 2017 rules that the subcommittee worked on will be going to the Judicial Council on Friday, November 17. It's expected to go through approval without issue.

**Item 2**

**Rules and Policy Subcommittee 2018 Work Plan (Discussion Item)**

Review, prioritize and plan ITAC's 2018 Annual Agenda projects assigned to the subcommittee.

Presenter: Hon. Peter Siggins, Chair, Rules and Policy Subcommittee

**Update:** Justice Siggins advised today's meeting will be to review 2018 subcommittee projects with detailed information on each item in the meeting materials. The projects are listed below:

- Amend Rule 2.251(b) Governing Consent to Accept Electronic Service;
- Create a Form for Withdrawal of Consent for Electronic Service;
- Create a Rule with a Procedure for Electronic Signatures on Electronically Filed Documents where a Signature Must Be Made Under Penalty of Perjury;
- Create Rules to Implement Code Of Civil Procedure Section 1010.6(h), which Requires Compliance with Accessibility Laws and Standards to Ensure Persons with Disabilities Can Access Electronic Filing and Electronic Service;
- Potential Amendments to Rule 2.250(b), which Contains the Definitions Applicable to the Electronic Filing and Electronic Service Rules;
- Do Not Exempt Attorneys Acting In Pro Per from Mandatory Electronic Filing and Service;
- Prohibit EFSPs from Requiring Indigent Users to Have a Credit Card, Debit Card, or Bank Account to Utilize an EFSP's Services;
- Clarify Language in Rule 2.252(e), which Allows for the Electronic Filing of Original Documents;
- Amend Rule 3.1312(c), which Governs Submission of Proposed Orders by Electronic Means, So Courts Have More Flexibility;
- Allow Courts to Electronically Serve a Notice of Non-Payment of Check;
- On Judicial Council Forms for Family Law, Add a Checkbox Near The Signature Line with Text next to the Checkbox that States, "Signature Pursuant To CRC, Rule 2.305(d)".

The members decided on the priority of projects. Priorities are below:

1. Amend Rule 2.251(b) Governing Consent to Accept Electronic Service;
2. Create a Form for Withdrawal of Consent for Electronic Service;
3. Create Rules to Implement Code Of Civil Procedure Section 1010.6(h), which Requires Compliance with Accessibility Laws and Standards to Ensure Persons with Disabilities Can Access Electronic Filing and Electronic Service;
4. Create a Rule with a Procedure for Electronic Signatures on Electronically Filed Documents where a Signature Must Be Made Under Penalty of Perjury;
5. Do Not Exempt Attorneys Acting In Pro Per from Mandatory Electronic Filing and Service;

6. Prohibit EFSPs from Requiring Indigent Users to Have a Credit Card, Debit Card, or Bank Account to Utilize an EFSP's Services;
7. Potential Amendments to Rule 2.250(b), which Contains the Definitions Applicable to the Electronic Filing and Electronic Service Rules.

Deferred projects:

- Clarify Language in Rule 2.252(e), which Allows for the Electronic Filing of Original Documents; **Deferred for the time being.**
- Amend Rule 3.1312(c), which Governs Submission of Proposed Orders by Electronic Means, So Courts Have More Flexibility; **Deferred, staff will inquire with other advisory committees for additional information.**

Allow Courts to Electronically Serve a Notice of Non-Payment of Check;  
**Deferred to see what direction the legislature takes.**

Dropped project:

On Judicial Council Forms for Family Law, Add a Checkbox Near The Signature Line with Text next to the Checkbox that States, "Signature Pursuant To CRC, Rule 2.305(d)". **This change is unnecessary.**

**Motion to approve the prioritization of the subcommittee project items.**

**Approved.**

---

#### **A D J O U R N M E N T**

---

There being no further business, the meeting was adjourned at 1:00 PM.

Approved by the advisory body on enter date.

# Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688  
[www.courts.ca.gov/policyadmin-invitationstocomment.htm](http://www.courts.ca.gov/policyadmin-invitationstocomment.htm)

---

## INVITATION TO COMMENT

[ItC prefix as assigned]-\_\_

---

|   |   |
|---|---|
| <b>Title</b>  | <b>Action Requested</b>                                       |
| Technology: Rules Modernization Project                                   | Review and submit comments by June 8, 2018                    |
| <b>Proposed Rules, Forms, Standards, or Statutes</b>                      | <b>Proposed Effective Date</b>                                |
| Amend Cal. Rules of Court, 2.250, 2.251, 2.253, 2.255, and 2.257          | January 1, 2019   |
| <b>Proposed by</b>  | <b>Contact</b>  |
| Information Technology Advisory Committee<br>Hon. Shiela F. Hanson, Chair | Andrea Jaramillo, 916-263-0991<br>andrea.jaramillo@jud.ca.gov |

---

### Executive Summary and Origin

As part of the Rules Modernization Project, the Information Technology Advisory Committee recommends amending several rules related to electronic service and electronic filing. The purpose of the proposal is to conform the rules and the form to the Code of Civil Procedure, clarify and remove redundancies in rule definitions, and ensure indigent filers are not required to have a payment mechanism to create an account with electronic filing service providers. The proposal includes amendments required by statute and suggested by the public.

### Background

New provisions of Code of Civil Procedure section 1010.6 require express consent for electronic service, which will require rule amendments and adoption of a form for withdrawal of consent. In addition, new provisions of Code of Civil Procedure section 1010.6 require the Judicial Council to adopt rules of court related to disability access and electronic signatures for documents signed under penalty of perjury. Finally, the proposal includes amendments based on comments received from the public. These include amendments to the definitions and contract requirements between electronic filing service providers and courts.

### The Proposal

The proposal would:

- Amend the definition of “document” in rule 2.250(b). The current wording can be read to mean that a document must be a filing. The proposed amendment removes this ambiguity and clarifies that a “document” is not necessarily a filing. The amendment was suggested by members of the public.

*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.*

- Amend the definitions of “electronic service,” “electronic transmission,” and “electronic notification” in rule 2.250(b) to refer to the definitions in Code of Civil Procedure section 1010.6 rather than duplicate them. Last year, the committee removed some material from the rules that had been adopted into statute and sought comments on whether these terms and definitions should be retained in the rules; removed from the rules; or amended in the rules to retain the terms, but refer to Code of Civil Procedure section 1010.6 for the definitions.
- Add a definition for “electronic filing manager.” The proposal includes amendments to rule 2.255 to include electronic filings managers. Accordingly, a definition of electronic filing manager was also added. The proposed definition is based on descriptions the Judicial Council used of electronic filing managers in a request for proposals in 2017.
- Add a definition for “unrepresented” to rule 2.250(b) and exclude attorneys authorized to practice law in California from the definition. This would exclude attorneys with active California licenses or appearing pro hac vice from rules applicable to unrepresented persons. Rules applicable to unrepresented persons were intended to add protections for those untrained in the law. For example, unrepresented persons are exempt from mandatory electronic filing. Such protections were not designed for active practitioners in California and, accordingly, they are excluded from the definition of “unrepresented.” This proposal was a suggestion from a member of the public.
- Replace the term “self-represented” in title 2, division 3, chapter 2 of the rules with “unrepresented.” Code of Civil Procedure section 1010.6 uses the term “unrepresented” and not “self-represented.” For consistency between the rules and Code of Civil Procedure section 1010.6, the proposal replaces instances of “self-represented” with “unrepresented.”
- Amend rule 2.251(b) to require express consent for permissive electronic service. The current rules allows the act of electronic filing to serve as consent to electronic service. Effective January 1, 2019, Code of Civil Procedure section 1010.6 will no longer allow the act of electronic filing alone to serve as consent. (Code Civ. Proc, § 1010.6(a)(2)(A)(ii).) Under Code of Civil Procedure section 1010.6, parties may still consent through electronic means by “manifesting affirmative consent through electronic means with the court or the court’s electronic filing service provider, and concurrently providing the party’s electronic service address with that consent for the purpose of receiving electronic service.” The proposal amends the rules to remove the provision allowing the act of filing to serve as consent to electronic service and replace it with the language for manifesting affirmative consent by electronic means. The rule does not prescribe any particular technological solution so courts and electronic filing service providers have some flexibility in developing a mechanism to capture the manifestation of consent.

- Amend rule 2.255 to add electronic filing managers within the scope of the rule. Code of Civil Procedure section 1010.6(g)(2) requires that “[a]ny system for the electronic filing and service of documents, including any information technology applications, Internet Web sites, and Web-based applications, used by an electronic service provider or any other vendor or contractor that provides an electronic filing and service system to a trial court” be accessible by persons with disabilities and comply with certain access standards. Vendors and contractors must comply as soon as practicable, but no later than June 30, 2019. (Code Civ. Proc., § 1010.6(g)(3). Likewise, the statute requires the Judicial Council to adopt rules to implement the requirements as soon as practicable, but no later than June 30, 2019. (Code Civ. Proc., § 1010.6(g)(1). Code of Civil Procedure section 1010.6 includes specific requirements that courts and contractors must meet. Rule 2.255 already requires courts contracting with electronic filing service providers to comply with Code of Civil Procedure section 1010.6. However, because the rules do not account for contracts with electronic filing managers, the proposal amends rule 2.255 is amended to include them.
- Amend rule 2.255 to add subdivision (f) requiring require electronic filing service providers to allow filers to create an account without having to provide a credit card, debit card, or bank account information. The amendment is based on a suggestion from the State Bar Standing Committee on the Delivery of Legal Services. According to the standing committee, some electronic service providers require such payment information even if the filer is never charged. According to the standing committee, this “creates an insurmountable barrier to those without access to credit or banking services.” Subdivision (f) provides that it only applies to the creation of an account, but not to the provision of services unless the filer has a fee waiver.
- Amend rule 2.257 to create a procedure for electronically filed documents signed under penalty of perjury. Code of Civil Procedure section 1010.6(b)(2)(B)(ii) provides that when a document to be filed requires a signature made under penalty of perjury, the document is considered signed by the person if, in relevant part, “The person has signed the document using a computer or other technology pursuant to the procedure set forth in a rule of court adopted by the Judicial Council by January 1, 2019.” Accordingly, the proposal creates a procedure where the document is deemed signed when the “declarant has signed the document using an electronic signature, and declares under penalty of perjury that the information submitted is true and correct.” The language is modeled after the requirements in the Uniform Electronic Transactions Act for electronic signatures made under penalty of perjury. (Civ. Code, § 1633.11(b).) In addition, a definition of “electronic signature” is added to the rule modeled after the definitions used in UETA and the Code of Civil Procedure.

## Alternatives Considered

The committee considered definitions of “electronic service,” “electronic transmission,” and “electronic notification” in rule 2.250(b). . . ***[TBD by RPS. These highlighted comments will be removed and the language with this section amended to reflect which alternative RPS considered and did not recommend.]***

## Implementation Requirements, Costs, and Operational Impacts

It is expected that the new express consent requirements will result in one-time costs to electronic filing service providers and courts to create a mechanism to capture affirmative consent by electronic means to electronic service. It is unknown whether or how these costs will impact fees electronic filing service providers charge filers for their services.

## Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?

## Attachments and Links

1. Proposed amendments to rules 2.250, 2.251, 2.253, 2.255, and 2.257 of the California Rules of Court.
2. Code of Civil Procedure section 1010.6, [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=1010.6&lawCode=CCP](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1010.6&lawCode=CCP).

Rules 2.250, 2.251, 2.253, 2.255, and 2.257 of the California Rules of Court are amended, effective January 1, 2019, to read:

1 **Title 2. Trial Court Rules**

2  
3 **Division 3. Filing and Service**

4  
5 **Chapter 2. Filing and Service by Electronic Means**

6  
7 **Rule 2.250. Construction and definitions**

8  
9 (a) \* \* \*

10  
11 (b) **Definitions**

12  
13 As used in this chapter, unless the context otherwise requires:

- 14  
15 (1) A “document” is a pleading, ~~a paper~~, a declaration, an exhibit, or another  
16 filing paper submitted by a party or other person, or by an agent of a party or  
17 other person on the party’s or other person’s behalf. A document is also a  
18 notice, order, judgment, or other issuance by the court. A document may be  
19 in paper or electronic form.  
20

21 *Drafter’s Notes:<sup>1</sup> A “document” does not need to be a filing, but as worded, the*  
22 *current rule is a little ambiguous. The revision is intended to clarify.*

23  
24 Notes on definitions below:

25 *The options for the definitions of “electronic service,” “electronic transmission,”*  
26 *and “electronic notifications” are presented below as Options A and B. These*  
27 *terms are presently defined both in the rules and Code of Civil Procedure section*  
28 *1010.6. Option A retains the terms and their full definitions while option B retains*  
29 *to terms, but refers to Code of Civil Procedure section 1010.6 for the definitions.*  
30

31 **Option A:**

32  
33 *During comments last year, this option was favored by the State Bar*  
34 *Standing Committee on the Delivery of Legal Services as the option most*  
35 *useful for practitioners and especially self-represented litigants.*  
36

- 37 (2) “Electronic service” is service of a document on a party or other person by  
38 either electronic transmission or electronic notification. Electronic service  
39 may be performed directly by a party or other person, by an agent of a party

---

<sup>1</sup> The drafter’s notes are not part of the rules proposal and are present purely to facilitate committee review of the proposal. The drafter’s notes will be removed from the material circulated for comment.



1 or other person, including the party’s or other person’s attorney, through an  
2 electronic filing service provider, or by a court.

3  
4 (3) “Electronic transmission” means the transmission of a document by  
5 electronic means to the electronic service address at or through which a party  
6 or other person has authorized electronic service.

7  
8 (4) “Electronic notification” means the notification of a party or other person that  
9 a document is served by sending an electronic message to the electronic  
10 service address at or through which the party or other person has authorized  
11 electronic service, specifying the exact name of the document served and  
12 providing a hyperlink at which the served document can be viewed and  
13 downloaded.

14  
15 **Option B:**

16  
17 *During comments last year, this option was favored by the Orange County*  
18 *Bar, an EFSP, and a legal publisher. The EFSP noted that it was not*  
19 *necessary to have the rule duplicate the statute, but it is helpful to have the*  
20 *term provided so practitioners know where to look. The other commenters*  
21 *did not state reasons for their preference.*  
22

23 (2) “Electronic service” has the same meaning as defined in Code of Civil  
24 Procedure section 1010.6. ~~is service of a document on a party or other person~~  
25 ~~by either electronic transmission or electronic notification. Electronic service~~  
26 ~~may be performed directly by a party or other person, by an agent of a party~~  
27 ~~or other person, including the party’s or other person’s attorney, through an~~  
28 ~~electronic filing service provider, or by a court.~~

29  
30 (3) “Electronic transmission” has the same meaning as defined in Code of Civil  
31 Procedure section 1010.6. ~~means the transmission of a document by~~  
32 ~~electronic means to the electronic service address at or through which a party~~  
33 ~~or other person has authorized electronic service.~~

34  
35 (4) “Electronic notification” has the same meaning as defined in Code of Civil  
36 Procedure section 1010.6. ~~means the notification of a party or other person~~  
37 ~~that a document is served by sending an electronic message to the electronic~~  
38 ~~service address at or through which the party or other person has authorized~~  
39 ~~electronic service, specifying the exact name of the document served and~~  
40 ~~providing a hyperlink at which the served document can be viewed and~~  
41 ~~downloaded.~~  
42

1 *Drafter's Notes: Option B ends here. The remaining edits in the definitions are*  
2 *not related to options A and B, above.*

3  
4 (5) – (8) \* \* \*

5  
6 (9) An “electronic filing manager” is a service that acts as an intermediary  
7 between a court and various electronic filing service provider solutions  
8 certified for filing into California courts.

9  
10 *Drafter's Notes: The proposal amends rule 2.255 to bring electronic filing*  
11 *manager with the scope of that rule. Because electronic filing managers are not*  
12 *defined in the rules, staff developed this definition based on descriptions the*  
13 *Judicial Council used of electronic filing managers in a request for proposals in*  
14 *2017.*

15  
16 (10) “Unrepresented” means a self-represented party or other self-represented  
17 person who is not an attorney authorized to practice law in California. An  
18 attorney authorized to practice law in California that represents himself or  
19 herself is not considered unrepresented for purposes of this chapter and Code  
20 of Civil Procedure section 1010.6.

21  
22 *Drafter's Notes: A member of the public recommended that attorneys acting in*  
23 *pro per not be included in the exemption to mandatory electronic filing and*  
24 *service for self-represented litigants. Excluding attorneys from the definition of*  
25 *“unrepresented” should accomplish this. The exclusion is limited to attorneys*  
26 *authorized to practice law in California. This would cover attorneys with active*  
27 *California licenses or appearing pro hac vice. However, the definition can be*  
28 *modified to include any active licensed attorney from any jurisdiction.*

29  
30 *The definition uses “unrepresented” because that is the term used in Code of*  
31 *Civil Procedure section 1010.6. However, the rules use the term “self-*  
32 *represented.” For the sake of consistency between these rules and Code of Civil*  
33 *Procedure section 1010.6, references to “self-represented” in the rules are*  
34 *revised to “unrepresented.”*

35  
36 **Rule 2.251. Electronic service**

37  
38 **(a)-(b) \* \* \***

39  
40 **(c) Electronic service required by local rule or court order**

41  
42 (1) – (2) \* \* \*

43

1 (3) Except when personal service is otherwise required by statute or rule, a party  
2 or other person that is required to file documents electronically in an action  
3 must also serve documents and accept service of documents electronically  
4 from all other parties or persons, unless:

5  
6 (A) The court orders otherwise, or

7  
8 (B) The action includes parties or persons that are not required to file or  
9 serve documents electronically, including ~~self-represented~~  
10 unrepresented parties or other ~~self-represented~~ unrepresented persons;  
11 those parties or other persons are to be served by non-electronic  
12 methods unless they affirmatively consent to electronic service.

13  
14 (4) \* \* \*

15  
16 **(d) - (k)** \* \* \*

17  
18 *Drafter's Notes: Subdivision (c) is amended to replace "self-represented" with*  
19 *"unrepresented" to make the rules more consistent with Code of Civil Procedure*  
20 *section 1010.6, which uses the term "unrepresented" and not "self-represented."*  
21

22 **Rule 2.253. Permissive electronic filing, mandatory electronic filing, and electronic**  
23 **filing by court order**

24  
25 **(a)** \* \* \*

26  
27 **(b) Mandatory electronic filing by local rule**

28  
29 A court may require parties by local rule to electronically file documents in civil  
30 actions directly with the court, or directly with the court and through one or more  
31 approved electronic filing service providers, or through more than one approved  
32 electronic filing service provider, subject to the conditions in Code of Civil  
33 Procedure section 1010.6, the rules in this chapter, and the following conditions:

34  
35 (1) \* \* \*

36  
37 (2) ~~Self-represented~~ Unrepresented parties or other ~~self-represented~~  
38 unrepresented persons are exempt from any mandatory electronic filing and  
39 service requirements adopted by courts under this rule and Code of Civil  
40 Procedure section 1010.6.

41  
42 (3) In civil cases involving both represented and ~~self-represented~~ unrepresented  
43 parties or other persons, represented parties or other persons may be required

1 to file and serve documents electronically; however, in these cases, each self-  
2 ~~represented~~unrepresented party or other person is to file, serve, and be  
3 served with documents by non-electronic means unless the self-~~represented~~  
4 unrepresented party or other person affirmatively agrees otherwise.

5  
6 (4) – (7) \* \* \*

7  
8 (c) \* \* \*

9  
10 **Advisory Committee Comment**

11  
12 **Subdivision (b)(1).** \* \* \*

13  
14 **Subdivision (b)(2).** Although this rule exempts self-~~represented~~ unrepresented parties from any  
15 mandatory electronic filing and service requirements, these parties are encouraged to participate  
16 voluntarily in electronic filing and service. To the extent feasible, courts and other entities should  
17 assist self-~~represented~~ unrepresented parties to electronically file and serve documents.

18  
19 **Subdivision (c).** \* \* \*

20  
21 *Drafter's Notes: The only amendments to rule 2.253 are to replace "self-*  
22 *represented" with "unrepresented" to make the rules more consistent with Code*  
23 *of Civil Procedure section 1010.6, which uses the term "unrepresented" and not*  
24 *"self-represented."*

25  
26 **Rule 2.255. Contracts with electronic filing service providers and electronic filing**  
27 **managers**

28  
29 (a) **Right to contract**

- 30  
31 (1) A court may contract with one or more electronic filing service providers to  
32 furnish and maintain an electronic filing system for the court.  
33  
34 (2) If the court contracts with an electronic filing service provider, it may require  
35 electronic filers to transmit the documents to the provider.  
36  
37 (3) A court may contract with one or more electronic filing managers to act as an  
38 intermediary between the court and electronic filing service providers.  
39  
40 ~~(3)~~(4) If the court contracts with an electronic service provider or the court has an  
41 in-house system, the provider or system must accept filing from other  
42 electronic filing service providers to the extent the provider or system is  
43 compatible with them.

1  
2 **(b) Provisions of contract**

- 3  
4 (1) The court's contract with an electronic filing service provider may:  
5  
6 (A) Allow the provider to charge electronic filers a reasonable fee in  
7 addition to the court's filing fee;  
8  
9 (B) Allow the provider to make other reasonable requirements for use of  
10 the electronic filing system.  
11  
12 (2) The court's contract with an electronic filing service provider must comply  
13 with requirements of Code of Civil Procedure section 1010.6.  
14  
15 (3) The court's contract with an electronic filing manager must comply with  
16 requirements of Code of Civil Procedure section 1010.6.  
17

18 **(c) Transmission of filing to court**

- 19  
20 (1) An electronic filing service provider must promptly transmit any electronic  
21 filing and any applicable filing fee to the court: directly or through the court's  
22 electronic filing manager.  
23  
24 (2) An electronic filing manager must promptly transmit an electronic filing and  
25 any applicable filing fee to the court.  
26

27 **(d) Confirmation of receipt and filing of document**

- 28  
29 (1) An electronic filing service provider must promptly send to an electronic filer  
30 its confirmation of the receipt of any document that the filer has transmitted  
31 to the provider for filing with the court.  
32  
33 (2) The electronic filing service provider must send its confirmation to the filer's  
34 electronic service address and must indicate the date and time of receipt, in  
35 accordance with rule 2.259(a).  
36  
37 (3) After reviewing the documents, the court must promptly transmit to the  
38 electronic filing service provider and the electronic filer the court's  
39 confirmation of filing or notice of rejection of filing, in accordance with rule  
40 2.259.  
41

42 **(e) Ownership of information**

43

1 All contracts between the court and electronic filing service providers or the court  
2 and electronic filing managers must acknowledge that the court is the owner of the  
3 contents of the filing system and has the exclusive right to control the system's use.  
4

5 **(f) Establishing a filer account with an electronic filing service provider**  
6

7 (1) An electronic filing service provider may not require a filer to provide a credit  
8 card, debit card, or bank account information to create an account with the  
9 electronic filing service provider.  
10

11 (2) This provision applies only to the creation of an account and not to the use of  
12 an electronic filing service provider's services. An electronic filing services  
13 provider may require a filer to provide a credit card, debit card, or bank account  
14 information before rendering services unless the services are within the scope  
15 of a fee waiver granted by the court to the filer.  
16

17 *Drafter's Notes: The amendments in subparts (a)-(c) and (e) are to account for*  
18 *when courts use electronic filing managers and may not have direct relationships*  
19 *with electronic filing service providers. Code of Civil Procedure section*  
20 *1010.6(g)(2) requires that "[a]ny system for the electronic filing and service of*  
21 *documents, including any information technology applications, Internet Web*  
22 *sites, and Web-based applications, used by an electronic service provider or any*  
23 *other vendor or contractor that provides an electronic filing and service system to*  
24 *a trial court" be accessible by persons with disabilities and comply with certain*  
25 *access standards. Vendors and contractors must comply as soon as practicable,*  
26 *but no later than June 30, 2019. (Code Civ. Proc., § 1010.6(g)(3). Likewise, the*  
27 *statute requires the Judicial Council to adopt rules to implement the requirements*  
28 *as soon as practicable, but no later than June 30, 2019. (Code Civ. Proc., §*  
29 *1010.6(g)(1). Code of Civil Procedure section 1010.6 includes specific*  
30 *requirements that courts and contractors must meet. Because the rules do not*  
31 *account for contracts with electronic filing managers, rule 2.255 is amended to*  
32 *include them.*  
33

34 *Subpart (f) is added to rule 2.255 to require electronic filing service providers to*  
35 *allow filers to create an account without having to provide a credit card, debit*  
36 *card, or bank account information. According to the State Bar Standing*  
37 *Committee on the Delivery of Legal Services, some electronic service providers*  
38 *require such payment information even if the filer is never charged. According to*  
39 *the standing committee, this "creates an insurmountable barrier to those without*  
40 *access to credit or banking services." Subpart (f) provides that it only applies to*  
41 *the creation of an account, but not to the provision of services unless the filer has*  
42 *a fee waiver.*  
43

1 **Rule 2.257. Requirements for signatures on documents**

2  
3 **(a) Electronic signature**

4  
5 An electronic signature is an electronic sound, symbol, or process attached to or  
6 logically associated with an electronic record and executed or adopted by a person  
7 with the intent to sign a document or record created, generated, sent,  
8 communicated, received, or stored by electronic means.

9  
10 **(b) Documents signed under penalty of perjury**

11  
12 When a document to be filed electronically provides for a signature under penalty  
13 of perjury of any person, the document is deemed to have been signed by that  
14 person if filed electronically provided that either of the following conditions is  
15 satisfied:

- 16  
17 (1) The declarant has signed the document using an electronic signature a  
18 computer or other technology, in accordance with procedures, standards, and  
19 guidelines established by the Judicial Council and declares under penalty of  
20 perjury that the information submitted is true and correct; or  
21  
22 (2) The declarant, before filing, has physically signed a printed form of the  
23 document. By electronically filing the document, the electronic filer certifies  
24 that the original, signed document is available for inspection and copying at  
25 the request of the court or any other party. In the event this second method of  
26 submitting documents electronically under penalty of perjury is used, the  
27 following conditions apply:  
28  
29 (A) At any time after the electronic version of the document is filed, any  
30 party may serve a demand for production of the original signed  
31 document. The demand must be served on all other parties but need not  
32 be filed with the court.  
33  
34 (B) Within five days of service of the demand under (A), the party or other  
35 person on whom the demand is made must make the original signed  
36 document available for inspection and copying by all other parties.  
37  
38 (C) At any time after the electronic version of the document is filed, the  
39 court may order the filing party or other person to produce the original  
40 signed document in court for inspection and copying by the court. The  
41 order must specify the date, time, and place for the production and must  
42 be served on all parties.  
43

1 (D) Notwithstanding (A)–(C), local child support agencies may maintain  
2 original, signed pleadings by way of an electronic copy in the statewide  
3 automated child support system and must maintain them only for the  
4 period of time stated in Government Code section 68152(a). If the local  
5 child support agency maintains an electronic copy of the original,  
6 signed pleading in the statewide automated child support system, it may  
7 destroy the paper original.  
8

9 ~~(b)(c)~~ \* \* \*

10  
11 ~~(e)(d)~~ \* \* \*

12  
13 ~~(d)(e)~~ \* \* \*

14  
15 ~~(e)(f)~~ \* \* \*

16  
17 **~~Advisory Committee Comment~~**  
18

19 ~~Subdivision (a)(1). The standards and guidelines for electronic signatures that satisfy the~~  
20 ~~requirements for an electronic signature under penalty of perjury are contained in the Trial Court~~  
21 ~~Records Manual.~~  
22

23 *Drafter's Notes: New subdivision (a) provides a definition of "electronic*  
24 *signature." This definition is based on those used in Code of Civil Procedure*  
25 *section 17(a) and the Uniform Electronic Transactions Act (UETA) (Civil Code*  
26 *section 1633(h).) Both define an electronic signature as:*  
27

28 *An electronic signature is an electronic sound, symbol, or*  
29 *process attached to or logically associated with an electronic*  
30 *record and executed or adopted by a person with the intent to*  
31 *sign the electronic record.*  
32

33 (Emphasis added.) Rather than parse out further definitions of "electronic record"  
34 and "record." The use of "electronic record" is not used with "electronic signature"  
35 in the rule rather, the rule uses "a document" (because the rules refer to  
36 "documents") "or record created, generated, sent, communicated, received, or  
37 stored by electronic means" (this is the meaning of a "electronic record" under  
38 UETA).  
39

40 *Subdivision (b)(1) (formerly (a)(1)) is amended to comply with Code of Civil*  
41 *Procedure section 1010.6(b)(2)(B)(ii), which provides that when a document to*  
42 *be filed requires a signature made under penalty of perjury, the document is*  
43 *considered signed by the person if, in relevant part, "The person has signed the*



1 *document using a computer or other technology pursuant to the procedure set*  
2 *forth in a rule of court adopted by the Judicial Council by January 1, 2019.”*  
3 *Originally, the plan was to place procedures, standards, and guidelines in the*  
4 *Trial Courts Records Manual. However, because the council is now required by*  
5 *statute to create a “procedure” by January 1, 2019, the rule is amended to add*  
6 *such a procedure and the advisory committee comment is stricken. The*  
7 *procedure is high level and modeled after the requirements of UETA for*  
8 *electronic signatures signed under penalty of perjury. Under UETA:*

9  
10 *In a transaction, if a law requires that a statement be signed under*  
11 *penalty of perjury, the requirement is satisfied with respect to an*  
12 *electronic signature, if an electronic record includes, in addition to*  
13 *the electronic signature, all of the information as to which the*  
14 *declaration pertains together with a declaration under penalty of*  
15 *perjury by the person who submits the electronic signature that the*  
16 *information is true and correct.*

17  
18 *(Civ. Code, § 1633.11(b).)*  
19

# Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688  
[www.courts.ca.gov/policyadmin-invitationstocomment.htm](http://www.courts.ca.gov/policyadmin-invitationstocomment.htm)

---

## INVITATION TO COMMENT

[ItC prefix as assigned]-\_\_

---

|   |   |
|---|---|
| <b>Title</b>  | <b>Action Requested</b>                                       |
| Technology: Rules Modernization Project                                   | Review and submit comments by June 8, 2018                    |
| <b>Proposed Rules, Forms, Standards, or Statutes</b>                      | <b>Proposed Effective Date</b>                                |
| Adopt Judicial Council Form EFS-005-##.                                   | January 1, 2019   |
| <b>Proposed by</b>  | <b>Contact</b>  |
| Information Technology Advisory Committee<br>Hon. Sheila F. Hanson, Chair | Andrea Jaramillo, 916-263-0991<br>andrea.jaramillo@jud.ca.gov |
| Civil and Small Claims Advisory Committee<br>Hon. Ann I. Jones, Chair     | Anne Ronan, 415-865-8933<br>anne.ronan@jud.ca.gov             |

---

### Executive Summary and Origin

As part of the Rules Modernization Project, the Information Technology Advisory Committee and Civil and Small Claims Advisory Committee recommend adopting a new form for withdrawal of consent to electronic service. The purpose of the proposal is to comply with Code of Civil Procedure section 1010.6(a)(6), which requires the Judicial Council to create such a form by January 1, 2019.

### The Proposal

The proposed form is Judicial Council form EFS-005-##, *Withdrawal of Consent to Electronic Service*. Under Code of Civil Procedure section 1010.6(a)(6), “A party or other person who has provided express consent to accept service electronically may withdraw consent at any time by completing and filing with the court the appropriate Judicial Council form. The Judicial Council shall create the form by January 1, 2019.” The proposed form is modeled after current form EFS-005-CV, *Consent to Electronic Service and Notice of Electronic Service Address*.

### Alternatives Considered

Because the form is required by statute, no alternative was considered.

### Implementation Requirements, Costs, and Operational Impacts

It is not expected that the new form will result in any significant costs or operational impacts on the courts.

*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.*

**Attachments and Links.**

1. Proposed Judicial Council form EFS-005-##, *Withdrawal of Consent to Electronic Service*.
2. Code of Civil Procedure section 1010.6,  
[http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=1010.6&lawCode=CCP](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1010.6&lawCode=CCP).



|            |              |
|------------|--------------|
| CASE NAME: | CASE NUMBER: |
|------------|--------------|

(Note: *If you serve Withdrawal of Consent to Electronic Service by mail, you should use form POS-030, Proof of Service by First-Class Mail–Civil, instead of using this page.*)

**PROOF OF ELECTRONIC SERVICE**  
**WITHDRAWAL OF CONSENT TO ELECTRONIC SERVICE**

1. I am at least 18 years old.

My residence or business address is (*specify*):

2. I electronically served a copy of the *Withdrawal of Consent to Electronic Service* as follows:

a. Name of person served:

b. Electronic service address of person served:

On behalf of (*name or names of parties represented, if person served is an attorney*):

c. On (*date*):

d. At (*time*):

Electronic service of the *Withdrawal of Consent to Electronic Service* on additional persons is described in an attachment.

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

Date:

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



\_\_\_\_\_  
(SIGNATURE OF DECLARANT)



## JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688  
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

---

### MEMORANDUM

---

|  |  |
|--|--|
| <b>Date</b><br>January 17, 2018  | <b>Action Requested</b><br>Please review   |
| <b>To</b><br>Rules and Policy Subcommittee, Information<br>Technology Advisory Committee | <b>Deadline</b><br>January 22, 2018  |
| <b>From</b><br>Andrea Jaramillo, Attorney<br>Legal Services                              | <b>Contact</b><br>Andrea L. Jaramillo, (916) 263-0991<br>andrea.jaramillo@jud.ca.gov |
| <b>Subject</b><br>Remote Access Rules (Discussion Item)                                  |  |

---

This memorandum is designed to provide the Rules and Policy Subcommittee with a brief background and update on the Joint Ad Hoc Subcommittee on Remote Access's development of a rules proposal for remote access rules. The Rules and Policy Subcommittee does not need to take action on the remote access rules proposal.

#### **Background**

Existing rules govern public access to electronic trial court records (Cal. Rules of Court, rules 2.500—2.507), but do not govern access to such records by parties, their attorneys, or justice partners. (See Cal. Rules of Court, rule 2.501(b).) Because courts are moving swiftly forward with making remote access to records available to these persons and entities, it is important to provide authority and guidance for the courts and others on these expanded forms of remote access. Under the leadership of the Information Technology Advisory Committee (ITAC), nine

advisory committees<sup>1</sup> formed the Joint Ad Hoc Subcommittee on Remote Access to develop remote access rules applicable to parties, their attorneys, and justice partners. The formation of the Joint Ad Hoc Subcommittee for this purpose was approved by the advisory bodies' internal oversight committees. The Joint Ad Hoc Subcommittee on Remote Access and staff subject matter experts worked together to develop a rules proposal.

## **Proposal Overview**

The existing rules governing electronic access to trial court records are found in chapter 2 of division 4 of title 2 of the California Rules of Court (hereafter, chapter 2). Chapter 2's rules currently apply "only to access to court records by the public" and limit what is remotely accessible by the public to registers of action, calendars, indexes, and court records in specific case types. (Cal. Rules of Court, rules 2.501(b), 2.503(b).) The rules in chapter 2 "do not limit access to court records by a party to an action or proceeding, by the attorney of a party, or by other persons or entities that are entitled to access by statute or rule." (Rule 2.501(b).)

Because chapter 2 only limits *public* remote access, there is a gap in the rules with respect to persons and entities that are not the public at large such as parties, parties' attorneys, and government entities. Courts have had to fill this gap on a piecemeal, ad hoc basis. The purpose of the proposal is to create a new set of rules applicable statewide governing remote access to electronic records to facilitate existing relationships and provide more structure, guidance, and authority for the courts. The proposal does not create a right to remote access and it does not provide for a higher level of access to court records using remote access than one would get by viewing court records at the courthouse.

The proposal restructures and expands the scope of chapter 2. The proposal breaks chapter 2 into four articles to cover not only access by the public, but also to cover access by parties, their attorneys, legal organizations, court-appointed persons, and government entities. In brief, the new structure consists of:

- **Article 1: General Provisions.** This article builds on existing rules, covers broad concepts on access to electronic records, and expands on the definitions of terms used in chapter 2.
- **Article 2: Public Access.** This article consists of the existing public access rules, with minor amendments.

---

<sup>1</sup> ITAC, Appellate Advisory Committee, Family and Juvenile Law Advisory Committee, Probate and Mental Health Advisory Committee, Advisory Committee on Providing Access and Fairness, Traffic Advisory Committee, Civil and Small Claims Advisory Committee, Criminal Law Advisory Committee, and Tribal Court-State Court Forum.

- **Article 3: Remote Electronic Access by a Party, Party's Attorney, Court-Appointed Person, or Authorized Persons Working in a Legal Organization or Qualified Legal Services Project.** The content of this article is new and covers remote electronic access by those listed in the article's title.
- **Article 4: Remote Electronic Access by Government Entities.** The content of this article is new and covers remote electronic access by government entities.

### **Proposal Status**

At its January 10, 2018 meeting, the Joint Ad Hoc Subcommittee on Remote Access met to discuss a final draft of the rules and invitation to comment. After directing final edits, the subcommittee recommended that the proposal be circulated for public comment.

### **Next Steps for Circulating the Proposal**

The next steps for the proposal are for it to be presented to the Information Technology Advisory Committee on February 2, 2018; the Judicial Council Technology Committee on February 5, 2018; and the Rules and Projects Committee on April 5, 2018. If these bodies approve circulating the proposal for public comment, the comment period will run from April 9 to June 8, 2018.





## JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688  
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

---

### MEMORANDUM

---

|   |   |
|---|---|
| <b>Date</b><br>January 17, 2018   | <b>Action Requested</b><br>Please review before January 22 meeting            |
| <b>To</b><br>Rules & Policy Subcommittee, Information<br>Technology Advisory Committee      | <b>Deadline</b><br>January 22, 2018   |
| <b>From</b><br>Diana Glick, Attorney<br>Center for Families, Children and the Courts        | <b>Contact</b><br>Diana Glick<br>916-643-7012 phone<br>diana.glick@jud.ca.gov |
| <b>Subject</b><br>Juvenile Law: Electronic Filing and Service<br>(Implementation of AB 976) |   |

---

#### **Executive Summary**

In 2017, the Judicial Council sponsored legislation authorizing electronic filing and service in juvenile matters. Assembly Bill 976 (Stats. 2017, ch. 319) was based on the legislative proposal brought jointly by the Information Technology Advisory Committee, the Family & Juvenile Law Advisory Committee, the Probate & Mental Health Advisory Committee and the Criminal Law Advisory Committee in Spring 2016.

The legislation created Welfare and Institutions Code section 212.5, which authorizes electronic filing and service in all juvenile matters, pursuant to section 1010.6 of the Code of Civil Procedure, with important exceptions and conditions designed to protect the confidential information of minors and to preserve paper notice of specified proceedings. The bill also requires affirmative consent to electronic service for unrepresented parties as of January 1, 2019.

### **Committee Review Process**

On December 4, 2017, the Family and Juvenile Law Advisory Committee (FJLAC) conducted an initial review of the proposal and formed a working group to address specific issues related to amendments to the title 5 rules of court that require specific forms of notice for prospective adoptive parent designation hearings and hearings related to the proposed removal of a child from placement with a prospective adoptive parent pursuant to section 366.26(n) of the Welfare & Institutions Code.

On January 3, 2018, the working group met by telephone and discussed issues related to hearings held pursuant to section 366.26(n) in addition to the substantive content and wording in proposed new rule 5.523 (attorney consultation with minor 16 or 17 years old) and the notices issues pursuant to section 388 and section 778 petitions. The working group plans to reconvene at least once in January in order to prepare the proposal to come before the full committee for final review and approval in February 2018.

### **Statutory Express Consent to Electronic Service Requirements**

Under Welfare and Institutions Code section 212.5(b)(2), starting January 1, 2019, “electronic service on a party or other person is permitted only if the party or other person has expressly consented, as provided in Section 1010.6 of the Code of Civil Procedure.” Code of Civil Procedure section 1010.6 requires that express consent to electronic service be accomplished by either:

- (I) Serving a notice on all the parties and filing the notice with the court, or
- (II) Manifesting affirmative consent through electronic means with the court or the court’s electronic filing service provider, and concurrently providing the party’s electronic address with that consent for the purpose of receiving electronic service.

Welfare and Institutions Code section 212.5 also establishes certain limitations and requirements for electronic service on minors in certain age groups. For minors 10 to 15 years old, both the “the express consent of the minor and the minor’s attorney” are required. For 16 and 17 year olds, the minor alone may consent after consultation with an attorney. The FJLAC working group has been discussing how, on a practical level, consent to electronic service would be sought and provided by minors and attorneys as required in juvenile proceedings.

### **Subcommittee’s Task**

The subcommittee is asked to review the attached draft invitation to comment, mock-up language and draft revised forms, and:

- Provide specific input with regard to the interpretation of the definition of "express consent" in Code of Civil Procedure section 1010.6(a)(2)(A)(ii) in the context of a juvenile matter involving a minor between the ages of 10 and 15, given the requirement that both the minor and the minor's attorney must consent; and
- Provide any general suggestions and recommendations.

### **Attachments**

1. Draft Invitation to Comment
2. Mock-up with proposed amendments to title 5 of the California Rules of Court
3. Drafts of amended forms: EFS-005-JV, JV-221, JV-282, JV-310, JV-326, JV-326-INFO, JV-510

# JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688  
[www.courts.ca.gov/policyadmin-invitationstocomment.htm](http://www.courts.ca.gov/policyadmin-invitationstocomment.htm)

---

## INVITATION TO COMMENT

[ItC prefix as assigned]-\_\_

---

**Title**

Juvenile Law: Electronic Filing and Service in Juvenile Court Matters (Implementation of AB 976)

**Action Requested**

Review and provide comments by June 8, 2018

**Proposed Rules, Forms, Standards, or Statutes**

Amend rules 5.504, 5.522, 5.524, 5.534, 5.538, 5.565, 5.570, 5.590, 5.640, 5.695, 5.700, 5.726, 5.727, 5.728 and 5.906, add new rule 5.523, and amend forms EFS-005-JV/JV-141, JV-221, JV-282, JV-310, JV-326, JV-326-INFO, and JV-510

**Proposed Effective Date**

January 1, 2019

**Contact**

Diana Glick, 916-643-7012  
[diana.glick@jud.ca.gov](mailto:diana.glick@jud.ca.gov)

**Proposed by**

Family and Juvenile Law Advisory Committee  
Hon. Jerilyn L. Borack, Co-chair  
Hon. Mark A. Juhas, Co-chair

---

### Executive Summary and Origin

To implement AB 976 (Stats. 2017, ch. 319), the Family and Juvenile Law Advisory Committee and the Information Technology Advisory Committee jointly propose (1) amending rules 5.504, 5.522, 5.524, 5.534, 5.538, 5.640, 5.565, 5.570, 5.590, 5.695, 5.700, 5.726, 5.727, 5.906 of the California Rules of Court; (2) adding rule 5.523; and (3) amending form EFS-005-JV/JV-141, *E-Mail Notice of Hearing: Consent, Withdrawal of Consent, Address Change (Juvenile)*, form JV-221, *Proof of Notice of Application*, form JV-282, *Proof of Service—Nonminor*, form JV-310, *Proof of Service Under Section 366.26 of the Welfare and Institutions code*, form JV-326, *Proof of Notice*, form JV-326-INFO, *Instructions for Notice of Prospective Adoptive Parent Hearing*, and form JV-510, *Proof of Service--Juvenile*.

Assembly Bill 976 authorizes electronic filing and service in juvenile matters, pursuant to section 1010.6 of the Code of Civil Procedure. The bill extends the ability to conduct electronic filing and service to all juvenile matters, with some important exceptions and conditions designed to protect the confidential information of minors and to preserve paper notice of specified

*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.*

proceedings. The bill also requires affirmative consent to electronic service for unrepresented parties as of January 1, 2019.

## **Background**

Code of Civil Procedure section 1010.6 and trial court rules 2.250-2.261 authorize electronic filing and electronic service in civil matters. On July 1, 2014, the Judicial Council amended rule 5.522 to expressly enable the electronic filing of juvenile court documents in accordance with the trial court rules, specifically rules 2.252, et seq. However, trial court rule 2.251 on electronic service was expressly excluded. As rule 5.522(b)(4) states, “[t]his rule does not incorporate the electronic service provisions in rule 2.251.” Rule 2.251 authorizes electronic service in those courts that allow or require electronic filing, and sets forth technical requirements for electronic service.

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

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

## **Legislative Framework**

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

To authorize electronic filing and service, the bill enacted new sections in Penal Code, Probate Code and Welfare and Institutions Code that cross-reference the central electronic filing and service provisions in Code of Civil Procedure section 1010.6. In Welfare and Institutions Code, the bill added section 212.5, which both authorizes electronic filing and service in juvenile

matters and establishes important protections for children and parents who are participants in juvenile cases.

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

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

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

### **Proposal: Amend Existing Rules of Court and Add New Rule of Court**

The provisions of AB 976 establish a general authorization of electronic filing and service in juvenile proceedings with the exceptions described above. The advisory committees recommend making the following changes to the title 5 rules of court to bring them into conformity with the revisions to statute:

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

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

**Rule 5.522. Remote filing**

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

**Proposed New Rule 5.523. Electronic service**

Add new rule to establish general authorization for electronic service in juvenile matters pursuant to section 212.5 and set forth requirements for attorney consultation prior to consent to electronic service by minors, ages 16 and 17. Subdivision (a) contains a general authorization and references section 212.5. Subdivision (b) describes the requirement of attorney consultation by minors age 16 or 17 prior to providing consent to electronic service. Subdivision (c) contains the elements for consideration in the attorney consultation. Subdivision (d) contains specific information that must be provided to the minor by the minor's attorney during the consultation.

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

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

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

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

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

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

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

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

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

Rewrite subdivision (g), creating two subparagraphs in order to indicate the different notice and service requirements for petitions filed under section 388 and those filed under section 778. Retain the language from section 388 regarding notice to a parent or former guardian of a nonminor. Retain rule language that addresses notice to a caregiver of a child, nonminor, or nonminor dependent, and notice to the tribe of an Indian child with respect to both sections.

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

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

**Rule 5.640. Psychotropic medications**

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

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

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

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

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

**Rule 5.726. Prospective adoptive parent designation**

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

**Rule 5.727. Proposed removal**

Amend subdivision (b) to add the required notice to the attorney of a sibling if the change in placement results in the separation of siblings placed together, pursuant to AB 743 (2009).



Amend subdivision (d)(1) to include a reference to electronic service in accordance with section 212.5 for the notice of removal issued by DSS and add subparagraph (3) to subdivision (d) with a reference to Code of Civil Procedure section 1010.6 for statutory language regarding when electronic service is considered complete and any extensions on time to respond after electronic service. Renumber remaining subparagraphs. Add a reference to Code of Civil Procedure 1010.6 for statutory language regarding extensions on time to respond notification of proposed removal to subparagraph (2) of subdivision (e). Retain personal or telephone service requirement in subdivision (f) for a notice of hearing on proposed removal.

**Rule 5.728. Emergency removal**

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

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

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

**Proposal: Amend Existing Forms**

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

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

The statutes amended by AB 879 specifically mandated that consent to receive notice of hearing by e-mail be provided on the EFS-005. Prior to July 1, 2016, the EFS-005 allowed litigants and attorneys in civil litigation to provide an “electronic service address,” which can be, but is not necessarily an electronic *mail* address. The “electronic service” referenced on the form and authorized through the more recent AB 976 is a broader concept than notice of a hearing, which was the sole focus of AB 879. In response to the language of AB 879, the EFS-005 was restyled as the EFS-005-CV and its content was preserved; a new form EFS-005-JV/JV-141, *E-Mail Notice of Hearing: Consent, Withdrawal of Consent, Address Change (Juvenile)* was created. This form enables persons entitled to notice in juvenile court proceedings to give consent to receive notice by e-mail and provide the court with a current e-mail address. The form also allows persons entitled to notice in juvenile court proceedings to notify the court of a change in the e-mail address for receiving electronic notices of hearings and allows those who have previously provided consent to receive notices of hearing by email to withdraw that consent. Given the broadening of authorization in juvenile matters achieved through AB 976, the committees now propose to amend this form to refer to the provision of consent for "receiving notices and documents electronically" instead of receiving notices of hearing by e-mail. The amendments to page 2 of the form bring the instructions in line with the electronic service provisions of AB 976. The form retains the functions of consent, provision of an electronic

service or electronic mail address, and withdrawal of consent, and could be used to satisfy the requirement of affirmative consent to electronic service that will be required as of January 1, 2019.

#### **JV-221 Proof of Notice of Application**

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

#### **JV-282 Proof of Service—Nonminor**

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

#### **JV-310 Proof of Service Under Section 366.26 of the Welfare and Institutions Code**

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

#### **JV-326 Proof of Notice**

This form is used to provide proof of notice of the following: 1) an intent to remove; 2) an emergency removal; 3) a hearing regarding an intent to remove; 4) a hearing regarding an emergency removal; and/or 5) a hearing on a prospective adoptive parent designation. Because there is a general authorization for electronic service in juvenile matters of any document that may be served by mail, express mail, overnight delivery or facsimile transmission, pursuant to new section 212.5 with specified exceptions, it is presumed that the notices and hearings described in section 366.26(n) may generally be provided electronically, providing that other conditions of electronic service have been met. However, current rules of court require personal or telephone notice of 1) an intent to remove; 2) a hearing regarding proposed removal; and 3) a hearing regarding an emergency removal. This proposal would amend CRC 5.726, regarding prospective adoptive parent designation and CRC 5.727, regarding proposed removal to allow

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

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

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

### **JV-510 Proof of Service—Juvenile**

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

### **Alternatives Considered**

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

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

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

## Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Are there other California Rules of Court that will require amendment in order to facilitate electronic filing or service in juvenile proceedings?
- Are there additional forms that will require amendment in order to facilitate electronic filing or service in juvenile proceedings?
- Should the prohibition on electronic service of psychological and medical evaluations apply to notice of hearings for review of psychotropic drugs?
- Is the proposed rule containing specific points for consideration when an attorney for a minor age 16 or 17 counsels that minor regarding the provision of consent to electronic service?

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?
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

### Attachments and Links

1. Proposed amendments to Cal. Rules of Court, rules 5.504, 5.522, 5.524, 5.534, 5.538, 5.565, 5.570, 5.590, 5.640, 5.695, 5.700, 5.726, 5.727, 5.728 and 5.906, and proposed new rule 5.523.
2. Proposed revisions to forms EFS-005-JV/JV-141, JV-221, JV-282, JV-310, JV-326, JV-326-INFO, and JV-510.
3. Chaptered language of AB 976 can be found here:  
[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB976](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB976)

**Rules 5.500 – 5.502 \*\*\***

**Rule 5.504. Judicial Council forms**

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

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

**(b) Electronically produced forms**

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

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

To help implement mandatory Judicial Council juvenile forms:

- (1) New and revised mandatory forms produced by computer, word-processor printer, or similar process must be implemented within one year of the effective date of the form. During that one-year period the court may authorize the use of a legally accurate alternative form, including any existing local form or the immediate prior version of the Judicial Council form.
- (2) ~~Until January 1, 2019, a~~ A court may produce court orders in any form or format as long as:
  - (A) The document is substantively identical to the mandatory Judicial Council form it is modifying;
  - (B) Any electronically generated form is identical in both language and legally mandated elements, including all notices and advisements, to the mandatory Judicial Council form it is modifying;
  - (C) The order is an otherwise legally sufficient court order, as provided in rule 1.31(g), concerning orders not on Judicial Council mandatory forms; and
  - (D) The court sends written notice of its election to change the form or format of the mandatory form to the Family and Juvenile Law Advisory Committee and submits additional informational reports as requested by the committee.

**Rule 5.505-5.520 \*\*\***

**Rule 5.522. Remote filing**

**(a) Applicability and definitions**

- (1) This rule applies to juvenile court proceedings in courts that permit fax or electronic filing by local rule.
- (2) As used in this rule, “fax,” “fax transmission,” “fax machine,” and “fax filing” are defined in rule 2.301. A fax machine also includes any electronic device capable of receiving a fax transmission, as defined in rule 2.301.
- ~~(3) As used in this rule, “electronic filing” is defined in rule 2.250. Rule 2.250 also defines other terms used in this rule related to electronic filing, such as “document,” “electronic filer,” and “electronic filing service provider,” “regular filing hours,” and “close of business.”~~

**(b) Electronic filing**

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

- ~~(1) A court may allow for the electronic filing of documents in juvenile dependency and delinquency proceedings as provided under, and consistent with, rule 2.252 et seq.~~
- ~~(2) A court may allow for the electronic filing of documents directly with the court or may provide by local rule for indirect filing through an electronic filing service provider that has in place systems to ensure the integrity and confidentiality of transmission of records and adheres to the requirements of rule 2.256(a)(1).~~
- ~~(3) Electronic filing must be conducted in a manner that preserves and ensures the confidentiality of records by encryption or other secure methods.~~
- ~~(4) This rule does not incorporate the electronic service provisions in rule 2.251.~~

**(c) Fax filing \*\*\***

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

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

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

Code.

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

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

Electronic service is permitted on any party or person who is 10 to 15 years of age only upon express consent of the child and the child's attorney.

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

Electronic service is permitted on any party or person who is 16 or 17 years of age only if the child, after consultation with his or her attorney, consents.

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

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

- (1) Whether the child has regular and reliable access to a means of electronic communication for purposes of communication regarding their case;
- (2) What means of electronic communication the child intends to use to communicate about their case and whether it is private and secure; and
- (3) Whether the child understands their rights with respect to the provision and withdrawal of consent to electronic service.

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

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

- (3) Electronic transmission of medical or psychological documentation related to a child is prohibited, with the exception of the summary required pursuant to Section 16010 when included as part of a required report to the court.
- (4) On or after January 1, 2019, electronic service on a party or other person is permitted only if the party or other person has expressly consented, as provided in Section 1010.6 of the Code of Civil Procedure.
- (5) A party or other person may subsequently withdraw their consent to electronic service by completing the appropriate Judicial Council form.

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

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

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

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

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

### **(c) Use of forms**

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

### **(d) Amending the petition (§§ 348, 678)**

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

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

- (1) When the petition is filed, the probation officer or social worker must serve a notice of hearing under section 290.1, with a copy of the petition attached. On filing of the petition, the clerk must issue and serve notice as prescribed in section 290.2, along with a copy of the petition. CASA volunteers are entitled to the same notice as stated in sections 290.1 and 290.2. [Notice under sections 290.1 and 290.2 cannot be served electronically.](#)
- (2) If the county and the court choose to allow notice by electronic [mailservice](#) of hearings under sections ~~290.1~~291–295, the court must develop a process for obtaining consent from persons entitled to notice that complies with ~~the notice statute~~[Welfare & Institutions Code section 212.5](#) and ensures that notice can be effectuated according to statutory timelines.



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

- (1) Immediately after the filing of a petition to detain a child, the probation officer or the prosecuting attorney must issue and serve notice as prescribed in section 630.
- (2) When a petition is filed, the clerk must issue and serve a notice of hearing in accordance with sections 658, 659, and 660 with a copy of the petition attached.
- ~~(3) After reasonable notification by minor's counsel or his or her parent or guardian, the clerk must provide notice to the minor's attorney as stated in section 630.1.~~
- (3) After reasonable notification by counsel representing the child, his parents or guardian, the clerk must notify such counsel of the hearings as prescribed in section 630.1.

(g)-(h) \*\*\*

**Rules 5.526-5.532 \*\*\***

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

(a)-(h) \*\*\*

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

At the first appearance by a parent or guardian in proceedings under section 300 et seq., the court must order each parent or guardian to provide a mailing address.

- (1) The court must advise that the mailing address provided will be used by the court, the clerk, and the social services agency for the purposes of notice of hearings and the mailing of all documents related to the proceedings.
- (2) The court must advise that until and unless the parent or guardian, or the attorney of record for the parent or guardian, submits written notification of a change of mailing address, the address provided will be used, and notice requirements will be satisfied by appropriate service at that address.
- (3) *Notification of Mailing Address* (form JV-140) is the preferred method of informing the court and the social services agency of the mailing address of the parent or guardian and change of mailing address.

(A) The form must be delivered to the parent or guardian, or both, with the

petition.

- (B) The form must be available in the courtroom, in the office of the clerk, and in the offices of the social services agency.
- (C) The form must be printed and made available in both English and Spanish.

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

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

Each party or person entitled to notice who consents to electronic service pursuant to Section 212.5 must provide the court with an electronic service address.

- (1) The court must advise the party or person entitled to notice that the electronic service address will be used by the court and the social services agency for purposes of providing notice pursuant to Sections 291, 292, 293, 294, 295, 297, and 342, unless and until the party or person notifies the court or the social services agency of a new electronic service address in writing or unless the party or person withdraws consent to electronic service.
- (2) A party or person entitled to notice may indicate their consent and provide their electronic service address by filing *Electronic Service: Consent, Withdrawal of Consent, Address Change (Juvenile)* (form EFS-005-JV/JV-141).

~~(i)~~

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

**Rule 5.536 \*\*\***

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

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

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

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

**Rules 5.540-5.560 \*\*\***

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

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

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

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

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

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

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

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

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

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

(d)-(f) \*\*\*

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

(a)-(f) \*\*\*

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

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

- (1) If a petition is filed under section 388 or section 778 to terminate juvenile court jurisdiction over a nonminor, notice of the hearing must be given as required by section 295. [Rule 5.555(b)(3)]
- (2) For hearings on all other petitions filed under section 388 or section 778, notice of the hearing must be provided in accordance with section 291, except that notice to parents or former guardians of a nonminor must only be provided if the nonminor requests, in writing on the face of the petition, notice to the parents or former guardians, or the parent or legal guardian is receiving court-ordered family reunification services.

(h)-(j) \*\*\*

**Rule 5.575-5.585 \*\*\***

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

(a) \*\*\*

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

When the court orders a hearing under Welfare and Institutions Code section 366.26, the court must advise all parties and, if present, the child's parent, guardian,

or adult relative, that if the party wishes to preserve any right to review on appeal of the order setting the hearing under Welfare and Institutions Code section 366.26, the party is required to seek an extraordinary writ by filing a *Notice of Intent to File Writ Petition and Request for Record* (California Rules of Court, Rule 8.450) (form JV-820) or other notice of intent to file a writ petition and request for record and a *Petition for Extraordinary Writ* (California Rules of Court, Rules 8.452, 8.456) (form JV-825) or other petition for extraordinary writ.

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

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

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

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

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

(c) \*\*\*

**Rule 5.595-5.637 \*\*\***

#### **Rule 5.640. Psychotropic medications**

(a)-(b) \*\*\*

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

(1)-(4) \*\*\*

- (5) Local county practice and local rules of court determine the procedures for completing and filing the forms and for the provision of notice, except as otherwise provided in this rule and in [Welfare and Institutions Code section 212.5](#). The person or persons responsible for providing notice as required by local court rules or local practice protocols are encouraged to use the most expeditious [legally authorized](#) manner of service ~~possible~~[available](#) to ensure timely notice.
- (6) *Application for Psychotropic Medication* (form JV-220) may be completed by the prescribing physician, medical office staff, child welfare services staff, probation officer, or the child's caregiver. If the applicant is the social worker or probation officer, he or she must complete all items on form JV-220. The physician prescribing the administration of psychotropic medication for the child must complete and sign *Physician's Statement-Attachment* (form JV-220(A)) or if it is a request to continue the same medication by the same physician that completed the most recent JV-220(A), then the physician may complete and sign *Physician's Request to Continue Medication-Attachment* (form JV-220(B)).
- (7) The court must approve, deny, or set the matter for a hearing within seven court days of the receipt of the completed JV-220 and JV-220(A) or (B).
- (8) Notice must be provided to the parents or legal guardians, their attorneys of record, the child's attorney of record, the child's Child Abuse Prevention and Treatment Act guardian ad litem, the child's current caregiver, the child's Court Appointed Special Advocate, if any, and where a child has been determined to be an Indian child, the Indian child's tribe (see also 25 U.S.C. § 1903(4)-(5); Welf. and Inst. Code, §§ 224.1(a) and (e) and 224.3). If the child is living in a group home, notice to the caregiver must be by notice to the group home administrator, or to the administrator's designee, as defined in California Code of Regulations, regulation 84064.

Notice must be provided as follows:

- (A) Notice to the parents or legal guardians and their attorneys of record must include:
  - (i) A statement that a physician is asking to treat the child's emotional or behavioral problems by beginning or continuing the administration of psychotropic medication to the child and the name of the psychotropic medication;
  - (ii) A statement that an *Application for Psychotropic Medication* (form JV-220) and a *Physician's Statement-Attachment* (form JV-220(A)) or *Physician's Request to Continue Medication-Attachment* (form JV-220(B)) are pending before the court;
  - (iii) A copy of *Guide to Psychotropic Medication Forms* (form JV-217-INFO);

- (iv) A blank copy of *Statement About Medicine Prescribed* (form JV-219);  
and
  - (v) A blank copy of *Input on Application for Psychotropic Medication* (form JV-222).
- (B) Notice to the child's current caregiver and Court Appointed Special Advocate, if one has been appointed, must include only:
- (i) A statement that a physician is asking to treat the child's emotional or behavioral problems by beginning or continuing the administration of psychotropic medication to the child and the name of the psychotropic medication;
  - (ii) A statement that an *Application for Psychotropic Medication* (form JV-220) and a *Physician's Statement-Attachment* (form JV-220(A)) or *Physician's Request to Continue Medication-Attachment* (form JV-220(B)) are pending before the court;
  - (iii) A copy of *Guide to Psychotropic Medication Forms* (form JV-217-INFO);
  - (iv) A blank copy of *Child's Opinion About the Medicine* (form JV-218);  
and
  - (v) A blank copy of *Statement About Medicine Prescribed* (form JV-219).
- (C) Notice to the child's attorney of record and any Child Abuse Prevention and Treatment Act guardian ad litem for the child must include:
- (i) A completed copy of *Application for Psychotropic Medication* (form JV-220);
  - (ii) A completed copy of *Physician's Statement-Attachment* (form JV-220(A)) or *Physician's Request to Continue Medication-Attachment* (form JV-220(B));
  - (iii) A copy of *Guide to Psychotropic Medication Forms* (form JV-217-INFO) or information on how to obtain a copy of the form;
  - (iv) A blank copy of *Input on Application for Psychotropic Medication* (form JV-222) or information on how to obtain a copy of the form.; and
  - (v) A blank copy of *Child's Opinion About the Medicine* (form JV-218) or information on how to obtain a copy of the form.
- (D) Notice to the Indian child's tribe must include:

- (i) A statement that a physician is asking to treat the child's emotional or behavioral problems by beginning or continuing the administration of psychotropic medication to the child, and the name of the psychotropic medication;
  - (ii) A statement that an *Application for Psychotropic Medication* (form JV-220) and a *Physician's Statement-Attachment* (form JV-220(A)) or *Physician's Request to Continue Medication-Attachment* (form JV-220(B)) are pending before the court;
  - (iii) A copy of *Guide to Psychotropic Medication Forms* (form JV-217-INFO) or information on how to obtain a copy of the form;
  - (iv) A blank copy of *Input on Application for Psychotropic Medication* (form JV-222) or information on how to obtain a copy of the form; and
  - (v) A blank copy of *Child's Opinion About the Medicine* (form JV-218) or information on how to obtain a copy of the form.
  - (vi) A blank copy of *Statement About Medicine Prescribed* (form JV-219) or information on how to obtain a copy of the form.
- (E) Proof of notice of the application regarding psychotropic medication must be filed with the court using *Proof of Notice of Application* (form JV-221).
- (9) If all the required information is not included in the request for authorization, the court must order the applicant to provide the missing information and set a hearing on the application.
- (10) The court may grant the application without a hearing or may set the matter for hearing at the court's discretion. If the court sets the matter for a hearing, the clerk of the court must provide notice of the date, time, and location of the hearing to the parents or legal guardians, their attorneys of record, the dependent child if 12 years of age or older, a ward of the juvenile court of any age, the child's attorney of record, the child's current caregiver, the child's social worker or probation officer, the social worker's or probation officer's attorney of record, the child's Child Abuse Prevention and Treatment Act guardian ad litem, the child's Court Appointed Special Advocate, if any, and the Indian child's tribe at least two court days before the hearing. Notice must be provided to the child's probation officer and the district attorney, if the child is a ward of the juvenile court.

**(d)-(f) \*\*\***

**(g) Progress review**

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



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

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

- (1) Upon the approval or denial of the application, the county child welfare agency, probation department, or other person or entity who submitted the request must provide the child's caregiver with a copy of the court order approving or denying the request.
- (2) **The copy of the order must be provided in person or mailed within two court days of when the order is signed.**
- (3) If the court approves the request, the copy of the order must include the last two pages of form JV-220(A) and all medication information sheets (medication monographs) that were attached to form JV-220(A).
- (4) If the child resides in a group home, a copy of the order, the last two pages of form JV-220(A), and all medication information sheets (medication monographs) that were attached to the JV-220(A) must be provided to the group home administrator, or to the administrator's designee, as defined in California Code of Regulations, regulation 84064.

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

(i)-(k) \*\*\*

Rule 5.645-5.690 \*\*\*

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

(a)-(f) \*\*\*

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

(1)-(9) \*\*\*

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

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

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

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

(h)-(i) \*\*\*

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

(a)-(c) \*\*\*

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

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

**Rule 5.705-5.725 \*\*\***

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

(a)-(c) \*\*\*

**(d) Notice of designation hearing**

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

- (1) The following participants must be noticed:
  - (A) The adoption agency;
  - (B) The current caregiver,
  - (C) The child’s attorney;
  - (D) The child, if the child is 10 years of age or older;
  - (E) The child’s identified Indian tribe if any;
  - (F) The child’s Indian custodian if any; and
  - (G) The child’s CASA program if any.
- (2) If the request for designation is made at the same time as a request for hearing on a proposed or emergency removal, notice of the designation hearing must be provided with notice of the hearing on proposed removal, as stated in rule 5.727(f).

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

- (A) Service of the notice must be either by first-class mail or [electronic service in accordance with section 212.5](#) sent at least 15 calendar days before the hearing date to the last known address of the person to be noticed, or by personal service on the person at least 10 calendar days before the hearing.
- (B) *Prospective Adoptive Parent Designation Order* (form JV-327) must be used to provide notice of a hearing on the request for prospective adoptive parent designation.
- (C) The clerk must provide notice of the hearing to the participants listed in (1) above, if the court, caregiver, or child requested the hearing.
- (D) The child's attorney must provide notice of the hearing to the participants listed in (1) above, if the child's attorney requested the hearing.
- (E) *Proof of Notice Under Section 366.26(n)* (form JV-326) must be filed with the court before the hearing on the request for prospective adoptive parent designation.

(e)-(f) \*\*\*

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

**(a) Application of rule**

This rule applies, after termination of parental rights or, in the case of tribal customary adoption, modification of parental rights, to the removal by the Department of Social Services (DSS) or a licensed adoption agency of a dependent child from a prospective adoptive parent or from a caregiver who may meet the criteria for designation as a prospective adoptive parent in section 366.26(n)(1). This rule does not apply if the caregiver requests the child's removal.

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

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

- (1) The court;
- (2) The current caregiver, if that caregiver either is a designated prospective adoptive parent or, on the date of service of the notice, meets the criteria in section 366.26(n)(1);
- (3) The child's attorney;
- (4) The child, if the child is 10 years of age or older;
- (5) The child's identified Indian tribe if any;
- (6) The child's Indian custodian if any; ~~and~~
- (7) The child's CASA program if any; ~~and~~
- (8) The child's sibling's attorney, if the change in placement of a dependent child will result in the separation of siblings currently placed together. Notice must be made in accordance with section 16010.6.

**(c) Form of notice**

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

**(d) Service of notice**

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

- (1) DSS or the agency must serve notice either by first-class mail ~~or by electronic service in accordance with section 212.5~~, sent to the last known address of the person to be noticed, or by personal service.
- (2) If service is by first-class mail, service is completed and time to respond is extended by five calendar days.
- (3) ~~If service is made through electronic means, service is completed and time to respond is extended in accordance with section 1010.6 of the Code of Civil Procedure.~~
- ~~(3)~~ (4) Notice to the child's identified Indian tribe and Indian custodian must

comply with the requirements of section 224.2.

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

**(e) Objection to proposed removal**

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

- (1) A request for hearing on the proposed removal must be made on *Objection to Removal* (form JV-325).
- (2) A request for hearing on the proposed removal must be made within five court or seven calendar days from the date of notification, whichever is longer. If service of the notification is by mail, time to request a hearing is extended by five calendar days. [If service of the notification is by electronic means, time to request a hearing is extended in accordance with section 1010.6 of the Code of Civil Procedure.](#)
- (3) The court must set a hearing as follows:
  - (A) The hearing must be set as soon as possible and not later than five court days after the objection is filed with the court.
  - (B) If the court for good cause is unable to set the matter for hearing five court days after the petition is filed, the court must set the matter for hearing as soon as possible.
  - (C) The matter may be set for hearing more than five court days after the objection is filed if this delay is necessary to allow participation by the child's identified Indian tribe or the child's Indian custodian.

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

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

- (1) The clerk must provide notice of the hearing to the agency and the participants listed in (b) above, if the court, caregiver, or child requested the hearing.
- (2) The child's attorney must provide notice of the hearing to the agency and the participants listed in (b) above, if the child's attorney requested the hearing.

(3) Notice must be by personal service or by telephone. Notice by personal service must include a copy of the completed forms *Notice of Intent to Remove Child* (form JV-323) and *Objection to Removal* (form JV-325). Telephone notice must include the reasons for and against the removal, as indicated on forms JV-323 and JV-325.

(4) *Proof of Notice* (form JV-326) must be filed with the court before the hearing on the proposed removal.

(g)-(i) \*\*\*

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

**(a) Application of rule**

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

**(b) Participants to be noticed**

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

- (1) The court;
- (2) The caregiver, who is a prospective adoptive parent or who, on the date of service of the notice, may meet the criteria in section 366.26(n)(1);
- (3) The child's attorney;
- (4) The child if the child is 10 years of age or older;
- (5) The child's identified Indian tribe if any;
- (5) The child's Indian custodian if any; ~~and~~
- (6) The child's CASA program if any; ~~and~~

- (7) The child's sibling's attorney, if the change in placement of a dependent child will result in the separation of siblings currently placed together. Notice must be made in accordance with section 16010.6.

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

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

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

**(d) Objection to emergency removal**

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

- (1) A request for hearing on the emergency removal must be made on *Objection to Removal* (form JV-325).
- (2) The court must set a hearing as follows:
  - (A) The hearing must be set as soon as possible and not later than five court days after the petition objecting to removal is filed with the court.
  - (B) If the court for good cause cannot set the matter for hearing within five court days after the petition objecting to removal is filed, the court must set the matter for hearing as soon as possible.



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

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

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

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

(f)-(g) \*\*\*

**Rule 5.730-5.903 \*\*\***

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

(a)-(c) \*\*\*

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

- (1) Within three court days of the filing of form JV-466 with the clerk of the juvenile court of general jurisdiction, a juvenile court judicial officer must review the form JV-466 and determine whether a prima facie showing has been made that the nonminor meets all of the criteria set forth below in (d)(1)(A)–(D) and enter an order as set forth in (d)(2) or (d)(3).
  - (A) The nonminor was previously under juvenile court jurisdiction subject to an order for foster care placement on the date he or she attained 18

years of age, or the nonminor is eligible to seek assumption of dependency jurisdiction pursuant to the provisions of subdivision (c) of section 388.1;

- (B) The nonminor has not attained 21 years of age;
  - (C) The nonminor wants assistance to maintain or secure an appropriate, supervised placement or is in need of immediate placement and agrees to a supervised placement under a voluntary reentry agreement; and
  - (D) The nonminor intends to satisfy at least one of the eligibility criteria in section 11403(b).
- (2) If the court determines that a prima facie showing has not been made, the court must enter a written order denying the request, listing the issues that resulted in the denial and informing the nonminor that a new form JV-466 may be filed when those issues are resolved.
- (A) The court clerk must serve on the nonminor:
    - A copy of the written order;
    - A blank copy of *Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-466) and *Confidential Information— Request to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-468);
    - A copy of *How to Ask to Return to Juvenile Court Jurisdiction and Foster Care* (form JV-464-INFO); and
    - The names and contact information for those attorneys approved by the court to represent children in juvenile court proceedings who have agreed to provide a consultation to any nonminor whose request was denied due to the failure to make a prima facie showing.
  - (B) The court clerk must serve on the placing agency a copy of the written order.
  - (C) Service must be by personal service, ~~or~~ by first-class mail, or by [electronic service in accordance with section 212.5](#) within two court days of the issuance of the order.
  - (D) A proof of service must be filed.
- (3) If the judicial officer determines that a prima facie showing has been made,

the judicial officer must issue a written order:

- (A) Directing the court clerk to set the matter for a hearing, and
- (B) Appointing an attorney to represent the nonminor solely for the hearing on the request.

(e)-(f) \*\*\*

**(g) Notice of hearing**

- (1) The juvenile court clerk must serve notice as soon as possible, but no later than five court days before the date the hearing is set, as follows:
  - (A) The notice of the date, time, place, and purpose of the hearing and a copy of the form JV-466 must be served on the nonminor, the nonminor's attorney, the child welfare services agency, the probation department, or the Indian tribal agency that was supervising the nonminor when the juvenile court terminated its delinquency, dependency, or transition jurisdiction over the nonminor, and the attorney for the child welfare services agency, the probation department, or the Indian tribe.
  - (B) The notice of the date, time, place, and purpose of the hearing must be served on the nonminor's parents only if the nonminor included in the form JV-466 a request that notice be provided to his or her parents.
  - (C) The notice of the date, time, place, and purpose of the hearing must be served on the nonminor's tribal representative if the nonminor is an Indian child and indicated on the form JV-466 his or her choice to have the Indian Child Welfare Act apply to him or her as a nonminor dependent.
  - (D) The notice of the date, time, place, and purpose of the hearing must be served on the local CASA office if the nonminor had a CASA and included on the form JV-466 a request that notice be provided to his or her former CASA.
- (2) The written notice served on the nonminor dependent must include:
  - (A) A statement that the nonminor may appear for the hearing by telephone; and

- (B) Instructions regarding the local juvenile court procedures for arranging to appear and appearing at the hearing by telephone.
- (3) Service of the notice must be by personal service, ~~or~~ by first-class mail, or by electronic service in accordance with section 212.5.
- (4) Proof of service of notice must be filed by the juvenile court clerk at least two court days prior to the hearing.

(h)-(i) \*\*\*

DRAFT

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

Clerk stamps date here when form is filed.

**Use this form to:**

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

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

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

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

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

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

Please keep this address confidential.

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

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

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

\_\_\_\_\_  
Signature

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

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

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

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

Fill in court name and street address:

**Superior Court of California, County of**

Fill in child's name and date of birth:

**Child's Name:**

**Date of Birth:**

**Case Number:**



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

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

- You can (but do not have to) **agree to receive notices and documents electronically (electronic service)**. If you want to **receive notices and documents electronically**, you may fill out and sign this form, the EFS-005-JV/JV-141, and return it to the court.
  - The **electronic or e-mail address** you provide will be used to serve notices and documents electronically in your case unless and until you tell the court that you have changed your **electronic service or e-mail address**.
  - The court and social services agency will use your **electronic service or e-mail address** to send you notices of hearings and other documents when the court opens a case to protect a child from abuse or neglect. If you are a parent, you can read more about this process and the different types of hearings that will be held in *What happens if your child is taken from your home?* (form JV-050-INFO) and on the California Courts website: [www.courts.ca.gov/selfhelp-childabuse.htm](http://www.courts.ca.gov/selfhelp-childabuse.htm).
  - You may ask the court or social services agency to keep **your electronic service or e-mail address** confidential by checking the box underneath your e-mail address.
  - **If a social worker will recommend terminating parental rights over a child** at the hearing, you will still receive the hearing notice by mail or in person. You will also receive the hearing notice **electronically**.
  - If you are a child between the **ages of 10 and 15** and you want to **receive notices and documents electronically**, **your lawyer must also sign this form** and agree for you to **receive notices and documents electronically**.
  - If you are a child **age 16 or 17** and want to **receive notices and documents electronically**, **you must first consult with your lawyer and your lawyer must provide you with certain information before you give your consent**. See California Rule of Court 5.523 for details about the information your attorney must provide you before you give your consent.
- 
- You may also use this form to tell the court when you **change your electronic service or e-mail address**.
- 
- You may also use this form to **stop** receiving **notices and documents electronically**. If you previously gave the court or social service agency an **electronic service or e-mail address** and agreed to **receive notices and documents electronically**, you can use this form to tell the judge that you do not want to **receive notices and documents electronically** anymore. **If you decide to stop receiving notices and documents electronically, please fill out and attach a copy of the Judicial Council form *Notification of Mailing Address (JV-140)* with your current mailing address when you submit this form.**

Clerk stamps date here when form is filed.

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

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

a. Name: \_\_\_\_\_ Date notified: \_\_\_\_\_  
Relationship to child: \_\_\_\_\_  
Manner:  In person  By phone at (specify): \_\_\_\_\_  
 By depositing the required information in a sealed envelope in the United States mail, with first-class postage prepaid, to the last known address (specify): \_\_\_\_\_

b. Name: \_\_\_\_\_ Date notified: \_\_\_\_\_  
Relationship to child: \_\_\_\_\_  
Manner:  In person  By phone at (specify): \_\_\_\_\_  
 By depositing the required information in a sealed envelope in the United States mail, with first-class postage prepaid, to the last known address (specify): \_\_\_\_\_

c. Name: \_\_\_\_\_ Date notified: \_\_\_\_\_ Relationship to child: \_\_\_\_\_  
Manner:  In person  By phone at (specify): \_\_\_\_\_  
 By depositing the required information in a sealed envelope in the United States mail, with first-class postage prepaid, to the last known address (specify): \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Fill in child's name and date of birth:

**Child's Name:**

**Date of Birth:**

Court fills in case number when form is filed.

**Case Number:**

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

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

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

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



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

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

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

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

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

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

Date:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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





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

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

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

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

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

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

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

Sign your name  Signature follows on page 3.

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

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

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

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

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

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

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

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

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

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

Sign your name

|  |                           |
|--|---------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):<br><br><br>TELEPHONE NO.: _____ FAX NO. (Optional): _____<br>E-MAIL ADDRESS: _____<br>ATTORNEY FOR (Name): _____ | <b>FOR COURT USE ONLY</b> |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b><br>STREET ADDRESS:<br>MAILING ADDRESS:<br>CITY AND ZIP CODE:<br>BRANCH NAME:  |                           |
| NONMINOR'S NAME:   |                           |
| <b>PROOF OF SERVICE—NONMINOR</b>   | CASE NUMBER:              |

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

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

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

|                         |              |
|-------------------------|--------------|
| <b>NONMINOR'S NAME:</b> | CASE NUMBER: |
|-------------------------|--------------|

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

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

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

Date:

(TYPE OR PRINT NAME)



SIGNATURE

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

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

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

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

\_\_\_\_\_

(TYPE OR PRINT NAME) (SIGNATURE)

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

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

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

was given to: \_\_\_\_\_

a.  The adoption agency (name of agency employee notified): \_\_\_\_\_

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

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

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

b.  The caregiver (name): \_\_\_\_\_

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

*or*  Confidential address in court file

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



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

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

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

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

or  Confidential address in court file

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

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

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

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



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

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

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

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

*or*  Confidential address in court file

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

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

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

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

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

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

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

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

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

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

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

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

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

### Notice of designation hearing

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

### Notice of proposed removal hearing

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

### Notice of emergency removal hearing

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



|   |                    |
|---|--------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i><br><br>TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____<br>E-MAIL ADDRESS <i>(Optional):</i> _____<br>ATTORNEY FOR <i>(Name):</i> _____ | FOR COURT USE ONLY |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b><br>STREET ADDRESS:<br>MAILING ADDRESS:<br>CITY AND ZIP CODE:<br>BRANCH NAME:   |                    |
| CASE NAME:  |                    |
| <b>PROOF OF SERVICE—JUVENILE</b>  | CASE NUMBER:       |

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

1.  Social worker     Probation officer
  - a. Name: \_\_\_\_\_
  - b. **Mailing or electronic service address** \_\_\_\_\_
  - c. Date of service: \_\_\_\_\_
  - d. Method of service: \_\_\_\_\_
2.  Mother     Father     Legal guardian
  - a. Name: \_\_\_\_\_
  - b. **Mailing or electronic service address** \_\_\_\_\_
  - c. Date of service: \_\_\_\_\_
  - d. Method of service: \_\_\_\_\_
3.  Mother     Father     Legal guardian
  - a. Name: \_\_\_\_\_
  - b. **Mailing or electronic service address** \_\_\_\_\_
  - c. Date of service: \_\_\_\_\_
  - d. Method of service: \_\_\_\_\_
4.  Mother     Father     Legal guardian
  - a. Name: \_\_\_\_\_
  - b. **Mailing or electronic service address** \_\_\_\_\_
  - c. Date of service: \_\_\_\_\_
  - d. Method of service: \_\_\_\_\_

- Attorney
  - a. Name: \_\_\_\_\_
  - b. **Mailing or electronic service address** \_\_\_\_\_
  - c. Date of service: \_\_\_\_\_
  - d. Method of service: \_\_\_\_\_
- Attorney
  - a. Name: \_\_\_\_\_
  - b. **Mailing or electronic service address** \_\_\_\_\_
  - c. Date of service: \_\_\_\_\_
  - d. Method of service: \_\_\_\_\_
- Attorney
  - a. Name: \_\_\_\_\_
  - b. **Mailing or electronic service address** \_\_\_\_\_
  - c. Date of service: \_\_\_\_\_
  - d. Method of service: \_\_\_\_\_
- Attorney
  - a. Name: \_\_\_\_\_
  - b. **Mailing or electronic service address** \_\_\_\_\_
  - c. Date of service: \_\_\_\_\_
  - d. Method of service: \_\_\_\_\_

|                    |                      |
|--------------------|----------------------|
| CASE NAME:<br><br> | CASE NUMBER:<br><br> |
|--------------------|----------------------|

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

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

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

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

7.  Child's sibling

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

8.  CASA volunteer

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

9.  Tribe/Bureau of Indian Affairs

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

10.  Indian custodian

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

|                    |                      |
|--------------------|----------------------|
| CASE NAME:<br><br> | CASE NUMBER:<br><br> |
|--------------------|----------------------|

11.  Child's caregiver

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

12.  De facto parent

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

13.  Grandparent

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

14. Other (specify):

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

15. Other (specify):

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

Attorney

a. Name:

b. Mailing or electronic service address:

c. Date of service:

d. Method of service:

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

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

Date:

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

▶

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