

Invitation to Comment

Title	<p>Juvenile and Family Law: Miscellaneous Rule and Form Changes (amend Cal. Rules of Court, rules 5.726, 5.727, 5.728, 8.450, and 8.454; revise forms JV-321, JV-323, JV-324, and FL-327; revoke forms JV-325, JV-325-INFO, JV-720, and JV-730; and adopt forms JV-325, JV-326, JV-326-INFO, JV-327, and JV-328).</p>
Summary	<p>The proposed rule and form amendments would promote compliance with statutory mandates and policies and would facilitate judicial consistency.</p>
Source	<p>Family and Juvenile Law Advisory Committee Hon. Jerilyn L. Borack and Hon. Susan D. Huguenor, Cochairs</p>
Staff	<p>Melissa Ardaiz, 415-865-7567, melissa.ardaiz@jud.ca.gov</p>
Discussion	<p><i>Supplemental petitions in delinquency proceedings</i></p> <p>Revoke forms JV-720 and JV-730</p> <p>The committee recommends revoking forms JV-720, <i>Supplemental Petition for More Restrictive Placement (Attachment)</i> and JV-730, <i>Supplemental Petition for Commitment for 30 Days or Less (Attachment)</i> because they no longer reflect current law. Since March 8, 2000, section 777 of the Welfare and Institutions Code has not made a distinction between probation failures under section 777(a), on which form JV-720 is based, and violations of probation under section 777(b) and (e), on which form JV-730 is based.</p> <p>Since 2000, courts have used mandatory form JV-735, <i>Notice of Hearing to Modify, Change, or Set Aside Previous Orders, Violation of Probation</i>, to comply with section 777, which requires that probation officers or the prosecution send a notice of hearing to the youth if the youth had violated an order of the court or a condition of the probation.</p> <p><i>Notice of intent to file writ petitions</i></p> <p>The committee recommends amending rule 8.450, <i>Notice of intent of file writ petition to review order setting hearing under Welfare and Institutions Code section 366.2</i>, subdivisions (c) and (g), and rule 8.454, <i>Notice of intent to file writ petition under Welfare and Institutions Code section 366.28 to review order designating specific placement of a dependent child after termination of parental rights</i>,</p>

subdivisions (c) and (h), of the California Rules of Court. The Appellate Advisory Committee revised and restructured the appellate rules dealing with appeals and writs in juvenile cases in 2004 as part of their multiyear project to revise the appellate rules of court. In revising these rules, the changes made to rules 8.450 and 8.454, while aimed at making the rules easier to understand, inadvertently altered the substantive meaning. Since these changes were made, various practitioners have contacted staff in the Administrative Office of the Courts (AOC) to express their confusion by the altered language. The committee therefore recommends amending rule 8.450(c) and (g) and rule 8.454(c) and (h) to reflect the language used in these rules before they were modified.

The specific changes recommended are as follows:

- In rules 8.450(c) and 8.454(c), the committee recommends clarifying that the party may file the notice of intent and writ petition in the absence of trial counsel.
- In rules 8.450(g) and 8.454(h), the committee recommends clarifying that when a notice of intent is filed, the superior court clerk must immediately notify the reporter to prepare a reporter's transcript of the oral proceedings at each session of the hearing that resulted in the order under review.

Because rules 8.450 and 8.454 mirror each other in the subdivisions at issue, the same changes are being recommended to both rules.

Prospective Adoptive Parent Designation

The committee recommends revising forms JV-321, JV-323, and JV-324; revoking forms JV-325 and JV-325-INFO; and adopting forms JV-325, JV-326, JV-326-INFO, JV-327, and JV-328.

Welfare and Institutions Code section 366.26(n) was enacted to provide judicial oversight of the removal of a dependent child from his or her caregiver's home if the caregiver is a prospective adoptive parent. (Assembly Bill 1412 [Leno]; Stats. 2005, ch. 640) The statute identifies criteria that a caregiver must satisfy to be designated a "prospective adoptive parent"; requires notice of a request to remove a child from a prospective adoptive parent's home; and requires a hearing on the agency's request for removal if objections to the removal are raised. The statute also requires the Judicial Council to

create forms to facilitate the filing of the petitions described in the section.

In June 2006, the council approved a number of forms and rules to facilitate prospective adoptive parent court procedures. To streamline the process, the forms were created with multiple parts. For example, the request for removal of a child, objection to that removal, and proof of notice of the removal were all included in one form. However, in the past year, users of these forms have complained that the multipart feature is problematic in situations when all parts of the form are not applicable. Filing becomes difficult since the entire form must be filed rather than just the applicable portion. The committee therefore recommends separating the multiple parts into individual forms based on subject matter. For example, form JV-321 is currently a six-page form that addresses the issues of requesting prospective adoptive parent designation, notice, and the court's finding and orders regarding the request for designation as a prospective adoptive parent. The proposed forms would separate these issues so that form JV-321 addresses the request for prospective adoptive parent designation, form JV-326 addresses proof of notice, and form JV-327 addresses the court's findings and orders.

With the exception of a few minor changes, the content of the forms will remain the same.

The committee also recommends amending rules 5.726, 5.727, and 5.728, which set forth legal criteria for prospective adoptive parent designation and related hearings.

The committee proposed the following changes to rules 5.726, 5.727, and 5.728:

- Update any form references to reflect the new form titles and numbers as stated above;
- Add a definition of notice in rule 5.727(f)(1) and (f)(2); and
- Add clarifying language to rule 5.727(f)(3).

Court Appointment of Child Custody Evaluators

The committee recommends clarifying that form FL-327, *Order Appointing Child Custody Evaluator*, is a mandatory, not an optional, form. Rule 5.225¹ of the California Rules of Court outlines education, experience, and training standards for court-appointed child custody investigators and evaluators. As currently written, rule 5.225(j)(2) and form FL-327 are inconsistent: subdivision (j) requires the court to use form FL-327 when appointing a private child custody evaluator or a court-connected evaluation service, but form FL-327 declares itself to be an “optional” form. This was an inadvertent error. The committee therefore recommends that the Judicial Council adopt form FL-327 for “mandatory” use to make the form consistent with the provisions of the rule. The rule will still allow courts to supplement form FL-327 with local court forms.

The committee further recommends that the Judicial Council add language in item 1 of form FL-327 to identify the statutory authority for appointing a child custody evaluator.

Finally, various minor formatting changes are necessary to make form FL-327 consistent with current form style.

The text of the proposed rules is attached at pages 5–9.

The proposed forms are attached at pages 10–28.

Attachments

¹ The Judicial Council adopted rule 1257.4, effective January 1, 2002. Rule 1257.4 has since been renumbered to rule 5.225.

Rules 5.726, 5.727, 5.728, 8.450, and 8.454 of the California Rules of Court would be amended, effective January 1, 2008, to read as follows:

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

2
3 **(a) Request procedure**

4
5 A dependent child's caregiver may be designated as a prospective adoptive
6 parent. The court may make the designation on its own motion or on a
7 request by a caregiver, the child, a social worker, or the attorney for any of
8 these parties.

9
10 (1)–(2) ***

11
12 (3) If a request for prospective adoptive parent designation is made in
13 writing, it must be made on *Request for Prospective Adoptive Parent*
14 *Designation, Notice, and Order* *Request for Prospective Adoptive*
15 *Parent Designation* (form JV-321).

16
17 (4) ***

18
19 **(b)–(c) *****

20
21 **(d) Notice of designation hearing**

22
23 After the court has ordered a hearing on a request for prospective adoptive
24 parent designation, notice of the hearing must be as described below.

25
26 (1)–(2) ***

27
28 (3) If the request for designation was made before a request for removal
29 was filed or before an emergency removal occurred, notice must be as
30 follows:

31
32 (A) ***

33
34 (B) ~~*Request for Prospective Adoptive Parent Designation, Notice, and*~~
35 ~~*Order*~~ (form JV-321), *Prospective Adoptive Parent Designation*
36 *Order* (form JV-327) must be used to provide notice of a hearing
37 on the request for prospective adoptive parent designation.

38
39 (C)–(D) ***

40

1 (E) *Proof of Notice of Hearing (form JV-325), Proof of Notice (form*
2 *JV-326)* must be filed with the court before the hearing on the
3 request for prospective adoptive parent designation.
4

5 (e)–(f) ***
6

7 **Rule 5.727. Proposed removal (§ 366.26(n))**
8

9 (a)–(b) ***
10

11 (c) **Form of notice**
12

13 DSS or the agency must provide notice on *Notice of Intent to Remove Child*
14 *and Proof of Notice, Objection to Removal, and Order After Hearing (form*
15 *JV-323)*. *Notice of Intent to Remove Child (form JV-323)*. A blank copy of
16 *Objection to Removal (form JV-325) and Request for Prospective Adoptive*
17 *Parent Designation (form JV-321)* must also be provided.
18

19 (d) **Service of notice**
20

21 DSS or the agency must serve notice of its intent to remove a child as
22 follows:
23

24 (1)–(3) ***
25

26 (4) Proof of service of the notice on *Notice of Intent to Remove Child and*
27 *Proof of Notice, Objection to Removal, and Order After Hearing (form*
28 *JV-323)* *Proof of Notice (form JV-326)* must be filed with the court.
29

30 (e) **Objection to proposed removal**
31

32 Each participant who receives notice under (b) may object to the intent to
33 remove the child and may request a hearing.
34

35 (1) A request for hearing on the proposed removal must be made on *Notice*
36 *of Intent to Remove Child and Proof of Notice, Objection to Removal,*
37 *and Order After Hearing (form JV-323)* *Objection to Removal (form*
38 *JV-325)*.
39

40 (2)–(3) ***
41

42 (f) **Notice of hearing on proposed removal**
43

1 After the court has ordered a hearing on an intent to remove a child, notice of
2 the hearing must be as follows:

3
4 (1)–(2) ***

5
6 (3) Notice must be either by personal service of ~~Notice of Intent to Remove~~
7 ~~Child and Proof of Notice, Objection to Removal, and Order After~~
8 ~~Hearing, (form JV-323)~~ or by telephone. Notice by personal service
9 must include a copy of the forms *Notice of Intent to Remove Child*
10 *(form JV-323)* and *Objection to Removal (form JV-325)*. Telephone
11 notice must include the reasons for and against the removal, as
12 indicated on ~~the form~~ forms JV-323 and JV-325.

13
14 (4) Proof of notice on ~~Proof of Notice of Hearing (form JV-325)~~ Proof of
15 Notice (form JV-326) must be filed with the court before the hearing on
16 the intent to remove the child.

17
18 (g)–(i) ***

19
20 **Rule 5.728. Emergency removal (§ 366.26(n))**

21
22 (a)–(b) ***

23
24 (c) **Form of notice**

25
26 ~~Notice of Emergency Removal, Objection to Removal, and Order After~~
27 ~~Hearing (form JV-324)~~ Notice of Emergency Removal (form JV-324) must
28 be used to provide notice of an emergency removal, as described below.

29
30 (1)–(5) ***

31
32 (d) **Objection to emergency removal**

33
34 Each participant who receives notice under (b) may object to the removal of
35 the child and may request a hearing.

36
37 (1) A request for hearing on the emergency removal must be made on
38 ~~Notice of Emergency Removal, Objection to Removal, and Order After~~
39 ~~Hearing (form JV-324)~~ Objection to Removal (form JV-325).

40
41 (2) ***

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

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

5
6 (1) Notice must be either by personal service of ~~Notice of Emergency~~
7 ~~Removal, Objection to Removal, and Order After Hearing~~ (form JV-
8 324) or by telephone. Personal service must include Notice of
9 Emergency Removal (form JV-324). The telephone notice must include
10 the reasons for and against the removal, as indicated on ~~the form~~. forms
11 JV-324 and JV-325.

12
13 (2)–(3) ***

14
15 (4) Proof of notice on form ~~Notice of Emergency Removal, Objection to~~
16 ~~Removal, and Order After Hearing~~ (form JV 324) Proof of Notice
17 (form JV-326) must be filed with the court before the hearing on the
18 emergency removal.

19
20 (f)–(g) ***

21
22 **Rule 8.450. Notice of intent to file writ petition to review order setting hearing**
23 **under Welfare and Institutions Code section 366.26**

24
25 (a)–(b) ***

26
27 (c) **Who may file**

28
29 The petitioner's trial counsel or, ~~—or, if the petitioner was not represented by~~
30 ~~counsel at the hearing at which the section 366.26 hearing was set, the~~
31 ~~petitioner—~~ in the absence of trial counsel, the party is responsible for filing
32 any notice of intent and writ petition under rules 8.450–8.452. Trial counsel
33 is encouraged to seek assistance from or consult with attorneys experienced
34 in writ procedure.

35
36 (d)–(f) ***

37
38 (g) **Preparing the record**

39
40 When the notice of intent is filed, the superior court clerk must:

41
42 (1) Immediately notify the reporter by telephone and in writing to prepare a
43 reporter's transcript of the oral proceedings at each session of the

1 hearing that resulted in the order under review and deliver the transcript
2 to the clerk within 12 calendar days after the notice of intent is filed;
3 and
4

5 (2) ***
6

7 **(h)–(i) *****
8

9 **Rule 8.454. Notice of intent to file writ petition under Welfare and**
10 **Institutions Code section 366.28 to review order designating specific**
11 **placement of a dependent child after termination of parental rights**
12

13 **(a)–(b) *****
14

15 **(c) Who may file**

16 The petitioner's trial counsel or, ~~or, if the petitioner was not represented by~~
17 ~~counsel at the hearing at which the posttermination placement order was~~
18 ~~issued, the petitioner~~ in the absence of trial counsel, the party is
19 responsible for filing any notice of intent and writ petition under rules 8.454-
20 8.456. Trial counsel is encouraged to seek assistance from, or consult with,
21 attorneys experienced in writ procedure.
22

23 **(d)–(g) *****
24

25 **(h) Preparing the record**
26

27 When the notice of intent is filed, the superior court clerk must:
28

29 (1) Immediately notify the reporter by telephone and in writing to prepare a
30 reporter's transcript of the oral proceedings at each session of the
31 hearing that resulted in the order under review and to deliver the
32 transcript to the clerk within 12 calendar days after the notice of intent
33 is filed; and
34

35 (2) ***
36

37 **(i)–(j) *****
38

Clerk stamps date here when form is filed.

**DRAFT 4
02/20/07 mc
Not approved by the
Judicial Council**

After filling out this form, bring it to the clerk of the court. If you want to keep an address or telephone number confidential, fill out form JV-322, Confidential Information—Prospective Adoptive Parent, and do not write the address or phone number on this form.

- ① Information about the person or persons you want to be designated as prospective adoptive parents:
 - a. Name: _____
 - b. Name: _____
 - c. Address: _____
 - d. Phone number: _____

Fill in court name and street address:

Superior Court of California, County of

- ② If you are not a person in ①, fill out below.
 - a. My name: _____
 - b. I am the child child's attorney other
(specify role): _____
 - c. My address: _____
 - d. My phone number: _____

Fill in child's name and date of birth:

Child's Name:

Date of Birth:

Clerk fills in case number when form is filed.

Case Number:

- ③ If you are not the child's attorney and you know who the child's attorney is, fill out below.
 - a. Name of child's attorney's : _____
 - b. Phone number of child's attorney: _____
 - c. Address of child's attorney: _____

- ④ The child is 10 years of age or older. Child's phone number: _____
or Telephone number is confidential

- ⑤ The child lived with the person from (date): _____ to the present.
In order for the person in ① to become a prospective adoptive parent, the child must be living with that person now.

- ⑥ Date of Welfare and Institutions Code section 366.26 hearing: _____
The person in ① must wait until the Welfare and Institutions Code section 366.26 hearing is scheduled and parental rights are terminated to be designated as a prospective adoptive parent. If a section 366.26 hearing has not been scheduled, it is too early to fill out this form.

- ⑦ The person in ① is committed to adopting the child.



Clerk stamps date here when form is filed.

This notice must be served with a blank copy of form JV-321, Request for Prospective Adoptive Parent Designation, and a blank copy of form JV-325, Objection to Removal.

**DRAFT 4
02/20/07 mc
Not approved by the
Judicial Council**

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:

Clerk fills in case number when form is filed.

Case Number:

1 To:

- a. Court: _____
- b. Designated prospective adoptive parent or caregiver who may fit the definition of prospective adoptive parent (*name*):

- c. Child's attorney (*name*): _____
- d. Child, if 10 years of age or older (*name*): _____

2 Name of agency proposing move: _____

Address: _____

Phone number: _____

This agency is asking for a court order to remove (*name of child*):

from his or her current home because (*explain*): _____

*If more space is needed, attach a sheet of paper and write "JV-323, Item 2—Reasons for Removal" at the top.
Number of pages attached: _____*

3 If you do not agree with the removal, you may request a court hearing. To do this, you must fill out form JV-325, Objection to Removal, and file it with the court within five court days or seven calendar days, whichever is longer, from the date you received this notice. If the court has not designated you as a prospective adoptive parent, you must complete form JV-321, Request for Prospective Adoptive Parent Designation, and file it with this form.

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 if I lie on this form, I am committing a crime.

Date: _____

Type or print your name

Sign your name

Clerk stamps date here when form is filed.

**DRAFT 2
01/03/07 xyz
Not approved by the
Judicial Council**

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:

Clerk fills in case number when form is filed.

Case Number:

1 To:

- a. Court: _____
- b. Designated prospective adoptive parent or caregiver who may fit the definition of "prospective adoptive parent" (*name each*): _____

- c. Child's attorney (*name*): _____
- d. Child, if 10 years of age or older (*name*): _____
- e. Child's identified Indian tribe, if any (*name*): _____

- f. Child's Indian custodian, if any (*name*): _____

- g. Child's Court Appointed Special Advocate (CASA) program, if any (*name of person notified*): _____

2 Name of adoption agency: _____

Address: _____ Phone number: _____

The adoption agency has removed (*name of child*): _____ from his or her current home because of an immediate risk of harm (*explain*): _____

3 *If you do not agree with the removal, you may request a court hearing by filling out form JV-325, Objection to Removal and filing it with the court within five court days or seven calendar days, whichever is longer, from the date you receive this notice. If the court has not designated the caregiver as a prospective adoptive parent, you must complete form JV-321, Request for Prospective Adoptive Parent Designation, and file it with this form.*

Clerk stamps date here when form is filed.

- 1 Notice of the hearing on Prospective adoptive parent designation
- Intent to remove
- Emergency removal

set for (date): _____ at (time): _____
 in department _____ of the superior court at (address): _____

was given to:

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

- (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 (date): _____ at (time): _____
- (4) By placing copies in a sealed envelope and depositing the envelope directly in the U.S. mail with postage paid at my place of business for same-day collection and mailing with the U.S. mail, following our ordinary business practice addressed as follows: _____

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

Fill in child's name and date of birth:
Child's Name: _____
Date of Birth: _____

Clerk fills in case number when form is filed.
Case Number: _____

REVOKED

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 (date): _____ at (time): _____
- (4) By placing copies in a sealed envelope and depositing the envelope directly in the U.S. mail with postage paid at my place of business for same-day collection and mailing with the U.S. mail following our ordinary business practice addressed as follows: _____

or Confidential address in court file

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



Case Number: _____

Child's name: _____

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

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 (date): _____ at (time): _____
- (4) By placing copies in a sealed envelope and depositing the envelope directly in the U.S. mail with postage paid at my place of business for same-day collection and mailing with the U.S. mail, following our ordinary business practice addressed as follows: _____

or Confidential address in court file

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 (date): _____ at (time): _____
- (4) By placing copies in a sealed envelope and depositing the envelope directly in the U.S. mail with postage paid at my place of business for same-day collection and mailing with the U.S. mail, following our ordinary business practice addressed as follows: _____

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

or Confidential address in court file

REVOKE



Case Number: _____

Child's name: _____

g. The child's Court Appointed Special Advocate (CASA) program, if any (*name of 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 (*date*): _____ at (*time*): _____

(4) By placing copies in a sealed envelope and depositing the envelope directly in the U.S. mail with postage paid at my place of business for same-day collection and mailing with the U.S. mail, following our ordinary business practice addressed as follows: _____

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 mailing occurred. My residence or business address is (*specify*): _____

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

Date: _____

Type or print your name

Sign your name

REVOKE

JV-325-INFO Instructions for Notice of Prospective Adoptive Parent Hearing

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 provided 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 or by personal service. Notice must include the Proof of Notice of Hearing from form JV-325, and form JV-321, *Request for Prospective Adoptive Parent Designation, Notice, and Order*.
- 5 *Proof of Notice of Hearing*, form JV-325, must be filed with the court before the hearing on the request for prospective adoptive parent designation.

Notice of intended 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 form JV-323.
- 4 If notice is made by personal service, form JV-323, *Notice of Intent to Remove Child and Proof of Notice, Objection to Removal, and Order After Hearing* must be used.
- 5 *Proof of Notice of Hearing*, form JV-325, 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. The telephone notice must include the reasons for and against the removal, as indicated on form JV-324, *Notice of Emergency Removal, Objection to Removal, and Order After Hearing*.
- 4 *Proof of Notice of Hearing*, form JV-325, must be filed with the court before the hearing on the emergency removal.

CASE NAME:	CASE NUMBER:
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SUPPLEMENTAL PETITION FOR MORE RESTRICTIVE PLACEMENT (ATTACHMENT)
Welfare and Institutions Code, § 777(a)

1. The child is a ward of the court under Welfare and Institutions Code section 601 602,
2. Under a previous order of this court, dated _____, the child has been in the home of:
 - a. Parent
 - b. Guardian
 - c. Relative
 - d. Other (*specify*): _____
3. The previous disposition has not been effective in the protection of rehabilitation of the child (*state supporting facts concisely, and number them a-1, a-2, etc.*):

REVOKE

4. The recommended modified disposition is:

CASE NAME: 	CASE NUMBER.
--------------------	----------------------

SUPPLEMENTAL PETITION FOR COMMITMENT FOR 30 DAYS OR LESS (ATTACHMENT)
Welfare and Institutions Code, § 777(b)

VIOLATION OF PROBATION

1. The child is a ward of the court under Welfare and Institutions Code section 601 602, and the child has violated a condition of probation.

(State supporting facts concisely, and number them b-1, b-2, etc.):

REVOKE

2. Petitioner requests that the child be confined in a county juvenile institution for (specify): _____ days.

Page _____ of _____

If you do not agree with the removal, you can request a court hearing by filling out this form. Bring this form to the clerk of the court. If you want to keep an address or a phone number confidential, fill out form JV-322, Confidential Information—Prospective Adoptive Parent, and do not write the address or phone number on this form.

If you are a caregiver or the child, the clerk of the court will set a hearing date and let you know what it is.

If you are the child's attorney, you must provide notice of the hearing.

1 Information about the person or persons objecting to the removal:

a. Name: _____

b. Name: _____

c. Phone number: _____

d. Address: _____

2 If you (*the person objecting to the removal*) are not the caregiver, fill out below.

a. My name: _____

b. I am the child child's attorney other (*specify role*): _____

c. My phone number: _____

d. My address: _____

3 If you are not the child's attorney and you know who the child's attorney is, fill out below.

a. Name of child's attorney: _____

b. Phone number of child's attorney: _____

c. Address of child's attorney: _____

4 The child is 10 years of age or older. Child's phone number: _____

5 The child has an identified Indian tribe (*specify tribe*): _____
Phone number of tribe: _____

6 The child has a Court Appointed Special Advocate (CASA) volunteer.
Phone number of CASA program, if known: _____

7 The caregiver has been designated by the judge as the child's prospective adoptive parent or parents.

Clerk stamps date here when form is filed.

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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:

Clerk fills in case number when form is filed.

Case Number:



Case Number: _____

Child's name: _____

8 The caregiver may meet the definition of prospective adoptive parent or parents. Form JV-321, *Request for Prospective Adoptive Parent Designation*, will be filed with this objection and request for hearing.

9 The social worker should not remove the child from the caregiver's home because (*give reasons*):

If you need more space, attach a sheet of paper and write "JV-325, Item 9—Reasons to Not Remove Child" at the top. Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the information on this form 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 your name

What if I am deaf or hard of hearing?



Requests for Accommodations
Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for a *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civil Code, § 54.8.)

Clerk stamps date here when form is filed.

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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:

Clerk fills in case number when form is filed.

Case Number:

- 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): _____

was given to:

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

- (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
(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: _____

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 (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



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 (*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: _____

- 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 (*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

- 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 (*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: _____

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



Child's name: _____

Case Number: _____

f. (Continued)

- (3) By personally delivering copies to the person served 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

g. The child's Court Appointed Special Advocate (CASA) program, if any (name of 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 (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: _____

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 mailing occurred. My residence or business address is (specify): _____

3 I declare under penalty of perjury under the laws of the State of California that the information in items 2 and 3 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 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 provided 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 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*, form JV-326, must be filed with the court before the hearing on the request for prospective adoptive parent designation.

Notice of intended 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*, 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. The 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 *Proof of Notice*, form JV-326, must be filed with the court before the hearing on the emergency removal.

Clerk stamps date here when form is filed.

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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:

Clerk fills in case number when form is filed.

Case Number:

- 1 This order was made:
 - a. On the court's own motion
 - b. At the request of
 (name): _____
 (relationship to the child): _____
 - c. The request was made:
 - (1) Orally at the hearing held on (date): _____
 - (2) In writing by filing form JV-321, *Request for Prospective Adoptive Parent Designation*, on (date): _____

The court finds and orders:

- 2 The child's current caregiver or caregivers
 (name): _____
 (name): _____
 is are designated as the child's prospective adoptive parent or parents because:
 - a. The child has lived with the caregiver for at least six months;
 - b. The caregiver currently expresses a commitment to adopting the child; *and*
 - c. The caregiver has taken at least one step to facilitate the adoption.

- 3 The child's current caregiver or caregivers
 (name): _____
 (name): _____
 does do not qualify as the prospective adoptive parent or parents of the child, and the request for designation as the prospective adoptive parent or parents is denied, because:
 - a. The child has not lived with the caregiver for at least six months.
 - b. The caregiver does not currently express a commitment to adopting the child.
 - c. The caregiver has not taken any steps to facilitate the adoption.
 - d. Other (*explain*): _____

- 4 The court thinks that the request for designation as a prospective adoptive parent will be contested or wants more evidence on the request, and orders a hearing on the request.
 The hearing will be on (date): _____ at (time): _____ a.m. p.m.
 in department _____ of the superior court located at: _____

Date: _____

Judge (or Judicial Officer)

Clerk stamps date here when form is filed.

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- ① This hearing on the child's removal from the home of the prospective adoptive parent or parents took place on *(date)*: _____
- ② The child's prospective adoptive parent or parents are:
(name): _____
(name): _____

Fill in court name and street address:

Superior Court of California, County of

The court finds and orders:

- ③ Notice was given as required by law.
- ④ The intended removal is not in the best interest of the child.
The child will remain in the home of the prospective adoptive parents.
- ⑤ The intended removal is in the best interest of the child. The child is ordered removed from the home of the prospective adoptive parent or parents, and the designation as prospective adoptive parents is terminated. The agency may place the child with *(name)*:

Fill in child's name and date of birth:

Child's Name:

Date of Birth:

Clerk fills in case number when form is filed.

Case Number:

- ⑥ Other orders *(specify)*: _____

Date: _____



Judge (or Judicial Officer)

Item SPR07-29 Response Form

Title: Juvenile and Family Law: Miscellaneous Rule and Form Changes (amend Cal. Rules of Court, rules 5.726, 5.727, 5.728, 8.450, and 8.454; revise forms JV-321, JV-323, JV-324, and FL-327; revoke forms JV-325, JV-325-INFO, JV-720, and JV-730; and adopt forms JV-325, JV-326, JV-326-INFO, JV-327, and JV-328).

- Agree with proposed changes
- Agree with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: _____

Name: _____ Title: _____

Organization: _____

- Commenting on behalf of an organization

Address: _____

City, State, Zip: _____

Please **write** or **fax** or **respond using the Internet** to:

Address: Ms. Camilla Kieliger,
Judicial Council, 455 Golden Gate Avenue,
San Francisco, CA 94102
Fax: (415) 865-7664 **Attention:** Camilla Kieliger
Internet: www.courtinfo.ca.gov/invitationstocomment

DEADLINE FOR COMMENT: 5:00 p.m., Wednesday, June 20, 2007
--

Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

*Circulation for comment does not imply endorsement by the Judicial Council,
the Rules and Projects Committee, or the Policy Coordination and Liaison Committee.
All comments will become part of the public record of the council's action.*