

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT

SPR19-23

Title	Action Requested
Juvenile Law: Out-of-County Placements	Review and submit comments by June 10, 2019
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend Cal. Rules of Court, rule 5.614; revise form JV-555	January 1, 2020
Proposed by	Contact
Family and Juvenile Law Advisory Committee	Kerry Doyle, 415-865-8791 kerry.doyle@jud.ca.gov
Hon. Jerilyn L. Borack, Cochair	
Hon. Mark A. Juhas, Cochair	

Executive Summary and Origin

The Family and Juvenile Law Advisory Committee recommends amending one rule and revising one form, to conform to recent statutory changes regarding (1) the circumstances that allow waiving the requirement for notice of the child welfare agency's intent to place a child out of county; and (2) the time frame for notice of, and objection to, the agency's intent to move a foster child to a different county, if that child is transitioning from a temporary placement facility.

Background

Assembly Bill 1688 (Rodriguez; Stats. 2016, ch. 608) required the county to provide notice to the child's attorney and to the child, if 10 years of age or older, before moving the child to a placement outside the county, and allowed for the child and child's attorney to object to the move. At the September 21, 2018 meeting of the Judicial Council, effective January 1, 2019, the council amended rule 5.610 and repealed and adopted rule 5.614 of the California Rules of Court, and approved *Notice of Intent to Place Child Out of County* (form JV-555) and *Objection to Out-of-County Placement and Notice of Hearing* (form JV-556), to conform to the statutory changes in that bill regarding who a child welfare agency must notice when moving a foster child to a different county.¹

¹ All further rule references are to the California Rules of Court, unless otherwise indicated.

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 These proposals are circulated for comment purposes only.

Assembly Bill 1930 (Stone; Stats. 2018, ch. 910) provides for the waiving of notice, if certain circumstances exist, and shortens the time frame for notice if the child is transitioning from a temporary placement facility. These new statutory changes render the recently amended rule 5.614 and recently revised form JV-555 inaccurate.

The Proposal

Rule 5.614

Rule 5.614 would be amended to ensure it conforms to the requirements in Welfare and Institutions Code section 361.2(h) that were amended by AB 1930.²

Rule 5.614(b) would be amended to reflect the new provision that the notice required before placement may be waived if certain circumstances exist, by cross-referencing the new section 361.2(h)(2)(A).³

Rule 5.614(e) would be amended to delete the time frame for written notice specified in section 361.2(h) and would be replaced with a cross-reference to that statute. This cross-reference should obviate the need to amend the rule again if this code section is amended in the future. The rule would also continue to identify the optional forms that can be used for notice and objection.

Additionally, the title of rule 5.614 would be changed from “Intercounty Placements” to “Out-of-County Placements” to correspond with the language within the rule, the names of the forms used for notice and objection, and the nomenclature used throughout the state. The title of Chapter 7 would also be changed to include the phrase “Out-of-County Placements.”

Notice of Intent to Place Child Out of County (form JV-555)

The proposal revises one optional form used to notice a planned out-of-county placement. Form JV-555’s instructions—for notice at the top of the form, and for objection in item 3—would be revised to indicate the new time frames for notice and objection if the child is transitioning from a temporary placement facility.

Alternatives Considered

For this proposal, the committee considered not revising the rule or amending the form, but the rule and form would be inaccurate and conflict with recent statutory amendments to section 361.2(h).

² All further statutory references are to the Welfare and Institutions Code, unless otherwise specified.

³ The notice required before out-of-county placement may be waived if (1) the child and family team had determined that the identified placement is in the best interest of the child, (2) no member of the child and family team objects to the placement, and (3) the child’s attorney has been informed of the intended placement and has no objection, and where applicable, the Indian custodian or child’s tribe has been informed of the intended placement and has no objection. (§ 361.2(h)(2)(A).)

Fiscal and Operational Impacts

This proposal implements minor changes to the law that became effective January 1, 2017. It will likely slightly reduce the written notice requirements which will in turn slightly reduce workload for social workers who are required to serve the written notices, and court clerks who must file the notices. In implementing the revised forms, courts will incur standard reproduction costs.

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?

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

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

Attachments and Links

1. Cal. Rules of Court, rule 5.614, at page 4
2. Form JV-555, at pages 5–6
3. Link A: Assembly Bill 1930,
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1930

Notice of Intent to Place Child Out of County

This notice must be served with a blank copy of form JV-556, Objection to Out-of-County Placement and Notice of Hearing, and must be provided 14 days before the proposed date of placement. If the child is moving from a temporary care facility, this notice must be provided immediately after oral notice.

Clerk stamps date here when form is filed.

**DRAFT
Not approved by
the Judicial Council**

1 To:

a. Parent or guardian (name):

b. Parent or guardian (name):

c. Parent’s attorney, if any (name):

d. Parent’s attorney, if any (name):

e. Child’s attorney (name):

f. Child, if 10 years of age or older (name):

g. Child’s identified Indian tribe, if any (name):

h. Child’s Indian custodian, if any (name):

i. Child’s Court Appointed Special Advocate (CASA) program, if any (name of person notified):

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 Name of agency proposing move:

Address:

Phone number:

The agency intends to place the child out of county. The reasons why placement must be outside of the county are:

If you need more space, attach a sheet of paper and write “JV-555, Item 2—Reasons for Out-of-County Placement” at the top.

Number of pages attached: _____



Case Number:

Child's name: _____

3 If you do not agree with the out-of-county placement, you may request a court hearing. To do so, you can fill out form JV-556, *Objection to Out-of-County Placement and Notice of Hearing*, and file it with the court within **seven days** after the date you received this notice, or seven days after you received oral notice that the child was moving from a temporary shelter facility.

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 the form, I am committing a crime.

Date: _____

Type or print your name

▶ _____
Sign your name