

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT

SPR20-24

Title	Action Requested
Juvenile Law: Guardianship Rules and Forms	Review and submit comments by June 9, 2020
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend Cal. Rules of Court, rules 5.510, 5.620, 5.625, 5.695, 5.725, 5.735, 5.740, 5.785, and 5.815; revise forms JV-320 and JV-418	January 1, 2021
	Contact
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Proposed by	
Family and Juvenile Law Advisory Committee	
Hon. Jerilyn L. Borack, Cochair	
Hon. Mark A. Juhas, Cochair	

Executive Summary and Origin

The Family and Juvenile Law Advisory Committee recommends amending nine rules of court addressing juvenile court proceedings to appoint, terminate, modify, or oversee guardianships and revising two forms used for court orders in those proceedings. The amendments and revisions are required to conform to recent statutory amendments, resolve inconsistencies with existing statutes and rules of court, and make technical corrections.

Background

The juvenile court has authority to appoint a guardian for a child in child welfare or juvenile justice proceedings as specified in sections 360, 366.26, 727.3, and 728 of the Welfare and Institutions Code.¹ After the establishment of a guardianship in a child welfare proceeding, the court generally has discretion to continue dependency jurisdiction over the child or terminate dependency jurisdiction and retain jurisdiction over the child as a ward of the guardianship under section 366.4.² Until December 31, 2019, if the court appointed a relative as guardian, section 366.3(a) required the court to terminate its dependency jurisdiction and proceed under section

¹ All subsequent statutory references are to the Welfare and Institutions Code unless otherwise specified.

² Welf. & Inst. Code, §§ 360(a), 366.3(a)(3).

*This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee.
It is circulated for comment purposes only.*

366.4 if the child had been placed with the relative for at least six months unless the guardian objected to termination or the court made a finding of exceptional circumstances.

The Proposal

Effective January 1, 2020, [Assembly Bill 819](#) (Stats. 2019, ch. 777, § 18) amended section 366.3(a)(3) to require the juvenile court, on appointment of a relative or nonrelative extended family member as guardian, to dismiss dependency jurisdiction *if the guardian's home had been approved for resource family status for at least six months*. This amendment requires conforming amendments to rules 5.735 and 5.740 of the California Rules of Court and a revision to form JV-320. In addition, review of the juvenile court rules and forms that apply to juvenile court guardianship proceedings revealed inconsistency with other statutes and rules of court. This proposal addresses these issues by bringing the rules and forms into harmony with the law and each other. Finally, the proposal recommends technical corrections to the rules and forms.

The Family and Juvenile Law Advisory Committee recommends amending rules 5.510, 5.620, 5.625, 5.695, 5.725, 5.735, 5.740, 5.785, and 5.815 of the California Rules of Court and revising Judicial Council forms JV-320 and JV-418, effective January 1, 2021, as follows:

- Amend rule 5.510(c)(1)(A) to clarify that the juvenile court has exclusive jurisdiction to hear guardianship proceedings after a dependency petition is filed until the petition is dismissed or dependency jurisdiction is terminated (Welf. & Inst. Code, § 304);
- Amend rule 5.620(d) to clarify that the authority to appoint a guardian in a dependency proceeding includes the authority to appoint a guardian at the dispositional hearing in section 360(a) and to correct a cross-reference to rule 5.695 (*Id.*, § 360(a));
- Amend rule 5.620(e) to clarify that it applies specifically to guardianships established under the Probate Code, to simplify the required procedures in line with statute, and to update a reference to the statute governing notice requirements (*Id.*, § 728(a) & (b));
- Amend rule 5.625(b) to clarify that the procedures for appointing a guardian in a juvenile justice proceeding are governed by section 366.26 and that the court has discretion to continue wardship or to terminate wardship and retain jurisdiction over the guardianship (*Id.*, § 728(c)–(e));
- Amend rule 5.625(c) to clarify that it applies specifically to guardianships established under the Probate Code, to simplify the required procedures in line with statute, and to update a reference to the statute governing notice requirements (*Id.*, § 728(a) & (b));
- Amend rule 5.695(a) to incorporate references to section 360(a) and to clarify that the clerk's duty to issue letters of guardianship does not arise until the appointed guardian has signed the required affirmation (*Id.*, § 360(a); Prob. Code, §§ 2300 & 2310);
- Amend rule 5.725(a), which applies expressly both to dependent children and wards of the juvenile court, to add references to statutes governing appointment of a guardian for a ward in juvenile justice proceedings (Welf. & Inst. Code, §§ 366.26, 727.3, 728(c)–(e));

- Amend rule 5.735 to clarify notice requirements in subdivision (b) and incorporate a reference to the requirements in section 366.3, as amended, to paragraph (c)(4), which addresses the court’s discretion to retain or terminate dependency jurisdiction (*Id.*, §§ 366.26, 366.3);
- Amend rule 5.740(a)(4) to specify the limits on the court’s discretion to retain or terminate dependency jurisdiction added by AB 819’s amendments to section 366.3 (*Id.*, § 366.3);³
- Amend rule 5.785 to make a technical correction;
- Amend rule 5.815 to clarify that the procedures for appointment of a guardian in a juvenile justice proceeding are supplied by section 366.26, which governs a hearing to select a permanent plan, including appointment of a guardian, in a child welfare proceeding; specify the methods for the probation officer, the child’s attorney, and the court to recommend, request, or consider appointing a guardian for a ward, and replace text that duplicates statute with references to the appropriate code sections (*Id.*, §§ 366.26, 727.3, 728(c)–(e));
- Revise *Orders Under Welfare and Institutions Code Sections 366.24, 366.26, 727.3, 727.31* (form JV-320) to add references to additional governing code sections and rules of court, clarify the instructions to courts or attorneys completing the form, replace or remove gender-specific terms when appropriate, clarify the standards for determining that the child is likely to be adopted, clarify in item 15 that the appointment of a guardian is not effective until letters of guardianship have been signed and issued, add instructions clarifying that the court must terminate its dependency jurisdiction if it appoints a relative or nonrelative extended family member as guardian and the guardian’s home has been approved for six months as required by AB 819’s amendment of section 366.3(a)(3), delete item 22 because it duplicates item 4b, renumber items 23–27 as items 22–26, and make technical corrections (*Id.*, §§ 366.26, 366.3, 727.3, 727.31, 728(c)–(e)); and
- Revise *Dispositional Attachment: Appointment of Guardian* (form JV-418) to accommodate appointment of a guardian for a child who is not adjudged a dependent as authorized by section 360(a), to clarify that the court is required to have read and considered the report and assessment completed under section 361.5(g) before appointing a guardian under section 360(a), to specify that the appointment of a guardian is not effective until letters of guardianship have been signed and issued, and to make technical revisions. (*Id.*, §§ 360(a).)

The proposed amendments and revisions are urgently needed so the rules of court will conform with statutory requirements. They will also promote efficient proceedings when guardianship is considered as an option for a child under the juvenile court’s child welfare or juvenile justice jurisdiction by clarifying the procedures for appointing a guardian in juvenile court.

³ Additional amendments to rule 5.740 are proposed in Judicial Council of Cal., *Invitation to Comment, Juvenile Law: Information, Documents, and Services for Youth 16 Years of Age and Older* (Feb. 21, 2020).

Alternatives Considered

The committee considered limiting its recommendation to the amendments and revisions required by AB 819, but determined that the additional recommended rule amendments and form revisions were needed to conform to statute and resolve uncertainty about the procedures for juvenile court guardianship proceedings.

Fiscal and Operational Impacts

The committee does not anticipate that the proposal will have significant fiscal or operational impacts on the judicial branch, justice partners, attorneys, self-represented litigants, or others. The proposal may require courts to alter their minute order templates or local forms. Some of these changes would be required by the statutory amendments regardless of the proposal. Other elements of the proposal are intended to clarify procedures; these clarifications should promote more efficient court operations.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in receiving 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 three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Rules of Court, rules 5.510, 5.620, 5.625, 5.695, 5.725, 5.735, 5.740, 5.785, and 5.815, at pages 5–12
2. Forms JV-320 and JV-418, at pages 13–18

Rules 5.510, 5.620, 5.625, 5.695, 5.725, 5.735, 5.740, 5.785, and 5.815 of the California Rules of Court would be amended, effective January 1, 2021, to read:

1 **Rule 5.510. Proper court; determination of child’s residence; exclusive jurisdiction**

2
3 (a)–(b) * * *

4
5 (c) **Exclusive jurisdiction (§§ 304, 316.2, 726.4)**

6
7 (1) Once a petition has been filed under section 300, the juvenile court has
8 exclusive jurisdiction of the following:

9
10 (A) All issues regarding custody and visitation of the child, including
11 guardianship; and

12
13 (B) * * *

14
15 (2) * * *

16
17
18 **Rule 5.620. Orders after filing under section 300**

19
20 (a)–(c) * * *

21
22 (d) **Appointment of a ~~legal~~ guardian of the person (§§ 360, 366.26)**

23
24 If the court finds that the child is described by section 300, it may appoint a ~~legal~~
25 guardian of the person at the disposition hearing, as described in section 360(a) and
26 rule 5.695(b)(a), or at the hearing under section 366.26, as described in that section
27 and rule 5.735. The juvenile court maintains jurisdiction over the guardianship, and
28 petitions to terminate or modify such guardianships must be heard in juvenile court
29 under rule 5.740(c).

30
31 (e) **Termination or modification of previously established probate guardianships**
32 **(§ 728)**

33
34 At any time after the filing of a petition under section 300 and until the petition is
35 dismissed or dependency is terminated, the court may terminate or modify a
36 guardianship of the person previously established ~~by the juvenile court or the~~
37 probate court under the Probate Code.

38
39 ~~If The social worker may recommends to the court, by filing *Juvenile Dependency*~~
40 ~~*Petition (Version One)* (form JV 100) and *Request to Change Court Order* (form~~
41 ~~*JV 180*), in a report accompanying an initial or supplemental petition, that an~~
42 existing probate guardianship be modified or terminated, ~~the court must order the~~

1 appropriate county agency to file the recommended motion. The guardian or the
2 child's attorney may also file a motion to modify or terminate an existing probate
3 guardianship.

4
5 (1) The hearing on the petition or motion may be held simultaneously with any
6 regularly scheduled hearing regarding the child. ~~Notice~~ The notice
7 requirements ~~under in Probate Code section 1511~~ 294 apply.

8
9 (2) * * *

10
11
12 **Rule 5.625. Orders after filing of petition under section 601 or 602**

13
14 (a) * * *

15
16 (b) **Appointment of a legal guardian of the person (§§ 727.3, 728)**

17
18 At any time during wardship of a person under 18 years of age, the court may
19 appoint a guardian of the person, ~~or may terminate or modify a previously~~
20 ~~established guardianship, of the ward~~ in accordance with the requirements in
21 section 366.26 and rule 5.815.

22
23 (1) On appointment of a guardian, the court may continue wardship and
24 conditions of probation or may terminate wardship.

25
26 (2) The juvenile court retains jurisdiction over the guardianship. All proceedings
27 to modify or terminate the guardianship must be held in juvenile court.

28
29 (c) **Termination or modification of previously established probate guardianships**
30 **(§ 728)**

31
32 At any time after the filing of a petition under section 601 or 602 and until the
33 petition is dismissed or wardship is terminated, the court may terminate or modify a
34 guardianship of the person previously established under the Probate Code. The
35 probation officer may recommend to the court in an initial or supplemental petition
36 that an existing probate guardianship be modified or terminated. The guardian or
37 the child's attorney may also file a motion to modify or terminate the guardianship.

38
39 (1) The hearing on the petition or motion may be held simultaneously with any
40 regularly scheduled hearing regarding the child. The notice requirements in
41 section 294 apply.

1 (2) If the court terminates or modifies a previously established probate
2 guardianship, the court must provide notice of the order to the probate court
3 that made the original appointment. The clerk of the probate court must file
4 the notice in the probate file and send a copy of the notice to all parties of
5 record identified in that file.
6
7

8 **Rule 5.695. Findings and orders of the court—disposition**
9

10 **(a) Orders of the court (§§ 245.5, 358, 360, 361, 361.2, 390)**
11

12 At the disposition hearing, the court may:

13
14 (1)–(2) * * *

15
16 (3) If the requirements of section 360(a) are met, appoint a legal guardian for the
17 child without declaring dependency and order the clerk, as soon as the
18 guardian has signed the required affirmation, to issue letters of guardianship,
19 which are not subject to the confidential protections of juvenile court
20 documents as described in section 827;
21

22 (4) If the requirements of section 360(a) are met, declare dependency, and
23 appoint a legal guardian for the child, if the requirements of section 360(a)
24 are met and order the clerk, as soon as the guardian has signed the required
25 affirmation, to issue letters of guardianship, which are not subject to the
26 confidential protections of juvenile court documents as described in section
27 827;
28

29 (5)–(7) * * *

30
31 **(b)–(i)** * * *

32
33
34 **Rule 5.725. Selection of permanent plan (§§ 366.24, 366.26, 727.31)**
35

36 **(a) Application of rule**
37

38 This rule applies to children who have been declared dependents or wards of the
39 juvenile court.
40

41 (1) * * *
42

1 (2) ~~Only Sections 360, 366.26, and 727.3, 727.31, and 728 apply provide the~~
2 exclusive authority for the juvenile court to establishing establish a legal
3 guardianship for a dependent child or ward of the court.
4

5 (3) * * *

6
7 (b)–(h) * * *

8
9
10 **Rule 5.735. Legal guardianship**

11
12 (a) **Proceedings in juvenile court (§§ 360, 366.26(d))**

13
14 The proceedings for the appointment of a legal guardian for a dependent child must
15 be held in the juvenile court. The request for appointment of a guardian must be
16 included in the social study report prepared by the county welfare department or in
17 the assessment prepared for the hearing under section 366.26. Neither a separate
18 petition nor a separate hearing is required.

19
20 (b) **Notice; hearing**

21
22 Unless the court proceeds under section 360(a) at disposition, notice for the
23 guardianship of the hearing at which the court considers appointing a guardian
24 must be given under section 294, and the hearing must proceed be conducted
25 under the procedures in section 366.26.
26

27 (c) **Findings and orders**

28
29 (1) If the court finds that legal guardianship is the appropriate permanent plan,
30 the court must appoint the guardian and order the clerk, as soon as the
31 guardian has signed the required affirmation, to issue letters of guardianship,
32 which will not be subject to the confidentiality protections ~~described~~ in
33 section 827.

34
35 (2)–(3) * * *

36
37 (4) ~~On appointment of a guardian under section 366.26, Subject to the~~
38 requirements in section 366.3(a)(3) with respect to relatives or nonrelative
39 extended family members, the court may retain dependency jurisdiction or
40 terminate dependency on appointment of a guardian under section 360 or
41 366.26.
42

1 (d) * * *

2
3
4 **Rule 5.740. Hearings subsequent to a permanent plan (§§ 366.26, 366.3, 16501.1)**

5
6 (a) **Review hearings—adoption and guardianship**

7
8 Following an order for termination of parental rights or, in the case of tribal
9 customary adoption, modification of parental rights, or a plan for the establishment
10 of a guardianship under section 366.26, the court must retain jurisdiction and
11 conduct review hearings at least every 6 months to ensure the expeditious
12 completion of the adoption or guardianship.

13
14 (1)–(3) * * *

15
16 (4) ~~When legal~~ After a guardianship is granted established, the court may
17 continue dependency jurisdiction ~~if it is in the best interest of the child, or the~~
18 ~~court~~ may terminate dependency jurisdiction and retain jurisdiction over the
19 child as a ward of the guardianship under section 366.4. The court must
20 terminate dependency jurisdiction if it appoints a relative or nonrelative
21 extended family member as the child’s guardian and the other requirements
22 in section 366.3(a)(3) apply.

23
24 (5)–(6) * * *

25
26 (b)–(c) * * *

27
28
29 **Rule 5.785. General conduct of hearing**

30
31 (a)–(b) * * *

32
33 (c) **Case plan**

34
35 * * *

36
37 (1)–(2) * * *

38
39 (3) For a child 12 years of age or older and in a permanent placement, the court
40 must consider the case plan and must find as follows:

41
42 (A) The child was given the opportunity to review the case plan, sign it, and
43 receive a copy; or

1
2 (B) The child was not given the opportunity to review the case plan, sign it,
3 and receive a copy. If the court makes such a finding, the court must
4 order the probation officer to give the child the opportunity to review
5 the case plan, sign it, and receive a copy, unless the court finds that the
6 child was unable, unavailable, or unwilling to participate.

7
8 (4)–(5) * * *

9
10
11 **Rule 5.815. Appointment of legal guardians for wards of the juvenile court;**
12 **~~modification or termination of guardianship~~ Legal guardianship—wards**

13
14 **(a) Proceedings in juvenile court (§ 728(c)–(d))**

15
16 Proceedings for the appointment of a legal guardian for a child who is a ward of the
17 juvenile court ~~under section 725(b)~~ may be held in the juvenile court: under the
18 procedures specified in section 366.26.

19
20 **(b) Recommendation for guardianship (§§ 706.5, 706.6, 728(c))**

21
22 On the recommendation of the probation officer supervising the child in the social
23 study and case plan required by sections 706.5(c)–(d) and 706.6(n), the motion of
24 the child’s attorney representing the child under section 778, or the court’s ~~own~~
25 ~~motion and order~~ determination under section 727.3 that a legal guardianship
26 ~~should be appointed~~ is the appropriate permanent plan for the child, the court must
27 set a hearing to consider the establishment of a legal guardianship and must order
28 the probation officer to prepare ~~an~~ a report and assessment that includes:

29
30 (1) ~~A review of the existing relationship between the child and the proposed~~
31 ~~guardian;~~ All the elements required in the assessment prepared under sections
32 361.5(g), 366.21(i), 366.22(c), and 366.25(b), as required by section
33 366.26(d); and

34
35 (2) ~~A summary of the child’s medical, developmental, educational, mental, and~~
36 ~~emotional status;~~

37
38 (3) ~~A social history of the proposed guardian, including a screening for criminal~~
39 ~~records and any prior referrals for child abuse or neglect;~~

40
41 (4) ~~An assessment of the ability of the proposed guardian to meet the child’s~~
42 ~~needs and the proposed guardian’s understanding of the legal and financial~~
43 ~~rights and responsibilities of guardianship; and~~

1
2 ~~(5)(2)~~A statement confirming that the proposed guardian has been provided with a
3 copy of ~~Guardianship Pamphlet~~ Becoming a Child's Guardian in Juvenile
4 Court (form JV-350-INFO) or ~~Guardianship Pamphlet (Spanish)~~ La función
5 de un tutor nombrado por la corte de menores (form ~~JV-350S~~ JV-350-INFO
6 S).

7
8 **(c) Forms Recommendation**

9
10 ~~The probation officer or child's attorney may use Juvenile Wardship Petition (form~~
11 ~~JV-600) and Petition to Modify Previous Orders—Change of Circumstances (form~~
12 ~~JV-740) to request that a guardianship hearing be set. The probation officer's~~
13 ~~recommendation or request for appointment of a guardian may be included in the~~
14 ~~social study report and case plan submitted under sections 706.5 and 706.6. Neither~~
15 ~~a separate petition nor a separate hearing is required.~~

16
17 **(d) Notice (§ 728(c))**

18
19 The clerk must provide notice of the hearing to the child, the child's parents, and
20 other individuals as required by section 294.

21
22 **(e) Conduct of hearing (§ 728(d))**

23
24 The proceedings for appointment of a guardian must be conducted according to the
25 requirements of section 366.26—except for subdivision (j)—and rule 5.735. The
26 court must read and consider the assessment prepared by the probation officer and
27 any other relevant evidence. The preparer of the assessment must be available for
28 examination by the court or any party to the proceedings.

29
30 **(f) Findings and orders**

31
32 ~~If the court finds that establishment of a legal guardianship is necessary or~~
33 ~~convenient and consistent with the rehabilitation and protection of the child and~~
34 ~~with public safety, If the court makes the findings under section 366.26(c)(4)(A),~~
35 ~~the court must appoint a legal guardian for the child and order the clerk to issue~~
36 ~~letters of guardianship (Letters of Guardianship (Juvenile) (form JV-330)) as soon~~
37 ~~as the appointed guardian has signed them.~~

- 38
39 (1) The court may issue orders regarding visitation and contact between the child
40 and a parent or other relative.
41
42 (2) After the appointment of a legal guardian, the court may continue juvenile
43 court wardship and supervision or may terminate wardship.

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(g) Modification or termination of the juvenile court guardianship, or appointment of a co-guardian or successor guardian

A petition to terminate a guardianship established by the juvenile court, to appoint a co-guardian or successor guardian, or to modify or supplement orders regarding the guardianship must be filed and heard in juvenile court. The procedures described in rule 5.570 must be followed, and ~~*Juvenile Wardship Petition* (form *JV-600*) and *Petition to Modify Previous Orders—Change of Circumstances* (form *JV-740*)~~ *Request to Change Court Order* (form *JV-180*) must be used. The hearing on the ~~motion~~ petition may be held ~~simultaneously~~ concurrently with any regularly scheduled hearing regarding the child.

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
ORDERS UNDER WELFARE AND INSTITUTIONS CODE SECTIONS 366.24, 366.26, 727.3, 727.31	CASE NUMBER:

Child's name: Date of birth:	Age:
Parent's name (if known): Parent's name (if known):	

1. a. Hearing date: _____ Time: _____ Dept.: _____ Room: _____
 b. Judicial officer: _____
 c. Parties and attorneys present: _____

2. The court has read and considered the assessment prepared under Welfare and Institutions Code section 361.5(g), 366.21(i), 366.22(c), 366.25(b), or 727.31(b) and the report and recommendation of the
 social worker probation officer and other evidence.
3. The court has considered the wishes of the child, consistent with the child's age, and all findings and orders of the court are made in the best interest of the child.

THE COURT FINDS AND ORDERS

4. a. Notice has been given as required by law.
 b. This case involves an Indian child, and the court finds that notice has been given to the parents, Indian custodian, Indian child's tribe, and the Bureau of Indian Affairs (BIA) in accordance with Welfare and Institutions Code section 224.3; the original certified mail receipts, return cards, copies of all notices, and any responses to those notices are in the court file.
5. **For child 10 years of age or older who is not present:** The child was properly notified under Welfare and Institutions Code section 349(d) of his or her right to attend the hearing, was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
6. The court takes judicial notice of all prior findings, orders, and judgments in this proceeding.
7. The court previously made a finding denying or terminating reunification services under Welfare and Institutions Code section 361.5, 366.21, 366.22, 366.25, 727.2, or 727.3, for
 parent (name):
 parent (name):

CHILD'S NAME:	CASE NUMBER:
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8. a. The court finds, by clear and convincing evidence, that it is likely the child will be adopted.
- b. The child is an Indian child or there is reason to know that the child is an Indian child, and
- (1) The court has heard and considered all relevant, admissible evidence, including:
- (A) Qualified expert witness testimony provided by _____ ; and
(Name of Witness)
- (B) Evidence regarding the prevailing social and cultural practices of the child's tribe; and
- (2) The court finds beyond a reasonable doubt that continued physical custody by the mother father
 Indian custodian other *(name and relationship to child)*:
 is likely to result in serious emotional or physical damage to the child.

9. The parental rights of
- a. parent *(name)*:
- b. parent *(name)*:
- c. alleged fathers *(names)*:
- d. unknown mother all unknown fathers
 are terminated, adoption is the child's permanent plan, and the child is referred to the California Department of Social Services or a local licensed adoption agency for adoptive placement.
- e. **The adoption is likely to be finalized by *(date)*:**
(If item 9 is completed, skip items 10–16 and go directly to item 17.)

10. This case involves an Indian child. The parental rights of
- a. parent *(name)*:
- b. parent *(name)*:
- c. Indian custodians *(names)*:
- d. alleged fathers *(names)*:
- e. unknown mother all unknown fathers
 are modified in accordance with the tribal customary adoption order of the *(specify)*: _____ tribe,
 dated _____ and comprising _____ pages, which is accorded full faith and credit and fully incorporated herein.
 The child is referred to the California Department of Social Services or a local licensed adoption agency for tribal customary adoptive placement in accordance with the tribal customary adoption order.
(If item 10 is completed, skip items 11–16 and go directly to item 17.)

11. The child is living with a relative who is unable or unwilling to adopt the child because of circumstances that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of giving the child a stable and permanent home through legal guardianship. Removal of the child from the custody of this relative would be detrimental to the child's emotional well-being. *(If item 11 is checked, skip items 12–14 and go directly to item 15 (guardianship) or 16 (continued foster care with a permanent plan of guardianship).)*

12. Termination of parental rights would be detrimental to the child for the following reasons: *(If item 12 is checked, check the applicable reasons below, skip items 13–14, and go directly to item 15 (guardianship) or 16 (continued foster care).)*
- a. The parents or guardians have maintained regular visitation and contact with the child, and the child would benefit from continuing the relationship.
- b. The child is 12 years of age or older and objects to termination of parental rights.
- c. The child is placed in a residential treatment facility, adoption is unlikely or undesirable, and continuation of parental rights will not prevent a permanent family placement if the parents cannot resume custody when residential care is no longer needed.
- d. The child is living with a foster parent or Indian custodian who is unable or unwilling to adopt the child because of exceptional circumstances that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of providing the child with a stable and permanent environment. Removal of the child from the physical custody of the foster parent or Indian custodian would be detrimental to the emotional well-being of the child.

NOTE: Do not check item 12d if the child is either:

(1) under the age of 6; or

(2) a member of a sibling group including at least one child under the age of 6 that is or should be placed together.

CHILD'S NAME:	CASE NUMBER:
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12. e. There would be substantial interference with the child's sibling relationship.
- f. The child is an Indian child, and there are compelling reasons for determining that termination of parental rights would not be in the best interest of the child, including, but not limited to:
- (1) Termination of parental rights would substantially interfere with the child's connection to the tribal community or the child's tribal membership rights.
 - (2) The child's tribe has identified guardianship or another permanent plan for the child.

13. Termination of parental rights would not be detrimental to the child, but no adoptive parent has been identified or is available, and the child is difficult to place because the child *(if item 13 is checked, check reasons below and complete item 14):*
- a. is a member of a sibling group that should stay together.
 - b. has a diagnosed medical, physical, or mental disability.
 - c. is 7 years of age or older.

14. a. Termination of parental rights is not ordered at this time. Adoption is the permanent plan, and efforts are to be made to locate an appropriate adoptive family. A report to the court is due by *(date, not to exceed 180 days from the date of this order):*

(Do not check item 14a for a tribal customary adoption. If item 14a is checked, provide for visitation in items 14b and 14c, as appropriate, skip items 15 and 16, and go directly to item 17.)

- b. Visitation between the child and
 parent *(name):*
 parent *(name):*
 legal guardian *(name):*
 other *(name):*
 is scheduled as follows *(specify):*

- c. Visitation between the child and *(names):*
 is detrimental to the child's physical or emotional well-being and is terminated.

15. The child's permanent plan is legal guardianship.
 (Name):
 is appointed guardian of the child's person and estate. The clerk is ordered to issue *Letters of Guardianship* as soon as the appointed guardian has signed them. This appointment is not effective until letters have issued.

(Do not check item 15 for a tribal customary adoption. If item 15 is checked, provide for visitation in items 15a and 15b, as appropriate, complete item 15c or 15d, then skip item 16 and go directly to item 17.)

- a. Visitation between the child and
 parent *(name):*
 parent *(name):*
 legal guardian *(name):*
 other *(name):*
 is scheduled as follows *(specify):*

- b. Visitation between the child and *(names):*
 is detrimental to the child's physical or emotional well-being and is terminated.

- c. Dependency Wardship jurisdiction is terminated.
(Check item 15c if the appointed guardian is a relative or nonrelative extended family member whose home has been approved as a resource family home for at least six months, unless the guardian objects or the court makes a finding of exceptional circumstances.)

The juvenile court retains jurisdiction over the guardianship under Welfare and Institutions Code section 366.4.

- d. Dependency Wardship is **not** terminated. The likely date that dependency or wardship will be terminated is *(date):* _____

CHILD'S NAME:	CASE NUMBER:
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16. a. The child remains placed with *(name of placement)*:
with a permanent plan of *(specify)*:
- | | |
|--|---|
| (1) <input type="checkbox"/> Returning home | (5) <input type="checkbox"/> Permanent placement with a fit and willing relative |
| (2) <input type="checkbox"/> Adoption | (6) <input type="checkbox"/> Independent living with identification of a caring adult to serve as a lifelong connection |
| (3) <input type="checkbox"/> Tribal customary adoption | |
| (4) <input type="checkbox"/> Legal guardianship | |
- The barriers to achieving the child's permanent plan are *(specify)*:

The child's permanent plan is likely to be achieved by *(date)*:
(If item 16a is checked, provide for visitation in items 16b and 16c, as appropriate, and go to item 17.)

- b. Visitation between the child and
 parent *(name)*:
 parent *(name)*:
 legal guardian *(name)*:
 other *(name)*:
is scheduled as follows *(specify)*:

- c. Visitation between the child and *(names)*:
is detrimental to the child's physical or emotional well-being and is terminated.

17. The child is an Indian child. The court finds that the child's permanent plan complies with the placement preferences because:
- a. The permanent plan is not adoption, and *(choose one)*:
- (1) The child is placed with a member of the child's extended family as defined by Welf. & Inst. Code, § 224.1(c); or
 - (2) A diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
 - (3) A diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, the efforts are documented in detail in the record, and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
 - (4) A diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe or an Indian foster home licensed or approved by an authorized non-Indian licensing authority, the efforts are documented in detail in the record, and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
 - (5) The child is placed in accordance with the preferences established by the tribe; or
 - (6) The court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.
- b. The permanent plan is adoption, and *(choose one)*:
- (1) The child is placed with a member of the child's extended family; or
 - (2) A diligent search was made for a placement with a member of the child's extended family, those efforts are documented in detail in the record, and the child is placed with other members of the child's tribe; or
 - (3) An diligent search was made for a placement with a member of the child's extended family or other member of the child's tribe, those efforts are documented in detail in the record, and the child is placed with another Indian family; or
 - (4) The child is placed in accordance with the preferences established by the tribe; or
 - (5) The court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in detail in the record.

CHILD'S NAME:	CASE NUMBER:
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- 18. The child's placement is necessary.
- 19. The child's placement is appropriate.
- 20. The agency has complied with the case plan by making reasonable efforts, including whatever steps are necessary to finalize the permanent plan. If this case involves an Indian child, the court finds that the agency has made active efforts to provide remedial and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have proven unsuccessful.
- 21. The child is an Indian child and active efforts as detailed in the record were were not made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family.
If active efforts were made, those efforts have proved successful unsuccessful.
- 22. The child remains a dependent ward of the court. *(If this item is checked, complete items 23 and 24, if applicable, and items 25 and 26.)*
- 23. All prior orders not in conflict with this order remain in full force and effect.
- 24. Other (specify):

25. Next hearing date: _____ Time: _____ Dept.: _____ Room: _____
- a. Continued hearing under section 366.26 for receipt of report on attempts to locate an adoptive family
 - b. Continued hearing under section 366.24(c)(6) for receipt of the tribal customary adoption order
 - c. Six-month postpermanency review

26. The Parent (name): _____
 Parent (name): _____
 Indian custodian (name): _____
 Child _____
 Other (name): _____
 have been advised of their appeal rights (under Cal. Rules of Court, rule 5.590).

Date: _____

JUDICIAL OFFICER

CHILD'S NAME:	CASE NUMBER:
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DISPOSITIONAL ATTACHMENT: APPOINTMENT OF GUARDIAN
(Welf. & Inst. Code, § 360(a))

1. The child is a person described under Welf. & Inst. Code, § 300 (check all that apply):
 300(a) 300(c) 300(e) 300(g) 300(i)
 300(b) 300(d) 300(f) 300(h) 300(j)

2. The child is is not adjudged a dependent of the court.

3. a. Reasonable efforts were were not made to prevent or eliminate the need for removal from the home; or
b. The child is an Indian child, and active efforts, as detailed in the record, were were not made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family. If active efforts were made, those efforts have proved successful unsuccessful.

4. a. The county agency solicited and integrated into the case plan the input of the child mother father representative of child's identified Indian tribe other (specify): _____.
b. The county agency did not solicit and integrate into the case plan the input of the child mother father representative of child's identified Indian tribe other (specify): _____, and the agency is ordered to do so and submit an updated case pan within 30 days of the date of this hearing.
c. The county agency did not solicit and integrate into the case plan the input of the child mother father representative of child's identified Indian tribe other (specify): _____, and the county agency is not required to do so because these persons are unable, unavailable, or unwilling to participate.

5. The court advised the
 mother biological father legal guardian
 presumed father Indian custodian other (specify): _____
that no reunification services will be provided as a result of the guardianship of the child established in this matter.

6. The mother biological father legal guardian
 presumed father Indian custodian other (specify): _____
signed a *Guardianship (Juvenile)—Consent and Waiver of Rights* (form JV-419), agreeing to the guardianship of the child, the waiver of his or her rights to family maintenance services and family reunification services, and, in the case of an Indian child, the waiver of his or her rights under the Indian Child Welfare Act. A signed form JV-419 for each individual indicated above was filed with the court.

7. a. The child signed a *Guardianship (Juvenile)—Child's Consent and Waiver of Rights* (form JV-419A), agreeing to the establishment of the guardianship and the waiver of his or her rights to family maintenance services and family reunification services. The child's signed form JV-419A was filed with the court.
b. The child is prevented from providing a meaningful response to the request for guardianship and a waiver of his or her rights to family maintenance services and family reunification services because of the child's
(1) age.
(2) physical condition.
(3) emotional condition.
(4) mental condition.

8. The child is an Indian child, and an authorized representative of the child's tribe signed a form JV-419 stating the tribe's agreement to the guardianship of the child, the waiver of the tribe's interests in family maintenance services and family reunification services, and the waiver of the tribe's rights under the Indian Child Welfare Act.

9. The court has read and considered the assessment specified in section 361.5(g). Based on that assessment and all other relevant evidence before the court, the court finds that the establishment of a guardianship and the appointment of the person named in item 10 are in the child's best interest.

10. The court appoints (name):
to be the guardian of the child's person and estate and orders the clerk to issue letters of guardianship after the guardian has signed them. This appointment is not effective until letters have issued.

11. The county agency is ordered to release the child to the person named in item 10.